REPORT OF ASSISTANT ATTORNEY GENERAL JOHN DOAR IN CHARGE OF THE CIVIL RIGHTS DIVISION

I. *General*

The Civil Rights Division, created after the passage of the Rights Act of 1957, now has a complement of 86 attorneys a clerical staff. The Division is charged with the enforcement of to prevent racial discrimination in voting, education, public f ities and accommodations, and employment; criminal statute hibiting deprivation of civil rights by persons acting under of law and in conspiracy with others; certain federal custody habeas corpus matters, and the Federal Youth Correction A

II. *Reorganization of Division*

The Civil Rights Division was first organized along functi lines. A Voting and Elections Section handled registration and ing matters as well as election frauds and Hatch Act violat arising under criminal statutes. Criminal matters involving de vations of other civil rights, such as denials of due process and equal protection of the law, were assigned to a General Litiga Section. Litigation was conducted by a Trial Staff, and the App and Research Section handled appellate and Supreme Court and research matters. An Administrative Section served the op ating units.

With the passage of the Civil Rights Act of 1964 the Divi was given many new responsibilities in the fields of educat public accommodations and facilities, and employment, and in increased authority granted the Attorney General to initiate intervene in civil rights suits. Assignment of responsibilit subject-matter was no longer feasible. Attorneys working on ing problems in various Southern communities had gained able experience which could be useful in dealing with other rights matters.

Therefore, in the summer of 1964, the Division was reorgan into geographical units. Four new sections were created— Eastern Section, the Western Section, the Southeastern Sec and the Southwestern Section. Jurisdiction in election frauds Hatch Act matters was transferred to the Criminal Division. Voting and Election Section, the General Litigation Section,

. Trial Staff were abolished; the Appeals and Research Section / the Administrative Section were retained.

. ecause the number of cases is greatest in the South, the South- stern and Southwestern Sections embrace fewer states than . others and have a larger staff. South Carolina, Georgia, Florida Alabama are in the Southeastern Section. The Southwestern .ion embraces Mississippi and Louisiana. The Eastern Section .ides roughly all of the other states east of the Mississippi River, the Western Section includes the remaining states west of . Mississippi River plus Indiana, Illinois, and Wisconsin.

. small field offices have been set up in Jackson, Mississippi and .ma, Alabama. Our experience thus far confirms the greater .ctiveness of the geographical system. As new laws are passed . new problems arise, the work can be assigned quickly and .omplished effectively without the need for further reorganiza- .n.

In June 1965 a survey was made of the work of the Division .r the past five fiscal years.

The number of matters received during this period has stayed .dy constant at the 3,000-plus level, with a slight upward trend. . hin this larger category, there is a discernible trend towards . increase in the proportion of civil matters received and corre- .nding decrease in criminal matters received. The number of .tters terminated has generally averaged 2,000-plus, although in .al 1964 this figure exceeded 3,000. Matters pending have in- .ased from 600-plus at the end of fiscal 1961 to approximately .00 at the end of fiscal 1965. It should be noted that about 60 . cent of the pending cases are now on the civil side, whereas . fiscal years 1960, 1961, and 1962, from 60 to 75 per cent of the . ing matters were criminal.

Of the more than 3,318 matters received during fiscal year 1965, .1 were concerned with public accommodation; 1,643 with . e 18 U. S. C. 241, 242; and 476 with federal custody. The cat- .ries "due process miscellaneous" and "equal protection miscel- .ous" each contained more than 200 matters received and 133 .tters in connection with voting were also docketed. Turning to .tters terminated, the significant categories for fiscal 1965 were . follows:

of Louisiana law requiring applicants for registration to ... and interpret any section of the federal or state constitution, ... enjoining the use of a multiple choice "citizenship" text in two ... one counties.

In *United States* v. *Mississippi,* as in the Louisiana case, ... Government had also challenged the constitutionality of ... provisions of the Mississippi constitution and voting laws, ... ing those which subjected applicants for registration to cer... tional interpretation and "good moral character tests", a law ... lowing the destruction of state registration records and a pe... of laws enacted in 1962 which enabled registrars to deny Ne... the right to vote on the basis of formal, technical and inconse... tial errors in their application forms. The district court dism... the case, on several grounds, among them that the Civil Ri... Act of 1957 (42 U. S. C. 1971 (a) (c)) does not authorize ... United States to challenge the validity of discriminatory ... laws (as contrasted with a challenge of discriminatory appl... tion of the laws) and that a state may be made a defendant ... if there is no registrar who may be sued. The general ground ... dismissal was failure to state a claim upon which relief could ... granted.

