

RD-55

Alleged racial discrimination
practiced at Houston, Texas railroad
terminal against Dorothy M. Henry ~~XX~~
and Loretta M. Thompson

Closed 9-7-62

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LAW OFFICES
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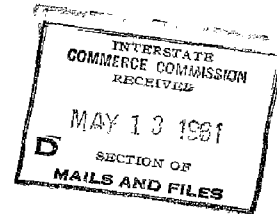
8507-A WHEELER STREET
HOUSTON 4, TEXAS

GEORGE WASHINGTON, JR.
ANDREW JEFFERSON, JR.
HAMAH R. KING

MAY 15 '61 763237

May 11, 1961

Interstate Commerce Commission
Washington 25, D. C.



Gentlemen:

Please find enclosed the Affidavit of Loretta M. Thompson and Dorothy M. Henry, in connection with their complaint of prejudicial and discriminatory practices to which they were subjected at the Union Station Coffee Shop in the Union Terminal Building at Houston, Texas on May 7, 1961.

This facility is owned and operated by James D. Burleson, who leases the Coffee Shop premises from the Houston Belt and Terminal Railroad.

They request that their Affidavits be treated as informal complaints of violations of 49 U.S.C.A. § 3 (1) by Mr. Burleson and the owners and operators of the terminal facility, to wit: The Houston Belt and Terminal Railroad, and used by the Missouri Pacific Railroad and other interstate carriers.

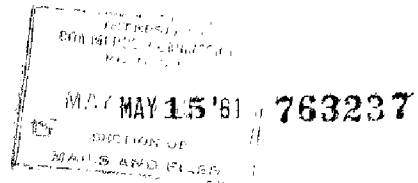
Your advice as to the right of complainants to file a formal complaint herein is requested and would be appreciated.

Very sincerely ,

WASHINGTON, JEFFERSON & KING

By: George Washington, Jr.
George Washington, Jr.

THE STATE OF TEXAS X
COUNTY OF HARRIS X



Before me, the undersigned Notary Public in and for the County of Harris, State of Texas on this day personally appeared, Dorothy M. Henry and Loretta M. Thompson both of Harris County, Texas, and known to me to be credible persons and not incapacitated in any way, save and except the fact that Loretta M. Thompson is a minor and is joined herein by her mother, and natural guardian, Mrs. Ruthie Parker, for purposes of the use of this affidavit in and before the Interstate Commerce Commission of the United States, who on their oaths did depose and say:

I, DOROTHY M. HENRY was born on October 14, 1938, in New Orleans, Louisiana. I reside at present with my mother, Mrs. Mary Johnson at 2404 Chew Street, Houston, Texas, and I, LORETTA M. THOMPSON was born on July 5, 1941, and reside at present with my mother, Mrs. Ruthie Parker at 5722 Glenarm, Houston, Texas. We attend Texas Southern University in Houston, Texas, We both purchased tickets for Opelousas, Louisiana for \$ 7.51 each. We received Missouri Pacific Railroad Company tickets numbered 9333 and 9334 for passage from Houston to Opelousas. Thereafter, several of our friends from the University came to the station. Some entered the coffee shop and some stood around in the waiting room. We entered the Coffee shop at approximately 4:30 P.M. and took seats at a round table in the corner near the entrance with a Negro serviceman in uniform. He sat with us a while but was not served, so he left. There no menus on this table so we sat waiting for a waitress. There were several other customers in the coffee shop. We had been in the coffee shop approximately 5 minutes before the cashier, an elderly woman, spoke to an elderly man who was eating at the counter near our table. She said to him "move down so you want be near these niggers". The man looked around at her and at us, but said nothing, neither did he move. She spoke again to this gentleman who is unknown to us and said " They sure are crazy, those niggers." At this she moved away and behind the counter.

The cashier then said in a rather loud voice, speaking to the waitresses who

were near her " looks like they would be ashamed". Shortly thereafter this cashier went around to several tables where Negroes were seated and Jerked menus from their hands, in one instance, ripping one into two parts.

Two policemen arrived on the scene and stood around looking at us. The cashier then left the cafe and stood just aside and conversed with a short stocky man in a blue suit. This man was accompanied by a woman. The cashier returned inside and went with a uniformed policeman to the office and closed the door. No one had said anything to us up to this time. The cashier came out again and left the policeman inside the office. She closed the door behind her. At about 5:45 P.M. a policeman with a camera arrived, and began taking pictures of the customers in the cafe. 15 minutes later a policeman with a white cap came in and walked all over the cafe looking. Shortly thereafter the manager of the cafe came in and several of the Negroes got up and left the cafe. The manager, Mr. Burleson, walked around the cafe, talked with the policemen and just stood around for quite some time. The entire time we were there customers came in were served and left.

At about ten minutes after 6 P.M. a policeman asked Mr. Burleson, the manager, if he was going to ask us to leave. He replied " I'm not going to ask them to leave, just arrest them and get them out of my place. I don't have to ask them, but since there are just two, I'll ask". He then turned to us and said " I own this place, and I don't have to serve you if I don't want to. I own this place and you won't be served, now get up and leave. We said nothing, he turned to the police and said, "now see, arrest them. Houston Police Station arriving at about 6:30, on Sunday. We were photographed, searched and required to give our names and addresses. We were then taken to a cell on the 6th floor and they told us we were being held. We requested permission to use the telephone and they refused us. We remained in this cell for several hours and finally when the matrons were changed, we told the relief, that we had not been able to use the telephone. She permitted us to use the telephone and we called our parents and told them we were in jail.


During this time Loretta was sent down to the 5th floor to talk to a man who identified himself as a Houston Post Reporter. He asked me several questions about where we were going and for what purpose we were going to Opelousas and why we went into the cafe. I answered all of his questions as best I could. Later on , we were finger printed. The cells in this jail were dirty and cold. At 3 A.M. the matron thold us that we had not been charged with anything. We were later transferred over to the County jail at about 5 A.M. We were released on \$ 500 Appearance Bonds made by attorneys who were contacted for us. We were told that we had been charged with unlawful assembly to prevent the owner of this restuarant from doing business. We were both prevented from attending classes all day on Monday, May 8, and newspaper stories of the arrest were published in several daily newspapers in Houston.

We thought that as Interstate passengers o f the railroad, we had a right under the Interstate Commerce Act to use the facilities provided by the railroad without regard to our race or color. We feel that we have been damaged and injured by the treatment we received and that if we do have such a right, the railroad and the operator of this cafe should be required to refrain from discrimating on the basis of color. We also feel that we should be compensated for our injuries and damages.

FURTHER AFFIANTS SAYETH NOT.


DOROTHY M. HENRY


LORETTA M. THOMPSON


Ruthie Parker
Natural Guardian of Loretta M.
Thompson

Sworn to and subscribed before me by Dorothy M. Henry and Loretta M. Thompson this 9th day of May, 1961, at Houston, Harris County, Texas.


Notary Public in and for Harris County, Texas

LAW OFFICES
WASHINGTON, JEFFERSON & KING
3507-A WHEELER STREET
HOUSTON 4, TEXAS

✓

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COMMISSION
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AIR MAIL
SPECIAL DELIVERY

August 28, 1961

File D-79

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

Re: Racial discrimination practiced by
Houston Belt & Terminal Railway
Company and James D. Burleson at the
Union Station dining facility, Houston,
Texas.

Dear Mr. Attorney General:

Upon authority of the Commission and pursuant to the provisions of Section 12(1) of the Interstate Commerce Act (49 U.S.C. 12(1)), I refer to you for consideration facts indicating violations of Section 3(1) of the Act (49 U.S.C. 3(1)) at the Union Station Dining facility, Houston, Texas, by the above-named parties. It is recommended that injunction proceedings be instituted under the provisions of Section 20(9) of the Act (49 U.S.C. 20(9)) seeking to enjoin Houston Belt & Terminal Railway Company and James D. Burleson from segregating Negro interstate passengers in the terminal dining facility.

There are enclosed six copies of a memorandum of facts and law prepared by Attorney John E. Linstrom of this bureau which summarizes the facts developed by our investigation, and the law applicable thereto. Two copies of the report of the field investigation, with attached documentary evidence, are also transmitted herewith. If you concur in this recommendation, we shall be pleased to be of assistance to you in the future handling of this matter, including preparation of appropriate pleadings.

Very truly yours,

A. Henry Walter
Director

Attachments

BUREAU OF INQUIRY AND COMPLIANCE

July 31, 1961
File D-79

MEMORANDUM TO DIRECTOR WALTER:

Re: Racial discrimination practiced by
Houston Belt & Terminal Railway
Company and James D. Burleson at
the Union Station restaurant, Hous-
ton, Texas.

I. CIVIL INJUNCTION PROCEEDING RECOMMENDED

It is recommended that a civil injunction proceeding be instituted under Section 20(9) of the Act against the above-named parties for segregating negro interstate passengers in the terminal restaurant located in the Union Station, Houston, Texas, thereby subjecting such negro passengers to undue and unreasonable prejudice and disadvantage in violation of Section 3(1) of the Act.

II. DESCRIPTION OF PARTIES

Houston Belt & Terminal Railway Company, a Texas corporation domiciled in Houston, Texas, owns and operates the Union Station and the building in which it is located.

James D. Burleson is sub-lessee of space in the Union Station building in which the station restaurant is located.

III. FACTS

On May 7, 1961 Loretta M. Thompson and Dorothy M. Henry purchased tickets from Houston, Texas to Opelousas, Louisiana,

and entered the Union Station coffee shop and sat down at a table to be served. When it appeared that they were not going to be served at the table, they moved to the counter but were ~~ignored~~ *not served there either* although white customers were being served. The police were summoned by the restaurant owner, James D. Burleson, and Mr. Burleson, in the presence of the police, pointed to the two complainants and stated, "this is my place and I don't have to serve you -- this is my place and you will not be served -- now get up and leave" and turning to the policeman he said "now see, arrest them." The complainants were arrested for "unlawful assembly" and released about 24 hours later on \$500.00 bond.

Mr. Burleson does not deny racially segregating patrons in his restaurant, however, he is of the opinion that his business is in no way connected with the Houston Belt & Terminal Railway Co. He contends that only 15% of his business comes from all railroad passengers and the remaining 85% is local. Mr. Burleson states that he has a separate dining room for negroes and usually invites colored patrons to use these facilities but when a "sit in" demonstration occurs, as it did on the date complainants were arrested, he refuses any service to negroes because he feels that it is detrimental to his business.

Mr. J. T. Alexander, President and General Manager of Houston Belt & Terminal Railway Co., when questioned regarding

the company's policy on racial discrimination, wrote Safety and Service Agent Reese as follows:

"Dear Mr. Reese:

In my office this afternoon you inquired as to the policy of this Company with respect to any segregation as to race or color in the operation of its Union Station.

Please be advised that no such segregation whatsoever is practiced in our facilities - our waiting rooms, our concourse, or our rest rooms; and persons seeking information or purchasing tickets at our ticket counter, and checking or receiving luggage at our baggage room, are given attention without any discrimination.

You understand, though, that the lunch room is operated by an individual, Mr. J. D. Burleson, who sub-leases the space occupied from the lessee thereof, another individual, Mr. H. T. Brandon, neither of whom has ever had or now has any relationship whatsoever other than as a sub-lessee or lessee with this Company which, as lessor, does not exercise, and has no right under the lease to exercise, any control thereof as to its hours of operation or to whom it will or will not grant admittance or render service.

Yours very truly,

/s/ J. T. Alexander"

On July 28, 1961 Special Agent Chapman of this bureau, Agent and Safety and Service/Reese contacted Mr. J. T. Alexander, President and General Manager of the Houston Belt & Terminal Railway Co., and Mr. J. D. Burleson, the restaurant operator regarding the situation existing at the station dining facility.

Mr. Burleson states that he has refused service to members of the colored race; that he is currently refusing service to such persons; and that he plans to continue this policy until such time as a Court or other body of competent jurisdiction orders him to discontinue this practice. Mr. Burleson

further states that his attorney advised him that the Boynton decision does not extend to conditions which exist at the dining facility in question.

Mr. Alexander was questioned in the presence of Mr. Quentin Bates, legal counsel for Houston Belt & Terminal Railway Co. It is also the carrier's position that the decision in the Boynton case is not applicable because the facts are entirely different. Mr. Alexander takes the position that the Houston facility is not an integral part of the carrier's transportation service. I disagree with counsel for both parties. I am of the view that under the facts in this case, the Supreme Court would hold that the dining facility is an integral part of the carrier's transportation service.

The carrier also takes the position that Mr. Burlison is operating the dining facility under a valid lease which runs until 1964 and which cannot be cancelled unless the sub-lessee violates a State or Federal law; and that until this Commission or a Federal Court has decided that operating the dining facility on a segregated basis is unlawful, the carrier has no control over the policies of the restaurant operator.

IV. KNOWLEDGE AND WILFULNESS

There appears to be ample evidence of knowledge and willfulness. The carrier admits that its facilities, other than the restaurant, are not segregated and explains conditions that exist in the restaurant by stating that it has no control over its operation. The restaurant owner admits segregating

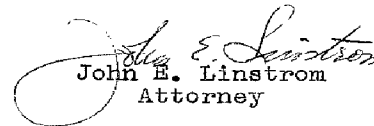
all negroes, including interstate passengers, but justifies his action on the grounds that he is in no way connected with the carrier.

If the recommendation is approved, the matter will be presented to the Attorney General recommending the institution of a civil injunction proceeding seeking to enjoin Houston Belt & Terminal Railway Company and James D. Burleson from segregating negro interstate passengers in the Houston, Texas, Union Station dining facility.

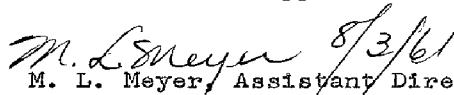
V. RECOMMENDATION

I recommend that the recommendation be made to the Attorney General for the institution of a civil injunction proceeding against Houston Belt & Terminal Railway Company and James D. Burleson pursuant to Section 20(9) for violation of Section 3(1) of the Act.

Respectfully submitted


John E. Linstrom
Attorney

Recommendation approved:


M. L. Meyer, Assistant Director

A. Henry Walter, Director

_____ date

BUREAU OF INQUIRY AND COMPLIANCE

AUG 28 1961

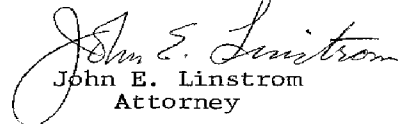
File D-79

SUBJECT: Racial discrimination practiced by
Houston Belt & Terminal Railway
Company and James D. Burleson at
the Union Station Restaurant,
Houston, Texas.

MEMORANDUM TO DIRECTOR WALTER:

Based on the facts and the law applicable thereto as set forth in the attached memorandum, I recommend that such facts be referred to the Attorney General, with the recommendation that a civil injunction proceeding be instituted against Houston Belt & Terminal Railway Company and James D. Burleson pursuant to Section 20(9) for violation of Section 3(1) of the Act.

Respectfully submitted,



John E. Linstrom
Attorney

Attachment

I concur in the recommendation


M. L. Meyer, Assistant Director

Recommendation approved:


A. Henry Walter, Director
8/28/61

BUREAU OF INQUIRY AND COMPLIANCE

File D-79

SUBJECT: Racial discrimination practiced by Houston Belt & Terminal Railway Company and James D. Burleson at the Union Station dining facility at Houston, Texas.

MEMORANDUM OF FACTS AND LAW:

INTRODUCTION

This matter concerns the informal complaints of Loretta M. Thompson and Dorothy M. Henry, both Negroes, regarding refusal of meal service to them in the dining facility located in the Union Station at Houston, Texas, and their arrest by local police upon the complaint of James D. Burleson, the dining facility owner.

FACTS AS TO VIOLATIONS

Houston Belt & Terminal Railway Company, a Texas corporation domiciled in Houston, Texas, owns and operates the Union Station and the building in which it is located.

James D. Burleson is sub-lessee of space in the Union Station building in which the dining facility is located.

On May 7, 1961, Loretta M. Thompson and Dorothy M. Henry purchased tickets from Houston, Texas, to Opelousas, Louisiana, and entered the Union Station coffee shop and sat

down at a table to be served. When it appeared that they were not going to be served at the table, they moved to the counter but were refused service there also, although white customers were being served. The police were summoned by the restaurant owner, James D. Burleson, and Mr. Burleson, in the presence of the police, pointed to the two complainants and stated, "This is my place and I don't have to serve you - this is my place and you will not be served - now get up and leave", and turning to the policeman he said, "Now see, arrest them." The complainants were arrested for "unlawful assembly" and released about 24 hours later on \$500 bond.

When interviewed in June 1961, Mr. Burleson did not deny racially segregating patrons in his restaurant. However, he contended that his business is in no way connected with the Houston Belt & Terminal Railway Company. He further contended that only 15% of his business comes from all railroad passengers and the remaining 85% is local. Mr. Burleson went on to state that he has a separate dining room for Negroes and usually invites colored patrons to use these facilities but, when a "sit in" demonstration occurs as it did on the date complainants were arrested, he refuses any service to Negroes because he feels that it is detrimental to his business.