The Supreme Court held all grounds for dismissal invalid, ... ruled that the Civil Rights Acts clearly authorize such a ... against a state based on discriminatory voting laws and that ... was error to dismiss the case without a trial. The Court ... that the allegations of the complaint alleging "a common pur... running through the State's legal and administrative history ... to adopt whatever expedient seemed necessary to establish ... political supremacy..." are sufficient to justify relief, and ... versed and remanded the case for trial.

Thereupon, in June 1965, Mississippi revised its registra... requirements and eliminated the discriminatory provisions ... tacked in the suit.

In the Court of Appeals, also, the Division had important ... tories. In *United States* v. *Wilbur Ward* (George County, M... 345 F.2d 857, *United States* v. *Mississippi, et al.* (Walthall Co... Miss.) 339 F.2d 679 (C. A. 5, 1964), *United States* v. *Scar... ough* (Perry County, Alabama) 348 F.2d 168 C. A. 5, 1965. ... *United States* v. *Lynd* (Forrest County, Miss.) C. A. 5, 22... decided June 16, 1965, the Fifth Circuit Court of Appeals d...

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Court of Appeals de

d that there had been a pattern or practice of discrimination
oter registration in the counties and directed the entry of the
f requested by the United States. This relief included order-
that Negro applicants must be registered under the same
ifications and procedures which had been applied in the past
white applicants.

During the period from June 23 through August 6, 1965, the
tive date of the new Voting Rights Act, more than 1,000
roes—practically all who applied—were registered in Forrest
nty. By September 15 that total had climbed to 1,300.

The Court of Appeals also held registrar Lynd in civil contempt
an earlier order of the Court of Appeals dealing with voting.
ited States v. *Lynd*, (C. A. 5, No. 19576), decided June 16, 1965.

The procedure to be applied by voting referees appointed by a
rt pursuant to 42 U. S. C. 1971 (e) was the subject of *United*
tes v. *Mayton*, (Perry County, Alabama) 335 F.2d 153 (C. A.
1964). The Government obtained a detailed opinion describing
e duties and responsibilities of such referees.

The Court of Appeals also held that the Government was entitled
a preliminary injunction against a requirement imposed in
lcox County, Alabama, that an applicant for registration pro-
ce a qualified voter to vouch for him. *United States* v. *Logue*,
11 F.2d 290 (C. A. 5, 1965).

Voting Rights Act of 1965. Despite the development of a sub-
antial body of case law under the voting statutes since 1957,
er-all progress proved disappointing. In some judicial districts
ere were lengthy delays in the litigation procedure, in others
me-consuming enforcement actions were needed because of blat-
t disregard of court orders. The Administration's answer to this
tuation was the proposal of the legislation which became the
oting Rights Act of 1965. Drafting and redrafting of this legis-
tion, analysis of the constitutional and technical issues involved,
ompilation of factual data, and formulation of plans for imple-
entation formed a large portion of the workload of the Division
r much of the fiscal year. This Act, which became effective Au-
st 6, 1965, authorizes the suspension of state tests and the ap-
intment of Federal Examiners to register Negroes in areas
here literary tests and similar devices have been misused to
isfranchise Negroes.

It applies to states and subdivisions in which fewer than 50%

of the persons of voting age were registered in November, or fewer than 50% of such persons voted in the Presi Election of 1964. According to the Census Bureau, charged determining the affected areas, the Act covers Alabama, isiana, Alaska, Georgia, Mississippi, South Carolina and Vi 26 North Carolina counties and one county in Arizona surveys presently being conducted by Census may result in ing additional counties under the Act. The Act also provid tests to be suspended in any area in which, in a suit by the At ney General, the court finds that tests are used to discrimin If an area covered by the 50% formula proves in a declar judgment action in the District Court for the District of Col that it has not used tests with the purpose or effect of denyi right to vote because of color or race for five years, the susp of tests will be lifted. If a covered area wishes voting qualific different from those in effect November 1964, it must obta proval of the Attorney General or seek a declaratory judgm the District Court for the District of Columbia.