Mr. J. T. Alexander, President and General Manager of Houston Belt & Terminal Railway Company, when questioned regarding the company's policy on racial discrimination, wrote Safety and Service Agent Reese on June 5, 1961, as follows:

"Dear Mr. Reese:

In my office this afternoon you inquired as to the policy of this Company with respect to any segregation as to race or color in the operation of its Union Station.

Please be advised that no such segregation whatsoever is practiced in our facilities - our waiting rooms, our concourse, or our rest rooms; and persons seeking information or purchasing tickets at our ticket counter, and checking or receiving luggage at our baggage room, are given attention without discrimination.

You understand, though, that the lunch room is operated by an individual, Mr. J. D. Burleson, who sub-leases the space occupied from the lessee thereof, another individual, Mr. H. T. Brandon, neither of whom has ever had or now has any relationship whatsoever other than as a sub-lessee or lessee with this Company which, as lessor, does not exercise, and has no right under the lease to exercise, any control thereof as to its hours of operation or to whom it will or will not grant admittance or render service.

Yours very truly,

/s/ J. T. Alexander"

On July 28, 1961, Special Agent Chapman of this bureau, and Safety and Service Agent Reese, contacted Mr. J. T. Alexander and Mr. J. D. Burleson regarding the situation presently existing at the station dining facility.

Mr. Burleson stated that he has refused service to members of the colored race; that he is currently refusing service to such persons; and that he plans to continue this policy until such time as a court or other body of competent jurisdiction orders him to discontinue this practice. Mr. Burleson further

states that his attorney advised him that the decision in Boynton v. Virginia, 364 U.S. 454, does not extend to conditions which exist at the dining facility in question.

Mr. Alexander was questioned in the presence of Mr. Quentin Bates, legal counsel for Houston Belt & Terminal Railway Company. It is also the carrier's position that the decision in the Boynton case is not applicable because the facts are entirely different. Mr. Alexander takes the position that the Houston facility is not an integral part of the carrier's transportation service. I disagree with counsel for both parties. I am of the view that under the facts in this case, the Supreme Court would hold that the dining facility is an integral part of the carrier's transportation service.

The carrier also takes the position that Mr. Burleson is operating the dining facility under a valid lease which runs until 1964 and which cannot be cancelled unless the sublessee violates a State or Federal law; and that until this Commission or a Federal Court has decided that operating the dining facility on a segregated basis is unlawful, the carrier has no control over the policies of the restaurant operator.

KNOWLEDGE AND WILFULNESS

There appears to be ample evidence of knowledge and wilfulness. The carrier admits that its facilities, other than the restaurant, are not segregated and explains conditions that exist in the restaurant by stating that it has no control over

its operation. The restaurant owner admits segregating all Negroes, including interstate passengers, but justifies his action on the grounds that he is in no way connected with the carrier.

STATUTES AND LEGAL DECISIONS
INVOLVED

Section 3(1) of the Interstate Commerce Act (49 U.S.C. 3(1)), in part, provides:

"It shall be unlawful for any common carrier subject to the provisions of this part to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever ****."

The Commission has held in National Assn. for A.O.C.P.

v. St. Louis-San Francisco Railway Co., et al., 297 I.C.C. 335:

"That the practices of **** assigning or directing Negro interstate passengers to coaches or portions of coaches designated or provided for the exclusive use of such passengers, and in maintaining waiting rooms in their stations designated for the exclusive use of such passengers, subject Negro passengers to undue and unreasonable prejudice and disadvantage in violation of Section 3(1) of the (Interstate Commerce) Act."

In Keys v. Carolina Coach Co., 64 M.C.C. 769, the Commission pointed out that:

"The provisions of Section 216(d) of the Act, which are invoked by complaint herein, are substantially the same as those in section 3(1), except that the former applies to motor carriers, and the latter to rail carriers."

In Mitchell v. United States, et al., 313 U.S. 80, and Henderson v. United States, 339 U.S. 816, the United States Supreme Court held the Interstate Commerce Act forbids railroad dining cars to discriminate in service to passengers on account of their color.

In Boynnton v. Virginia, 364 U.S. 454, the court stated:

"It follows from the Mitchell and Henderson cases as a matter of course that should buses in transit decide to supply dining service, discrimination of the kind shown here would violate 216 (d)" (of the Interstate Commerce Act).

The court went on to state:

"Although this Court has not decided whether the same result would follow from a similar discrimination in service by a restaurant in a railroad or bus terminal, we have no doubt that the reasoning underlying the Mitchell and Henderson cases would compel the same decision as to the unlawfulness of discrimination in transportation services against interstate passengers in terminals and terminal restaurants owned or operated or controlled by interstate carriers."

CONCLUSION

It is concluded that Houston Belt & Terminal Railway Company and James D. Burleson, in segregating Negro interstate passengers in the dining facility located in the Union Station at Houston, Texas, subjects such Negro interstate passengers to unjust discrimination and to undue and unreasonable prejudice and disadvantage, in violation of Section 3(1) of the Interstate Commerce Act.

John E. Linstrom
Attorney

May 22, 1961
File D-79

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

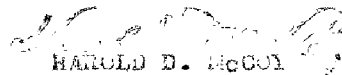
Re: Alleged racial discrimination
practiced against Dorothy M.
Henry and Loretta N. Thompson
at the Union Station Coffee
Shop, Houston, Texas.

Dear Sir:

Transmitted herewith, pursuant to the agreement
between former Chairman Clarke of this Commission and
former Assistant Attorney General Olney, are two copies
of the informal complaint in the above-entitled matter.

This informal complaint will be investigated by the
Commission, and you will be informed of the action taken
upon completion of the investigation.

Sincerely yours,



HAROLD D. MCCOY
Secretary

Attachments

JEL/ch

BUREAU OF INQUIRY AND COMPLIANCE
WASHINGTON

May 22, 1961

✓ File D-79

Subject: Alleged racial discrimination practiced against Dorothy M. Henry and Loretta M. Thompson at the Union Station Coffee Shop, Houston, Texas.

MEMORANDUM TO DIRECTOR TAYLOR:

This memorandum will outline the scope of the investigation we request that you have made concerning the alleged incident of racial discrimination practiced by personnel of the Union Station Coffee Shop, Houston, Texas, against Dorothy M. Henry and Loretta M. Thompson on May 7, 1961. I am transmitting copies of complainants' affidavits and a letter from their attorney, George Washington, Jr., dated May 11, 1961, which will explain the nature of complaints.

My suggestions with regard to undertaking the investigation are as follows:

Attorney George Washington, Jr. should be contacted first in order that arrangements may be made to interview the complainants. Detailed statements should be taken from Dorothy Henry and Loretta M. Thompson. They should be asked to identify the cashier referred to in the affidavit so that she may be interviewed. They should be asked if they are willing to testify in a court proceeding in connection with this incident. Mention is made of several friends of complainants who came to the station with them. Complainants should be asked to identify as many of these individuals as they can remember and statements should be taken from those witnesses. Complainants should be asked to turn over their railroad tickets to you if they have retained them.

Mr. Burleson, manager of the coffee shop, and the cashier referred to in the complaint, should be interviewed next. Detailed statements of this incident should be taken from both. Before the interview, however, observation should be made in the restaurant over a prolonged period in order to determine if racial discrimination is being practiced. Mr. Burleson should also be asked to explain the establishment's policy on racial discrimination. A copy of the lease under which the coffee shop is operated should be obtained. Mr. Burleson should be questioned about the police's part in the incident and the identity of the individual who summoned the police should be determined. If the police are identified, they should be questioned about the incident and if they are not willing to give a signed statement, conversations had with them should be reduced to writing and made part of the report.

Our records indicate that the Houston Union Station is operated by Houston Belt and Terminal Railway Company whose general offices are located in the Union Station. A responsible official of this company should be interviewed regarding the incident and about the company's policy regarding racial discrimination in the use of all station facilities, including the restaurant. Details regarding ownership of Houston Belt and Terminal Railway Company should be determined; also ownership of the building in which the station is located should be determined.

Inasmuch as a copy of this report must be referred to the Department of Justice, only facts developed by the investigation should be included in the report and personal conclusions and opinions should be omitted. The report is confidential.

If additional questions present themselves before or during the course of this investigation, this Bureau will at all times stand ready to assist your investigator in any way possible. It is requested that the report and the attached exhibits be submitted in quintuplicate. Extra copies of this memorandum are attached for use by your personnel.

A. Henry Walter
Director

Attachments

THE HOUSTON POST
THURSDAY, FEBRUARY 1, 1952

3 Fined \$100 In Sit-In at Union Station

Three Negro defendants, including two former "freedom riders," were convicted of unlawful assembly by a county court jury Wednesday, and each was fined \$100.

The defendants were Eldrewey Stearnes, 27, of 2206 Dowling St, a student at Texas Southern University; Miss Patricia Baskerville, 19, and Frank Johnson, 22, both of Tucson, Ariz.

A SIX-MEMBER jury returned the guilty verdict to Judge George Miller of County Criminal Court-at-Law Number 1.

Miss Baskerville and Johnson arrived here July 21, after participating in "freedom rider" activities in Mississippi. They met Stearnes at the Union Station Coffee Shop, 501 Crawford St, and ordered food.

James D. Burleson, owner of the coffee shop, testified Wednesday that he refused to serve the trio. He said he called police and asked that the Negroes be arrested.

"I don't serve Negroes in my dining room," Burleson said.

WHEN ARRESTED Miss Baskerville and Johnson had been attending the University of Arizona. Now, she is working as a nurse, and he is enrolled in the Naval Reserve.

Four attorneys represented the defendants. They were George Washington Jr, Hamah and Otis King, and Ben G. Levy of the American Civil Liberties Union.

Dan Ryan, the prosecutor, told the jury that the meeting had been planned in advance and that it had injured Burleson's business. He argued that interstate commerce was not involved.

2/7

Mr. Gould:

I spoke with Mr. Caldwell of Justice who is handling this case. He told me that the case was sent to the US Attorney early last fall for filing but that the US Atty has taken the position that he thought he could get James D. Burleson (the owner of the eating facility in Union Station) to integrate the facility voluntarily and for that reason Justice has not pressed the matter. Mr. Caldwell asked if we had anything recent on the situation and I told him of the news clipping. He asked to be furnished with copies of the clipping to transmit to the US Atty with instructions to stop negotiating with Burleson and file the action.

L

*Send a copy
with covering letter -
att'n Caldwell per
his request*

Mr. Gould 2/6

This is the Harston file referred to in Director Taylor's memo.

We referred this case to Justice last August and insofar as I know Justice has taken over action in the case of

Harston
at my [unclear] from Justice

BUREAU OF INQUIRY AND COMPLIANCE
Referral Slip

_____ Walter
_____ Murphy
_____ O'Connell

_____ Bybee	_____ Charuhas
_____ Cross	_____ Fallon
_____ Desmond	_____ Gault
_____ Gafford	_____ Gregory
_____ Gobetz	_____ Guinn
_____ Jessup	_____ Kempker
_____ Jones	2 - _____ Linstrom
_____ Meyer	_____ Merrill
_____ Morley	_____ Quinn
_____ O'Donoghue	_____ Torpats
_____ Polydoroff	
_____ Schubert	_____ Flauman
_____ Woodruff	

What do we have on Harston?

UNITED STATES GOVERNMENT

Memorandum


TO : Acting Director Asa J. Merrill
Bureau of Inquiry and Compliance

DATE: February 5, 1962

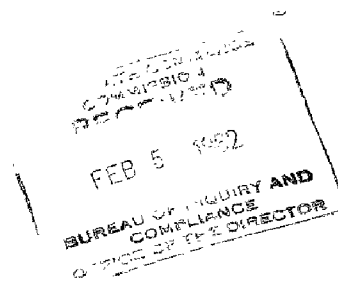
FROM : Bureau of Safety and Service

SUBJECT: Alleged racial discrimination practiced against
Dorothy M. Henry and Loretta M. Thompson at the
Union Station Coffee Shop, Houston, Texas

The attached memorandum from Safety and Service
Agent Reese concerns the above subject. It is given
you as information.


C. W. Taylor
Director

Attachment



Assistant Director Paul J. Reider
Section of Car Service

Houston 14, Texas
February 1, 1962

Safety & Service Agent Wm. S. Reese

Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

For your information, I am attaching a newspaper
article, taken from the Houston Post, February 1,
relative to the above-mentioned subject.

cc: Zone Supervisor Doss Handy

UNITED STATES GOVERNMENT

Memorandum


TO Mr. A. Henry Walter, Director
Bureau of Inquiry and Compliance

DATE: December 7, 1961

FROM Bureau of Safety and Service

SUBJECT: Alleged racial discrimination practiced
against Dorothy M. Henry and Loretta M.
Thompson at the Union Station Coffee Shop,
Houston, Texas. (E-79)

I am attaching excerpts from The Houston Post on
Thursday, November 30, 1961 which are related to the above
subject, and which may be of some interest to you.


C. W. Taylor
Director

Attachment

cc: Zone Supvr. Doss Handy (Dallas)
Agent Wm. S. Reese (Houston)

2 Found Guilty, Fined In Coffee Shop Sit-In

Two defendants were found guilty of unlawful assembly at the Union Station Coffee Shop last Feb 27 and were fined \$100 each Wednesday night by a jury which deliberated more than two hours.

The defendants, Eldrewey Stearnes, a 27-year-old law student at Texas Southern University, and Charles S. Broughton Jr., a 21-year-old sophomore at Rice University, were tried before Judge Jimmie Duncan of County Criminal Court-at-Law Number 3.

THE PRINCIPAL witness was James D. Burleson, operator of the coffee shop, who said that a group of young men and women, some Negro, attempted to stage a demonstration at his restaurant.

"I didn't want a sit-in demonstration going on in my place

of business," said Burleson.

He said the gathering hurt his business, and that some of his regular customers could not get in the door because the group had collected in front of the entrance. Burleson said he does not serve Negroes, except in his kitchen.

Stearnes and Broughton were two of 12 persons who were arrested on charges of unlawful assembly by police officers who were called to the scene. The complaints were filed before Justice of the Peace Tom Maess by Burleson.

FOUR OF THE 12 who were arrested were found guilty and fined \$500 on April 25. Later, Miss Roberta Graber, a Rice student now attending Stanford University in California, was found guilty and fined \$100 dur-

ing a separate trial on Sept 21. Five persons remain to be tried.

George Washington and Ham-lah King, attorneys for the defendants, said the convictions would be appealed. They have already appealed the earlier cases, and a decision by the Court of Criminal Appeals is expected on Dec 13.

CAROL S. VANCE, assistant district attorney, prosecuted the cases.

Stearnes, who lives at 2201 Dowling St, formerly was president of the Progressive Youth Association, a group which sponsored several sit-in demonstrations here this year. Broughton is studying mathematics at Rice, and lives at 2210 Norfolk St.

Union Station Incident

Rice, TSU Students Fined in 'Stand-Ins'

A jury in Judge Jimmie Duncan's county court-at-law found a Rice University sophomore and a Texas Southern University law school senior guilty of unlawful assembly in an integration "stand-in" and fined them \$100 apiece.

The Rice student is Charles S. Broughton Jr.

The law student is Eldrewey Stearnes, 27, former head of the Progressive Youth Association which has staged numerous integration demonstrations here.

Didn't Take Stand

Neither took the witness stand, and defense attorneys George Washington Jr. and Ham-lah King offered no testimony.

The incident was at the Union Station coffee shop on Feb. 27. James D. Burleson, operator of the restaurant, testified, as he has at the trial of other persons charged at the same time, that a group assembled outside the doors so that other cus-

tomers were prevented from entering.

He said he and his employes held the doors closed with a chain and served no customers between 2 p.m. and 8 p.m. when the demonstrators were arrested.

Burleson identified the blond Broughton and Stearnes, a Negro, as being members of the group.

Two of Burleson's employes and police, put on the stand by prosecutors Carol Vance and Jimmy James, corroborated Burleson's testimony.

Motion Overruled

Other convictions growing out of the same and similar incidents are on appeal, and the defense asked that the case be passed until the Court of Criminal Appeals rules, but Judge Duncan overruled the motion.

The jury of four white women and two white men was out two and one-half hours.

The maximum penalty for unlawful assembly is a \$500 fine.

Assistant Director Paul J. Reider
Section of Car Service

Houston 14, Texas
December 1, 1961

Safety and Service Agent Wm. S. Reese

Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

This has reference to your memorandum dated May 24,
1961, concerning the above-mentioned subject, and my report
on the matter dated June 13, 1961.

Attached are two articles taken from the Houston Post
and the Houston Press, dated November 30, 1961, which are
related to this matter and are for your information.

cc: Zone Supervisor Doss Handy

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. Henry Walter, Director
Bureau of Inquiry and Compliance


DATE: September 14, 1961

FROM : Bureau of Safety and Service

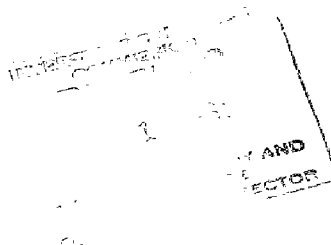
Linton

SUBJECT: File D-79 - Racial Discrimination

I am attaching several excerpts from Houston newspapers in connection with the above subject, and which may be of interest to you.