In areas reached by the Act, examiners may be appointed b Civil Service Commission at the direction of the Attorney G if he has received twenty meritorious written complaints all voting discrimination or if he believes the appointment of ex ers is necessary to enforce the Fifteenth Amendment. In brought by the Attorney General to enforce Fifteenth Amend rights the Court may authorize the appointment of examine

The examiners list qualified applicants as eligible to vo Federal, State and local elections. In making the determinat eligibility the examiners follow valid state qualifications, sive, of course, of literacy tests or other devices suspend the Act. The Act also provides for the appointment o watchers and for challenges to the listings made by the Ex Examiners.

The Act also provides that persons educated in "Am Flag" schools but in a language other than English are e from English literacy tests if they have completed six gra school, or whatever level a state may have established as of literacy. This provision chiefly affects Puerto Rican vo New York.

The Act contains a strong finding that the right to vo been denied or abridged by requiring payment of poll tax prerequisite to voting and authorizes the Attorney Gen

suits in states having poll tax requirements to prevent er use of such requirements.

plementation of the Act was begun immediately. By the end gust, 1965, examiners had been appointed in 14 localities, ore than 27,000 Negroes had been listed. Letters explain- he requirements of the new statute were written by the At- ey General to each registrar in a county covered by the Census au determination. Suits to abolish state-imposed poll taxes been filed in the four poll tax states–Mississippi, Alabama, s, and Virginia–and the Division had completed preparation amicus brief in a private anti-poll tax case, *Harper* v. *Vir- State Board of Elections*, pending in the Supreme Court.

ll Tax Decision. This is the second Supreme Court case ving poll taxes in which the Government has participated. y in 1965 the Division filed a brief and presented oral argu- in a case challenging a Virginia statute, enacted after the nty-Fourth Amendment was adopted, which required a r in a federal election either to pay a poll tax or to file a no- d certificate of residence. *Harman* v. *Forssenius*, 380 U. S. In its opinion the Court accepted the argument presented by Government, holding that the provision was in effect a sub- te for the poll tax and hence invalid under the Twenty- rth Amendment.

Schools

Because of the Civil Rights Act of 1964, increasing emphasis placed on school desegregation matters during fiscal 5. Three portions of the Act–Title IV, Title VI, and Title IX– d greatly to the Division's responsibilities in this field, h had formely been limited to the enforcement of court orders amicus participation.

itle IV. Title IV authorizes the Attorney General to insti- a school desegregation suit when he receives a meritorious ed complaint from persons who are unable in initiate litiga- and if, after the school authority has had a reasonable time djust the conditions giving rise to the complaint, he concludes it will further orderly desegregation. Four such suits had brought by September 1965. The first, *United States* v. *mpbell County School Board*, (E. D. Tenn.), resulted in de- egation throughout the schools in Campbell County, Ten- ee. The second was initiated in April 1965 against the Louisi-

ana State Board of Education to eliminate discrimination
of the 28 Louisiana vocational trade schools. On May 7, 196
federal court issued a permanent injunction restraining the
ana Board of Education from refusing to admit or provide
equal use of all facilities to persons on the grounds of rac
cases filed in Mississippi shortly before the opening of the
school term–*United States* v. *Aberdeen Municipal School D*
(N. D. Miss.) and *United States* v. *Carroll County Board o*
ucation (N. D. Miss.) resulted in desegregation of the sch
Aberdeen and in Carroll County, Mississippi.

Title VI. Under Title VI, which forbids discrimination
federally assisted programs, schools must operate on a no
criminatory basis or pursuant to a plan for the eliminat
discrimination in order to receive federal funds. Prima
sponsibility for implementation of the Title as it affects
schools rests with the Department of Health, Education and
fare. In January 1965, the Secretary issued regulations
require a school wishing to make use of federal funds to
either (1) an assurance that it is not operating on a segre
basis, (2) a court-ordered plan for desegregation which it
lowing or (3) a voluntary plan for desegregation. Guid
issued in April 1965 set the fall of 1967 as the date for com
of desegregation, and require that plans provide for desegre
of at least four grades a year for 1965-1966. They also p
for elimination of dual school zones and segregated te
staffs, transportation and other services.

Based upon these standards, the Division has succ
sought the acceleration of desegregation in areas already
ing under court order. The standards have also formed a
for the courts to determine the acceptability of plans i
litigation.