C. W. Taylor
Director

Attachment



Assistant Director Paul J. Reider
Section of Car Service

Houston 14, Texas
September 6, 1961

Safety & Service Agent Wm. S. Reese *Wm S Reese*

Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

For your information, I am enclosing several items
taken from the Houston newspapers relative to the above-
mentioned subject.

cc: Zone Supervisor Handy

18 Freedom Riders Fined \$100 Each

Continued From Page One

ballots were cast before the jurors could agree on a penalty.

The trial was the second for the 18 demonstrators, seven of them whites. The first one a week ago was dismissed because the district attorney's office listed the wrong name for the Union Station restaurant in the written complaint.

Charges Conspiracy

Prosecutors James Shatto and Walter Carr in closing arguments stressed that 11 of the defendants were from California Shatto said:

"There was a conspiracy even before they left California to come down here and tail the operator of that restaurant how or how not to run his business.

"This proves their intent to infringe upon a citizen's rights."

But defense attorney Washington stated:

"These defendants were denied their rights. They were told they could not eat in a restaurant where others went freely.

"All you, as jurors, need to rule in this case is to abide by your true sense of fair play."

The trial ended without a word of testimony from any of the defendants.

Defense Attorneys Washington and King put only one witness on the stand.

Railroad Official Testifies

This was J. T. Alexander, general manager of the Houston Belt and Terminal Railroad, which owns the Union Station in which the Union Station Coffee Shop is located. The coffee shop is occupied on a sub-lease from the railroad to J. D. Burleson, its operator.

Alexander's testimony obviously was designed to bolster the defense contention that the restaurant is a facility of interstate commerce and that the 11 travelers from California were entitled to the use of its facilities, regardless of race or color.

He testified that Houston B&T stock is owned by four railroads which are in interstate commerce — the Missouri Pacific, Gulf, Colorado and Santa Fe, the Chicago-Rock Island and the Fort Worth and Denver.

The only access to the restaurant is through the railroad station itself or through the

concourse between the tracks and the building, Alexander said.

There is no entrance from a public street.

Alexander testified, as did Burleson, that some of the equipment, including the counter in the restaurant, is actually owned by the railroad.

Prosecution's Claims

Prosecutors Shatto and Carr used five witnesses in their attempt to show these things:

1. The group of Negroes and white persons entered the restaurant Aug. 11 after assembling together "with the intent" of interfering with Burleson's business.

(This is the basis of the charge of unlawful assembly brought against the 18 defendants, an offense that carries a maximum penalty of a \$500 fine).

2. The group came in after Burleson had asked them not to enter and told them they would not be served.

3. The presence of the mixed racial group in the restaurant had the effect of turning other customers away.

4. The demonstrators from California were not actually travelers at the time, since they had come into Houston early that morning at the Southern Pacific station, had changed their return tickets from the Southern Pacific to the Santa Fe, but had made no attempt to make reservations that day on the Santa Fe, and they had then met with the Houston associates and returned in the afternoon to attempt to get service at the restaurant.

Burleson testified that he had received phone calls during the day that a demonstration was to be made in the restaurant which has been the scene of other similar attempts to integrate it.

Bars Way

He said that at about 1:30 p.m. two white men and one Negro came up to the double glass doors of the restaurant and he met them there and told them not to come in.

He said that while he stood at the doors barring their en-

trance, the rest of the group joined them. Burleson testified

"I let in some regular white customers.

"Others walked up, looked at the situation and left."

Burleson said that after a time he left the doorway and the group entered, scattering through the restaurant, along the counter and in one booth.

He said that he went to Justice Tom Maes' office, filed charges of unlawful assembly and obtained warrants.

Customers Turned Away

While the group was in the restaurant, Burleson said, some customers turned away after looking in the doors.

Under cross-examination by Washington, Burleson said that the members of the group did not misbehave in any way or attempt to interfere with other customers or even to speak to them.

But he asserted:

"I do not serve Negroes in the front of my restaurant.

"There is a table in the kitchen where they can be served if they wish."

He admitted that the restaurant did served mixed groups of Negro and white soldiers traveling together with meal tickets.

"Do your regular customers turn away because you serve these Negro soldiers?" Washington asked.

"Not that I know of," said Burleson.

Saw Customers Turn Away
Mrs. Lena Dasput, a cashier, gave a similar account of the events of the afternoon. She said:

"I saw several of the regular customers leave without seeking service."

Police Lt. W. A. Scotton told of picking up the warrants after police were notified that Burleson had filed the charges and said that he arrested the persons pointed out to him by Burleson in the restaurant.

Lt. Scotton said that some 20 to 25 curious persons were peering in from outside each door of the restaurant.

Behavior 'Normal'
He said the behavior of the demonstrators was "normal" and that he saw some customers come in, sit down and be served while he saw others leave. He added:

"I don't know whether it was because they saw police officers there or why."

One prospective customer, Miss Myrtle Fields, an employe of the newsstand in the station, said that she went for lunch as usual at 2:30 p.m. but did not enter the restaurant "because I saw there was a demonstration and I did not want to get involved."

Tickets Exchanged

Walkins Deer, a ticket clerk in the station, was the only person to testify about the exchange of tickets and he did it without directly identifying any of the defendants.

Deer said a group of 11 persons came to the ticket desk at 10:30 a.m. and exchanged Southern Pacific return tickets from Houston to Los Angeles for tickets on the Santa Fe which leaves from the Union Station.

Deer said that the group which exchanged tickets said no seats were available on the Southern

18 Freedom Riders Fined \$100 Each

Eighteen Freedom Riders were found guilty last night and fined \$100 apiece for unlawful assembly in their move last month to force integration of the Union Station Coffee Shop.

Defense attorneys George Washington Jr. and Hamah King told County Court-at-Law Judge George E. Miller they would appeal the verdict to the Texas Criminal Court of Appeals.

Their clients, 11 of them from California, sat impassive while

Clerk Vernon E. Sanders read each name, verdict and penalty.

Four Ballots

Judge Miller had cautioned the Freedom Riders and about 30 spectators against any demonstrations as the six-man, all white jury filed in from its deliberations.

The jury was out for one hour and seven minutes before it announced its decision.

A poll of the jury after they were dismissed showed that the defendants were found guilty on the first ballot but three more

See 18 FREEDOM, Page 6

Pacific and he told them that reservations were required also on the Santa Fe. He said:

"I offered to call up and ask about Santa Fe reservations but I was told that no date of departure had been set."

The state ended its case with Deer's testimony and the Negro defense attorneys urged Judge Miller to grant an instructed verdict of not guilty on the grounds that:

—The defendants had been the victims of racial discrimination in violation of both the state and federal laws governing railroad travel.

—The state has produced no evidence of any illegal conduct on the part of defendants or that they had met with an intent to injure Burleson's business.

Judge Miller promptly overruled the motion.

The Defendants

The defendants are:
Robert Paul Kaufman, 23; Steven Everett McNichols, 22; Steven Sanfield, 24; Joseph McClendon Stevenson, 18; Ellen Kleinman, 19; Patricia Ann Kovner, 20, and Beverly Radcliffe, 23, all white persons and all from California.

Ronald P. Labastrie, 25; Clarence Charles Berrard, 21; Robert Charles Farrell, 24, and Margie S. Dunson, 30, all Negroes from California.

And the Houston Negroes, Eddie Douglas Jones, 19, 3205 Calumet; Herbert Hamilton, 20, 10513 Murr Way; John D. Hutchings, 20, 2206 Dowling; Robert Jones, 32, 2520 Staples; Holly A. Hagobrook, 20, 2119 Winborn; Marian M. Moody, 19, 601 E. 38th, and Willie Harrieta Handy, 18 of 4002 Marquette.

18 Guilty of Unlawful Assembly Fined \$100

By JOHN MOORE

Eighteen defendants, seven of them white and 11 of them Negroes, were found guilty of unlawful assembly at the Union Station Coffee Shop last Aug 11 and fined \$100 each Tuesday night.

The all-white jury of six men deliberated 90 minutes before returning the verdict to Judge George E. Miller of County Criminal Court-at-Law Number 1.

George Washington Jr and Hamnah King, defense attorneys, immediately gave notice of appeal to the Court of Criminal Appeals. The defendants were freed on bonds totaling \$3,600.

ELEVEN OF THE defendants called themselves "Freedom Riders from California" when they arrived here 25 days ago. They joined forces with seven Houston members of the Progressive Youth Association in a move to desegregate the Union Station Coffee Shop, 501 Crawford St.

James D. Burleson, owner of the coffee shop, testified Tuesday that he filed charges of unlawful assembly against the group and had them arrested. He said he does not serve Negroes.

"THE COMMOTION caused some of my customers to stay away, and hurt my business," Burleson said.

Lt W. A. Scotten of the Houston Police Department said he arrested the 18 defendants on warrants issued by Justice of the Peace Tom Maes. He positively identified the defendants in court Tuesday.

"What is illegal about them entering and sitting at a coffee shop lunch counter?" asked Washington in his final argument to the jury.

"THE STATE wants you to

condemn an innocent act," he said.

But the state prosecutors said the "freedom riders" had engaged in a conspiracy to come to Houston and deprive Burleson of his right to serve those patrons of his choice.

"Gentlemen of the jury, you can say in your verdict that when people come here from California for unlawful purposes that the citizens of Houston are going to do something about it," said James Shatto, an assistant district attorney.

"A man has a right to run his own business as he sees fit."

DURING THE testimony of the trial, the defense attorneys sought to establish that the coffee shop was engaged in serving interstate passengers. One of the principal witnesses was J. T. Alexander, president of the Houston Belt & Terminal Railway Co, which owns the Union Station.

Alexander said the various railroad lines which used the Union Station as a terminal were engaged in interstate commerce.

The same 18 defendants appeared in court last week, but Judge Miller told the jury then to return an instructed verdict of not guilty because of faulty complaints which left the word station out of the name of the Union Station Coffee Shop.

THE CASES WERE refiled, with all parties agreeing that double jeopardy was not involved. The speedy new trial was ordered because many of the out-of-state defendants are college students and anxious to enroll for the fall semester.

The courtroom was quiet and orderly as the case went into a night session Tuesday so that the trial could be completed in one day. Three-fourths of the spectators were Negroes.

The Houston Press
TUESDAY, SEPT. 5, 1961

Judge Rules Riders Must Stand Trial

Refuses to Dismiss Charges on Grounds They're Illegal

BULLETIN

A portion of the equipment of the Union Station Coffee Shop is owned by the Houston Belt and Terminal Railroad, the defense attorneys for 11 California freedom riders and seven of their Houston associates proved, as the second trial of the group got under way this afternoon. J. E. Burlison, operator of the coffee shop, under cross-examination by Atty. George Washington Jr., admitted this fact, on which Washington obviously is hoping to rely in showing that the coffee shop should be integrated under Interstate Commerce Commission rulings and federal and state laws governing railroads. Burlison, the first witness, was still on the stand at mid-afternoon. Judge George E. Miller, in whose county court the case is being tried, said he expected to hold an evening session in an effort to finish the case tonight.

Only a handful of spectators listened in in Judge George Miller's County Court-at-Law today as testimony began in the second trial of 11 Freedom Riders from California and seven Houston members of the Progressive Youth Association on charges of unlawful assembly.

The group, it is charged, went to the Union Station Coffee Shop on Aug. 11 with the intention of injuring the business of J. E. Burlison, the operator.

Mr. Burlison testified that he met the mixed group of white persons and Negroes at the door of the coffee shop, asked them not to enter and told them they would not be served.

Mr. Burlison testified:

"When I left the door of the cafe these persons whom I had told not to enter came in and scattered themselves at the seats along the counter, with a few in booths."

He said he then left the coffee shop.
See FREEDOM RIDERS, Page 11

FREEDOM RIDERS

Continued From Page One

fee shop, went to Justice Tom Maes' office, filed charges and obtained warrants for the arrest of the group.

Dismissal Refused

Earlier, Judge Miller had overruled motions by defense attorneys George Washington Jr and Hamah King to throw out the case on the grounds that the statute under which it is brought is unconstitutional.

King charged the prosecution is merely an attempt to use the law to enforce segregation customs in Texas.

The case is being tried before an all-white, all-male jury.

Had Name Wrong

Last Wednesday when the case went to trial for the first time, the courtroom was crowded.

But today the sprinkling of spectators was made up mostly of Progressive Youth Association members.

The first trial was interrupted

when it was discovered that the name of the coffee shop was wrong in the complaint and Judge Miller rendered an instructed verdict.

Today's trial is under a new and correct complaint.

THE HOUSTON POST
August 31, 1961

'Riders' Freed, but Face New Trial Next Tuesday

By JOHN MOORE

The "freedom riders from California" were freed Wednesday by an instructed verdict of not guilty, but they will have to return to the same court next Tuesday for a new trial.

The case became impaled on a sharp legal hook when George Washington Jr and Hamah King, defense attorneys, pointed out that some of the complaints referred to the place of business as the Union Coffee Shop.

THE OPERATOR of the cafe, James D. Burlison, testified that his place was known as the Union Station Coffee Shop. The defense attorneys then moved that the unlawful assembly cases be dismissed.

Judge George E. Miller of County Criminal Court-at-Law Number 1 had the jury removed for more than an hour while he discussed the legal complexities with the attorneys for the state and the defense.

The faulty complaints were filed when the district attorney, Frank Briscoe, ordered the unlawful assembly charges against the 18 defendants refiled in county court. Burlison originally filed the charges before Justice of the Peace Tom Maes Aug 11.

ELEVEN OF the defendants said they were "freedom riders from California." The other seven defendants are members of Houston's Progressive Youth Association, which has been seeking to desegregate the Union Station Coffee Shop since February.

Judge Miller reached a decision and instructed the all-white jury of four men and two women to return a verdict of not guilty in favor of the 18 defendants Wednesday afternoon. Then he dismissed the jury.

At the same time, he announced that the same defendants were to appear for trial next Tuesday morning by agreement of the prosecution and the defense.

James Shatto, the prosecutor, said he would refile charges of

unlawful assembly against the same 18 defendants in the same court between now and then.

He explained the confused legal situation thus:

"**THESE DEFENDANTS** have not been placed in jeopardy simply because there is a variance between the proof and the complaint."

The legal term "jeopardy" means that a defendant cannot be tried twice for the same offense. Shatto contends that the state still has a right to try these cases. The speedy new trial was agreed upon because part of the defendants are college students and want to return home to start their fall classes.

Some of the "freedom riders" are white and others are Negroes. They were seated on 18 chairs in the front section of the courtroom Wednesday. The courtroom was crowded, with approximately half of the spectators being white and the other half being Negroes.

When Burlison testified that he did not serve Negroes in the front part of his restaurant, there were giggles and titters throughout the courtroom.

JUDGE MILLER immediately rapped for order and said that he did not want any demonstrations of approval or disapproval, and that if there was any more noise he would have the courtroom cleared.

The noise ended. During the presentation of the state's case Wednesday afternoon, Lt. W. A. Scotten of the Houston Police Department said he took warrants to the Union Station Aug 11 and arrested the defendants.

He stood up and looked up at the 18 defendants for about 30 seconds Wednesday and identified them as the people he had arrested in the coffee shop.

LT SCOTTEN said he was acting under orders of Inspector W. J. Burton and Capt Otto Vahldek. Inspector Burton died this week, and his funeral service was being conducted while the trial was in progress.

PAGE 8, SECTION 4 THE HOUSTON POST
WEDNESDAY, AUGUST 30, 1961

Mass Trial for 'Freedom Riders' Set For Today

The "Freedom Riders of California," who joined forces with the Progressive Youth Association of Houston to try to desegregate the Union Station Coffee Shop here Aug 11, will have their day in court Wednesday.

The case is unusual. It involves the first trial of out-of-state "freedom riders" in Houston. Part of the defendants are white and the rest are Negroes. All of them have been charged with unlawful assembly, a misdemeanor.

ALL 18 OF THE defendants will be tried at the same time by a jury in Judge George Miller's County Criminal Court at Law Number 1. This mass trial was arranged by Dist Atty Frank Briscoe because 11 of the defendants are from California and wanted to be tried as soon as possible.

Most of the 11 Californians are college students from Los Angeles and Berkeley.

Briscoe announced last week that he had decided to order the cases refiled in county court and prosecuted, and this precipitated a PYA picket line demonstration in front of the Harris County Courthouse.

"**THE DEFENDANTS** have been charged with unlawful assembly," said Wallace C. Moore, first assistant district attorney, Tuesday.

"We have investigated the charges and we believe they are justified."

"It is our duty to uphold the laws of the state."

"So far as we are concerned,

those are not 'freedom riders' or anything else except defendants charged with breaking the law."

ALL OF THE defendants have been released on bond. Four of them were released soon after being arrested when they complained that they had been mistreated by other prisoners in the County Jail.

Several stayed in jail for nearly two weeks to protest the fact that they were denied service at the Union Station Coffee Shop.

The unlawful assembly charges, originally were filed before Justice of the Peace Tom Maes by the operator of the coffee shop, James D. Burlison. The coffee shop has been the target of local sit-in demonstrations since last February.

BURLISON HAS stated in courtroom testimony that he does not serve Negroes, except in the kitchen.

The defense attorney for the "freedom riders," George Washington Jr, said that he considers the case a test of the sort of justice which Negroes can expect to receive in the local courts.