The Division is representing the Secretary of Health, E
tion and Welfare in a suit brought by the Board of Ed
of Bessemer, Alabama attacking the constitutionality of T
and the regulations issued by the Secretary. The case was
ing trial, as of September 1965. The Government's answer
that the case should be dismissed as moot because of the
ance by the Office of Education of a plan for desegregat
proved by the court in a private desegregation suit, filed
1965, in which Negro parents alleged that the Bessemer
deprived them of their rights under the Fourteenth Amen
and Title VI. The Government was intervenor in the privat

Title IX. Title IX authorizes intervention in suits instituted private persons attacking the denial of equal protection of the on account of race or color. By the end of August 1965 the sion had filed for intervention under Title IX in twelve pri- school desegregation cases.

Of particular importance is *Singleton* v. *Jackson (Miss.) School rd* (S. D. Miss.). The District Court had approved, in March 5, a two and three grade-a-year plan, to be completed in 1969- One grade had desegregated in 1964. The Department inter- ed in the appellate action, seeking acceleration of the deseg- ation process in line with the standards adopted in April 1965 the Department of Health, Education and Welfare. The Court Appeals in June 1965 ordered at least four grades to be deseg- ated in the fall of 1965, with complete desegregation by 1967. dge Wisdom, speaking for the Court stated in part:

> We attach great weight to the standards established by the Office of Education. The judiciary has of course functions and duties distinct from those of the executive department, but in carrying out a national policy we have the same objective. There should be a close correlation, therefore, between the judiciary's standards in enforcing the national policy requiring desegregation of public schools and the executive department's standards in administering this policy. Absent legal questions, the United States Office of Education is better qualified than the courts and is the more appropriate federal body to weigh administrative difficulties inherent in school desegregation plans. If in some district courts judicial guides for approval of a school desegregation plan are more acceptable to the community or substantially less burdensome than HEW guides, school boards may turn to the federal courts as a means of circumventing the HEW requirements for financial aid. Instead of a uniform policy relatively easy to administer, both the courts and the Office of Education would have to struggle with individual school systems on an *ad hoc* basis. If judicial standards are lower, recalcitrant school boards in effect will receive a premium for recalcitrance; the more the intransigence, the bigger the bonus. (No. 22527, C. A. 5, June 22, 1965).

The case has great significances in recognizing the timing and ach of school desegregation as the primary responsibility of the dministrative arm rather than the courts.

In Bossier Parish, Louisiana, the Department filed a complaint

regated schools occured in the Fall of 1965. The number i
available at this time.

Out of more than 5000 school districts in the 17 Souther
border states, fewer than 1500 were desegregated in 1964-6
the 1965-66 school year the Department of Health, Educatio
Welfare reported in September 1965 that approximately
districts had submitted acceptable plans, court orders, or
pliance statements enabling them to receive federal funds
suant to Title VI of the Civil Rights Act of 1964.

V. *Public Accommodations*

On the very day the Civil Rights Act of 1964 was signed
law, July 2, 1964, the United States was plunged immediately
litigation by private suit which challenged the constitution
of Title II, prohibiting racial discrimination in places of p
accommodation. A district court decision in favor of the Go
ment was upheld by the Supreme Court, which sustained the
stitutionality of the Act as applied to an establishment ser
interstate travelers. *Heart of Atlanta* v. *United States*, 379 U
241. Similarly, in *McClung* v. *Katzenbach*, 379 U. S. 294, the C
held that the Act could be constitutionally applied to a resta
patronized principally by local persons if a substantial porti
the food which it serves has traveled in interstate commerc
third suit challenging the constitutionality of the Act was
by the owner of a restaurant and the owner of a motel barber
in Baton Rouge, Louisiana. *Blankenship* v. *United States* (
La.). The case is still pending. The Government's motion to
miss was filed October 1964.

During fiscal 1965 the Government filed thirteen ori
cases and three complaints in intervention[a] to desegregate re
rants, theaters, and other places of public accommodati
Mississippi, Louisiana, Alabama, Georgia, Tennessee, Fl
and South Carolina. Some 90 different establishments are in
ed. Two of the intervention cases and three of the cases br
by the Department have been decided in favor of the Governm
One intervention case and ten cases in which the United Stat
plaintiff were pending as of August 31, 1965. Of these ten,
have been substantially settled by voluntary compliance.

In *United States* v. *Catrino* (W. D. Ala.), a permanent inj

[a] Title II makes specific provisions for intervention in public accommodation suits
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was issued against owners of 15 restaurants in Tuscaloosa, bama. In *United States* v. *The Warren Company, Inc., et al.* D. Ala.), the Court enjoined discriminatory practices of five na, Alabama, restaurants. The case had been consolidated for ring with *United States* v. *Clark*, discussed above under Vot- Rights. A consent judgment was obtained in *United States Butler*, involving a restaurant in Carthage, Tennessee.

Among the ten pending cases are three in which substantial mpliance has already been effected, although no injunctions have en issued and the cases have not been terminated. In *United tes* v. *Ray* (S. D. Miss.), the Government, by stipulation, dis- ed the complaint against 16 of 17 defendant restaurants in ridian, Mississippi, which agreed to comply voluntarily. The t is pending against one defendant. In Bogalusa, Louisiana, six defendant restaurants in *United States* v. *Graham* (E. D. .) began voluntary desegregation in the summer of 1965. The vernment continues to seek an injunction in these cases. And in nesboro, Louisiana, *United States* v. *Templeton* (W. D. La.), e two defendant restaurants have complied voluntarily. The vernment has not dismissed the suit.

Of the three suits in which the Department intervened, one volving an Atlanta, Georgia, restaurant *(Willis* v. *The Pick- k)* and a second, involving an Orlando, Florida movie theatre *Twitty* v. *Vogue Theatre Corp.*, S. D. Fla.) were decided in the overnment's favor. The third, *Spinks* v. *Travel Inn* (S. D. ss.), is pending.

In the Pickrick case a permanent injunction was issued in Sep- mber 1964 against Lester Maddox, owner of the *Pickrick* restau- nt in Atlanta, Georgia. This was the first compliance case ought under the 1964 Act. Maddox continued to refuse service Negroes and posted signs to discourage "intergrationists". In roceedings instituted by the Department he was held in con- mpt. *Willis and Kennedy* v. *The Pickrick*. (N. D. Ga. No. 9028, ebruary 5, 1965). The Supreme Court dismissed the appeal *Maddox* v. *Willis*, 34 Law Week 3103, October 1965).

In a private suit brought against a restaurant owner and city ficials in Aberdeen, Mississippi, to restrain State prosecution Negroes who attempted to assert their rights to enjoyment of e restaurant facilities under Title II of the 1964 Act, the Govern- ent filed an *amicus* brief. The appellate court, citing *Hamm* v. *ity of Rock Hill*, 379 U. S. 306, held that the Act expressly au- horized the federal court to enjoin State prosecution of persons

seeking to claim their rights under the Act. *Dilworth* v. *P* 343 F.2d 226.

Voluntary compliance with Title II has been most gratif Places of public accommodation have been voluntarily de- gated, among other places, in Jackson, Tupelo, and Biloxi, sissippi; Baton Rouge, and New Orleans, Louisiana; Birmin Montgomery, and Mobile, Alabama; Savannah and A Georgia; St. Augustine and Jacksonville, Florida; and Or burg, South Carolina. Where instances of refusal arose, later pliance occured when the United States began to take ste ward enforcement of the law. There have been some 200 instances in the rural and urban South. In addition, about incidents of apparent racial discrimination by restaurants, m and theaters are now being investigated. Most will result in pliance. Experience has shown that in the majority of inst institution of an investigation by the FBI has led to compli Only a minority of cases have required litigation.

VI. *Other Activities Under Civil Rights Act of 1964*

Public Facilities. The Division was successful in obta voluntary desegregation of public facilities (Title III of the Rights Act of 1964) in a number of localities in Alabama, L ana and Mississippi. In Alabama, investigation of a comp against the Parks Division, Alabama Department of Conserva revealed that there were signs posted at one of the public designating a limited area for use of members of the Negro Complaints were also received concerning denial of equal ut tion of Alabama state liquor stores.