Briscoe said he ordered an investigation of the facts in this case and found that the "freedom riders" were not interstate travelers because after they arrived at the Southern Pacific up the local PYA demonstrators before going to the Union Station.

James Shatto, the assistant district attorney, assigned to prosecute the case, said the jury

UNITED STATES GOVERNMENT

Memorandum

10-79

TO Mr. A. Henry Walter, Director
Washington 25, D. C.

DATE: September 8, 1961

FROM Roy R. Walker, Special Agent *R.R.W.*
Fort Worth, Texas

SUBJECT: D- Alleged racial discrimination practiced against
various "Freedom Riders" at Union Station Coffee
Shop, Houston, Texas, August 11, 1961.

This refers to my memoranda of August 16, 1961 and
August 17, 1961 about the above subject.

Attached hereto is a newspaper article from the Fort
Worth Star-Telegram of Wednesday, September 6, 1961 concerning
the individuals involved in the sit-in demonstration at the
Union Station Coffee Shop, Houston, Texas, on August 11, 1961.

BUREAU OF INQUIRY AND COMPLIANCE
Referral Slip

Walter
 Murphy
 O'Connell

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<input type="checkbox"/> Schubert	<input type="checkbox"/> Flauman
<input type="checkbox"/> Woodruff	

Please refer to...
W. H. Lawrence

Wednesday Evening, September 6, 1961

'Freedom Riders' Found Guilty By Houston Jury

HOUSTON, Sept. 6 (AP)—An all-white jury found 11 California "freedom riders" guilty of unlawful assembly and fined each one \$100.

The six-man jury, in a verdict Tuesday night, also found seven Houston Negroes guilty of the same charge and levied the same fine.

The two Negro defense attorneys gave immediate notice of appeal.

The 18 were accused of unlawful assembly during a sit-in demonstration at the union train station cafeteria Aug. 11.

The defendants — whites and Negroes—were arrested at the coffee shop. An instructed verdict of innocent was returned last week after a technical error was discovered in the charge.

The case was refiled with the consent of the defense.

All 18 were tried at the same time in a Harris County court.

Office Memorandum • UNITED STATES GOVERNMENT

TO A. Henry Walter, Director
Bureau of Inquiry and Compliance

FROM Bureau of Safety and Service

DATE: August 31, 1961

SUBJECT: Alleged racial discrimination practiced against
Dorothy M. Henry and Loretta M. Thompson at
the Union Station Coffee Shop, Houston, Texas.
(D-79)

I am attaching several excerpts from
Houston newspapers in connection with the
above subject, and which may be of interest
to you.


C. W. Taylor
Director

Attachments

Negroes Will Appeal Use Of Loitering Ordinance

The use of the city's loitering ordinance to keep Negroes from being served in the Union Station Coffee Shop will be tested in the State Court of Criminal Appeals.

This was announced Tuesday in County Criminal Court-at-Law Number 1 after Judge George Miller found a Negro defendant guilty of loitering in the coffee shop last Feb. 24.

GEORGE WASHINGTON JR. and Hamah King, defense attorneys, gave notice of appeal and posted a \$220 bond for the defendant.

Meanwhile, an early trial was set for 11 "freedom riders" from California and eight members of the Progressive Youth Association from Houston, all charged with unlawful assembly at the Union Station Coffee Shop on Aug. 11. The cases will be heard in Judge Miller's court Aug. 31.

The loitering and unlawful assembly cases are related in that both represent efforts of the Progressive Youth Association members and their friends to desegregate the coffee shop. Attorneys for the Negro movement have argued that the restaurant is involved in interstate commerce and obligated to serve all train passengers, regardless of race.

"**WE NEED SOME** appellate rulings to guide us in the filing and prosecution of cases here," said District Atty Frank Briscoe.

Such an appellate decision probably will be handed down as a result of the hearing before Judge Miller Tuesday. The judge found Robert Earl Jones, 32, of 2520 Staples St., guilty of loitering and fined him \$110. The case had been appealed to Judge

Miller's county court from Houston's Corporation Court.

"I assume you want to appeal so I am making the fine large enough to provide a basis for appeal," said Judge Miller.

JAMES D. BURLINSON, who operates the Union Station Coffee Shop, testified Tuesday that the restaurant was a public place but that he reserved the right to refuse service to anyone. He said he leased the space from the Houston Belt and Terminal Railway Co., which owns the Union Station, 501 Crawford St.

"He can exclude an individual — but if this is a public place, he cannot exclude an entire race of people," said Washington in his final argument before Judge Miller.

Later, Washington said that would be part of the basis of his argument before the State Court of Criminal Appeals. He said his goal is to eliminate use of the loitering ordinance as a legal means of keeping Negroes from eating at the coffee shop. He does not intend to attack the city loitering ordinance itself.

"**I HAVE BEEN** seeking justice in the local courts because I did not want to carry this matter into the federal courts — but now I am going to request the full co-operation of the federal authorities," said Washington.

"I am upset over this judicial buck passing."

James M. Shatto, an assistant district attorney, argued before Judge Miller Tuesday that the loitering ordinance was a valid law and applied to the circumstances in this case.

JONES, THE defendant, was one of 14 members of the Progressive Youth Association who entered the Union Station Coffee Shop Feb. 24 and requested service. Burlinson ordered them arrested by the city police. Later, all were found guilty and fined \$25 each in Corporation Court.

This was the first mass demonstration at the coffee shop. All of the cases were appealed to county court and have been heard separately. The case in-

volving Jones was the eighth case to be heard on appeal.

Six cases involving individual defendants have been dismissed in the county courts because a copy of the city's loitering ordinance was not posted in the coffee shop last February. Burlinson testified Tuesday that a copy was posted now.

ONE CASE being heard by a jury in Judge Miller's court ended with an instructed verdict of not guilty, primarily on the same defense grounds.

Tuesday's verdict of guilty was the first conviction for the state.

Advertisement

FALSE TEST

HOUSTON CHRON

HOUSTON, TEXAS, MONDAY, AUGUST 21, 1961

More 'Freedom Riders' Will Be Sent to Houston

More "freedom riders" will be sent to Houston within a "couple of weeks," the head of the Congress of Racial Equality said Monday.

If they come, Dist. Atty. Frank Briscoe said, they, like 11 freedom riders arrested here Aug. 11, "could be subject to prosecution."

James Farmer, president of C.O.R.E., supporting the freedom rides, said in New York they would continue until segregation was completely eliminated from public carriers.

He said C.O.R.E. was optimistic about expected rulings from the Interstate Commerce Commission, but they must include withdrawal of charters of any transportation which supports segregation.

Reasons Given

The 11 freedom riders from California were arrested in Union Station Restaurant, 501 Crawford, and charged with unlawful assembly.

The first freedom rider invaders here, they claimed they were legitimate interstate travelers and, under federal law, entitled to eat in the railroad station cafe.

Briscoe said he would prosecute them for two reasons:

(1) "We are convinced the defendants were not engaged in interstate commerce.

(2) "The restaurant is not an integral part of interstate commerce facility because of its type of lease, the railroad station owner maintains no control over it, and it seems to be more for the benefit of the general public than train passengers."

Picket Courthouse

Several demonstrators picketed the courthouse in protest to Briscoe's announcement.

Briscoe said the trials of the 11 riders, plus seven Houstonians arrested with them, will begin in about two weeks. Maximum pun-

ishment on conviction is a \$500 fine.

The freedom riders included a mixed group. The 18 arrested persons originally said they preferred jail to bond, but all have been released on bond except two.

The local bus station fa-

cilities are integrated, but numerous persons have been arrested in demonstrations at the railroad station restaurant.

Police are not arresting bona fide interstate travelers there now except on a warrant from a justice court.

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RIALS WANT ADS SEC 3

'Rider' Prosecution Plan Brings Protest

7 Picket Courthouse Following Briscoe's Union Station Ruling

Seven Negro pickets marched up and down in front of the Harris County Courthouse Friday afternoon to protest a decision by District Atty Frank Briscoe to prosecute 11 "freedom riders" from California.

"Does Briscoe Know the Laws of the ICC?" asked the sign of one picket.

BRISCOE CAME DOWN from his fifth-floor office to watch the picketing for a while from the courthouse lobby. What did he think of it?

"No comment," he said.

The pickets, however, later were cheered fiercely by prisoners in the county jail, many of whom were put there by the district attorney's office.

The pickets marched away down the north side of the courthouse so the prisoners could see them.

THEY FIRST showed up at 1:35 PM and paraded for about 30 minutes before the courthouse entrance. County employees crowded the lobby to watch them.

"DA Interprets Law or Expresses Personal Feelings?" another of their placards read. Another bore a cartoon of a prisoner in jail saying, "All I wanted was a cup of coffee."