On April 27, 1965 the Attorney General sent a letter t Governor of Alabama asking whether the segregation practic the State had been abandoned and whether the public fac were now available on a non-segregated basis. Subsequen vestigation showed that the segregation signs had been rem

Intervention. Under Title IX (Sec. 902), permitting i vention by the Attorney General in private cases brought t sert the right to equal protection of the laws, the Departmen participated not only in the school suits above discussed, but in a case involving the civil rights demonstrations in S Alabama, in March of 1965. In *Williams* v. *Wallace* (M. D. Negro plaintiffs sought injunctive relief against the Gove Colonel Lingo, head of the Highway Patrol, and Sheriff Cla

rain them from interfering with peaceful demonstrations for ro rights. On March 10 the United States filed a complaint in rvention, seeking an order that would both restrain police rference with the demonstrators and also require police pro- on.

n March 17, 1965, United States District Judge Frank M. son entered a preliminary injunction, enjoining Governor lace, Colonel Lingo and Sheriff Clark, together with their sub- nates, from interfering with the march from Selma to Mont- ery and requiring them to protect the marchers. The defen- s immediately filed a notice of appeal and applied to both the rict court and the court of appeals for a stay of the injunction. h courts denied the stays. On March 18 the Governor of bama appeared before a session of the Alabama Legislature condemned the court order, calling upon Alabama citizens xercise restraint and urging that the President federalize the bama National Guard in order that the expense of protection uld be borne by the Federal Government. The State Legisla- re adopted a resolution calling upon the Governor to advise the sident that the State could not bear the expense of calling the rd to active duty. The Governor telegraphed the President to effect, and President Johnson thereupon signed an Executive er for the use of federal forces in Alabama to insure compliance h the court's order for protection of the march and calling ctive units of the National Guard into the federal service for purpose. The march commenced on Sunday, March 21 and ceeded without serious incident.

Following conclusion of the march, Mrs. Viola Liuzzo, a civil hts worker and march participant, was shot and killed between ma and Montgomery, Alabama. The Government obtained an ictment against three members of the Ku Klux Klan for viola- n of the civil rights conspiracy statute 18 U. S. C. 241. No trial e has been set. The defendants were indicted for first degree rder by the State and are awaiting trial.

II. *Criminal Law Enforcement.*

Thirty-five cases were presented to grand juries under Section of Title 18, the police brutality statute; six under Section 241, spiracy to deprive of civil rights; and four others involved mis- laneous due process, equal protection and unlawful arrest mat- s. One case under Section 242 and two miscellaneous cases were

commenced by filing criminal informations. In twenty-one ca the grand jury failed to indict, and one indictment was dismiss on the Government's motion. There were five verdicts of guil five not guilty, and one nolo contendere.

Two important criminal conspiracy cases were dismissed by t district courts and are now pending in the Supreme Cour *United States* v. *Price* (S. D. Miss.) and *United States* v. *Gu* (M. D. Georgia).

The *Price* case was brought under 18 U. S. C. 241 and 2; against 18 persons charged with offenses against the civil rig of the three civil rights workers—Schwerner, Chaney, and Goo man—who were killed in Mississippi in the summer of 1964. Th of the defendants were local law-enforcement officers. The cou dismissed the indictment under Section 241 but sustained the i dictment which charged a violation of 18 U. S. C. 371 by consp ing to commit offenses defined in 18 U. S. C. 242. As to the priva defendants, however, the court dismissed those counts of t indictment which charged substantive violation of 18 U. S. C. 2 The Government is appealing this dismissal, which presents t question whether 18 U. S. C. 241 encompasses Fourteenth Amer ment rights. This issue was left unresolved by an evenly divid court in *Williams* v. *United States*, 341 U. S. 70. The case al presents the question whether 18 U. S. C. 242 applies to priv persons who act together with or aid and abet public offici seeking to deprive persons of rights protected by the Fourteen Amendment.

The *Guest* case arose out of the murder of a Washington, D. C school official, Lemuel Penn, near Athens, Georgia, in the summ of 1964. The Government obtained an indictment under 18 U. C. 241 against six individuals, members of the Ku Klux Kl charging them with conspiracy to injure and intimidate Ne citizens of the United States in the free exercise of the right equal enjoyment of places of public accommodation, public fa ties operated by the State of Georgia, use of the public stre and travel on interstate highways, and other rights and privile enjoyed by white persons in the vicinity of Athens, Georgia.

The Court, following the Court of Appeals in *Williams* *United States*, 176 F.2d 644 (C. A. 5) dismissed the indictm holding that 18 U. S. C. 241 does not reach Fourteenth Amendm rights. It held that no right of natural citizenship was invol in the allegations of interference with interstate travel, and jected the contention that the public facilities and public acc

...lations sections of ...al rights which co ...S. C. 241.

In addition to the ... substantial issue co ...l of the Civil Right ...e facts presented. I ...erm, in 1965.

In *United States* v ...deral indictment w ...a Klansmen, includ ...e bombing of the h ...ently entered a pre ...arged with conspir ...e the victim in v ...iction of a federal ...hts of Negroes to ... S. C. 1509. One of ...leaded guilty and r ...y declined to co ...fendant was acqui ...e of the two coun ... to the other thr ...ere re-tried in No

...III. *Ku Klux Kl*

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lations sections of the Civil Rights Act of 1964 created federal rights which could be protected by prosecution under 18 U. S. C. 241.

In addition to the question involved in *Price*, this case raises substantial issue concerning the applicability of Titles II and of the Civil Rights Act of 1964 and the Commerce Clause to the facts presented. Both cases will be heard during the October term, in 1965.

In *United States* v. *William Rosecrans, et al.* (S. D. Fla.) a federal indictment was returned in March 1964 against six Florida Klansmen, including one state Klan official, in connection with the bombing of the home of a Jacksonville Negro whose son had recently entered a previously all-white school. The defendants were charged with conspiring to injure, oppress, threaten, and intimidate the victim in violation of 18 U. S. C. 241 and with the obstruction of a federal court order enjoining interference with the rights of Negroes to attend integrated schools in violation of 18 U. S. C. 1509. One of the defendants, William Sterling Rosecrans, pleaded guilty and received a seven-year sentence. A federal court jury declined to convict any of the other five defendants. One defendant was acquitted on both counts, another was acquitted on one of the two counts, and the jury was unable to reach a verdict as to the other three defendants. Four of these five defendants were re-tried in November 1964 and acquitted.

III. *Ku Klux Klan Programs.*

The Division's efforts against individuals of the Ku Klux Klan who engaged in illegal activities went beyond the criminal prosecutions discussed above.

Concerted and continuing Klan action in Bogalusa, Louisiana, interfering with the rights of Negroes and civil rights workers, prompted suit by the Department in July 1965 to secure an injunction against the Klan organization conducting the campaign, its leaders, certain of its members, and certain individuals defendants not shown to be members of the Klan organization. *United States* v. *Original Knights of the Ku Klux Klan* (E. D. La.). The case is pending before a three-judge court.

Information Review Unit. The Division also established a central clearing house for information on Klan and Klan-type organizations and on acts of violence and intimidation of the nature found to have been encouraged by the Klan. The unit main-

tains a current listing of Klan membership; compiles inform... on the organization of Klan federations and Klaverns and relationship among different groups; monitors trends to... growth or attrition, recruiting activities, and changes in su... for the Klan movement in particular areas; maintains re... on Klan leaders; and reviews and recommends action ag... Klan organizations where members are acting to violate fe... statutes.

IX. *The Federal Custody Unit.*

All legal and administrative questions involving custody of ... eral prisoners, from the time of arrest until final discharge, ... within the jurisdiction of this unit of the Appeals and Res... Section. Included are cases and matters involving prob... parole, sentence computation, the statutes pertaining to m... defectives, the Federal Youth Corrections Act and the Fe... Juvenile Delinquency Act. During the year direct assistance ... given to United States Attorneys in 476 cases and matters.

The unit also defends lawsuits brought by federal prisoner... the District of Columbia courts against the Board of Parole ... the Bureau of Prisons. These suits typically seek relief ag... revocation of parole or conditional release or raise other ... issues challenging procedures of the Bureau of Prisons. Du... the year 65 such court actions were handled directly by the ...

Oppositions to certiorari in twenty cases involving fe... custody matters were filed during the year. The Court d... certiorari in the thirteen decided cases. The other sever... pending.

REPORT OF

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...ert J. Miller, As... ...nson, Jr., Assist...

...The Criminal Divis... ...al, has general ...l statutes not ... Rights, Internal ... Division also h... ...tion under the I... ...n and nationali... ...and related la... ...s other statu... ...al against orga... ... proceedings; ... ...Machine Act an... ... proceedings ... ...Act; proceed... ...forfeitures in c... ...; and the dete... ...rising out of o...

...ugh the 92 ... ...for the prepa... ...advice on quest... ...tments and ...ssistance with grand ...

...The Government's ...ecord and signifi... ...coordination an... ...significant gains, ...ted by the In... ...the Secret Servi... ...of Postal In... ...Management ...ment of Labor, as ...