The picketing was in behalf of the "freedom riders"—seven whites and four Negroes—arrested Aug 11 in the Union Station Restaurant on charges of unlawful assembly.

THE CHARGES were filed by James D. Burieson, the restaurant manager.

Seven members of the Progressive Youth Association, a Houston group fighting segregation, were arrested with the "freedom riders."

The courthouse pickets, who included two ministers, were also PYA members.

Briscoe announced his decision Friday morning after spending several days studying the case of the "freedom riders."

FEDERAL COURTS and the Interstate Commerce Commission have ruled that cafes for interstate travelers must provide desegregated service.

Explaining his decision, Briscoe said:

"We are obligated to follow the law of the State of Texas as we understand it."

He said he didn't believe the Californians were in interstate travel when they were arrested.

"THESE PEOPLE came into town at the Southern Pacific Station," he said. "They didn't come in at the Union Station. They didn't go direct to the Union Station. They went out in the Fifth Ward and stopped and picked up some local people before they went to the Union Station."

Briscoe said he did not believe the restaurant, in this particular case, comes under the federal rulings.

He said the misdemeanor charges would be refiled, a legal formality, in county court Monday. He said he hopes to try the cases within two weeks.

All but four of the 18 demonstrators are still in jail.

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UNITED STATES GOVERNMENT

Memorandum

TO Mr. A. Henry Walter, Director
Bureau of Inquiry and Compliance

DATE: August 17, 1961

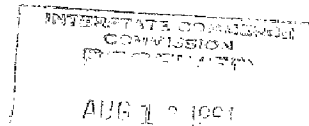
FROM Roy R. Walker, Special Agent
Fort Worth, Texas

SUBJECT: File: D- Alleged racial discrimination practiced against
various "Freedom Riders" at the Union Station
Coffee Shop, Houston, Texas, August 11, 1961.

This will supplement my memorandum of August 16, 1961 about the above subject.

There is attached hereto as Appendix (C), photocopies of each of the eleven railroad tickets exchanged at the Union Station ticket agency, Houston, Texas on Friday, August 11, 1961, together with a photocopy of the SP ticket for which it was exchanged. I have stapled a note to the first five tickets, identifying that specific ticket with the individual who was in possession of it on Monday, August 14, 1961.

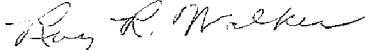
At a later date, I hope to be able to procure reference to the holders of the remaining 6 tickets that were issued by the SP at Los Angeles, California, along with copies of the interstate tickets that were purchased at Houston, Texas by the 7 individuals who joined the California group at Houston.



RECEIVED
AUG 1 9 1961
U.S. DEPARTMENT OF COMMERCE

In explanation of the exchange tickets, the "WJB" shown on the tickets stands for SP's Ticket Agent Branch; one of his clerks authorized the exchange. "Rooney" is Santa Fe's Division Passenger Agent - he had nothing to do with the exchange.

Respectfully submitted,


Roy R. Walker
Special Agent

RRW:vr

Att.

UNITED STATES GOVERNMENT

Memorandum

TO: Mr. A. Henry Walter, Director
Bureau of Inquiry and Compliance

DATE: August 16, 1961

FROM: Roy R. Walker, Special Agent
Fort Worth, Texas

SUBJECT: File D- Alleged racial discrimination practices against
various "Freedom Riders" at the Union Station
Coffee Shop, Houston, Texas, August 11, 1961.

Complying with instructions received Sunday, August 13, 1961 via long distance telephone, I have visited Houston, Texas and conducted an investigation into the incident which took place at the Union Station Coffee Shop on Friday, August 11, 1961 at Houston, Texas in connection with 11 Freedom Riders from California and 7 Freedom Riders from Houston, Texas.

On Monday, August 14, 1961, I called at the City Jail, 61 Reasoner Street, Houston, Texas and requested of Mr. Edward J. Muellering, Superintendent, Identification Bureau, access to files on the group of people who were arrested at the Union Station Coffee Shop on Friday, August 11, 1961. I was allowed to copy information from the identification sheets on all individuals who were arrested and placed in jail as a result of the incident.

Some of the records, according to Mr. Muellering, contained erroneous information, as several of the individuals who were white were listed as colored on their identification sheets.

Attached to this memorandum as Appendix (A) is a list of the names and addresses of all 18 of the people who took part in the incident at the Union Station Coffee Shop.

When the group was arrested at the Union Station Coffee Shop, 501 Crawford Street, Houston, Texas, they were first taken to the City Jail at approximately 3:30 P.M. on Friday, August 11, 1961. The same day they were transferred to the County Jail. The arresting officer was Lt. W. Scotton.

At the County Jail, I interviewed 5 of the individuals who were listed as colored on the identification sheets. They were: Robert Charles Farrell; Clarence Charles Berrard; Ronald Peter LaBostrie; Marjorie Marion Dunson; and Ellen Margaret Kleiman. The last mentioned was found to be white when I reached the County Jail and I requested an interview with her.

I was allowed to procure reference to the ticket numbers of each of the 5 persons interviewed.

Interviewing Mr. Robert Charles Farrell, that gentleman stated that he had purchased the round-trip ticket at the terminal at Los Angeles, California. There were two numbers on the ticket, one printed: Form Exch 1575, the other written in Form: card No. 09470. Los Angeles, California to Houston, Texas and

return. Issued by: SP 8-9-61.

Mr. Farrell stated that they were arrested up at the lunch room inside the Union Station. He stated that at the time he arrived, Mr. J. D. Burleson was more or less blocking the door. He stated that one entrance was closed and that Mr. Burleson was only admitting people through one door. He stated that for a time Mr. Burleson was selective about the people he allowed to enter, but that after a time, he left his post at the door and the group went inside. He stated that the waitresses were not to wait on anyone that they did not know. Mr. Farrell stated that he did not have the opportunity to request service or to show his interstate train ticket. He stated that he did want to be served and that he was prepared to ask for service if given the opportunity and to show his interstate train ticket. Mr. Farrell confirmed the address shown on Appendix (A) as being correct, and stated that he could be reached at that address if a subpoenae was served.

Mr. Clarence Charles Berrard was interviewed at the County Jail on August 14, 1961. That gentleman confirmed the address listed on Appendix (A) as being correct, and stated that he could be reached at that address if a subpoena was served.

He stated that he purchased his round-trip ticket at the Union Station at Los Angeles, California. The ticket, which was in his locker at the County Jail at the time of my investigation, bore the following numbers: Form Exch. 1574. Form: Card No. 09469. Los Angeles, California to Houston, Texas and return. The ticket Issued for: Santa Fe. Issued by: SP 8-9-61. Mr. Berrard was asked if he requested service at the Union Station Coffee Shop and if he showed his interstate train ticket. He stated that when they reached the entrance to the coffee shop and found Mr. J. D. Burleson blocking the door, that their spokesman, Mr. Bob Kaufman, told Mr. J. D. Burleson that they were interstate passengers and that they held interstate train tickets, and that by Federal law they were entitled to entrance to the coffee shop and service. Mr. Berrard stated that Mr. Burleson stated that he did not care about the Federal law, that they could bring on the Federal law. Mr. Berrard stated that at no time did Mr. Burleson tell the group to leave.

Mr. Ronald Peter LaBostrie was interviewed at the same time that Mr. Berrard was interviewed. He held interstate ticket Numbers: Form Exch 1576. Form: Card No. 09571. Los Angeles, California to Houston, Texas and Return: Issued for: Santa Fe. Issued by: SP 8-9-61. Mr. LaBostrie confirmed the address

shown on Appendix (A) as being correct, and stated that he could be reached at that address if a subpoenae was served. He confirmed the statements of Mr. Berrard as being correct.

Mrs. Marjorie Marion Dunson was interviewed at the County Jail on Monday, August 14, 1961. She had in her possession interstate train ticket No. Form Exch. 1578. Form: Card No. 09473. Issued for: Santa Fe. Issued by: SP 8-9-61. From Los Angeles, California to Houston, Texas and return. Mrs. Dunson confirmed the address shown on Appendix (A) as her correct address and stated that she could be reached at that address if a subpoenae was served. Mrs. Dunson stated that Mr. Burleson stood at the door and told them that they couldn't come in. She stated that after about 15 minutes Mr. Burleson walked away from the door completely and when he walked away from the door, he stood and watched them come in and then he went to the telephone, and later left the coffee shop. Mrs. Dunson stated that Mr. Burleson did not insult any of them or mistreat any of them. She stated that at no time did they offer to serve her. She stated that she motioned or beckoned to the waitresses several times for service, and that one waitress told them she was sorry she could not wait on them.

Mrs. Dunson stated that when she first entered the Union Station Coffee Shop that she sat in a booth, but that she later moved to the counter. She stated that she had been sitting at the counter for over an hour before Mr. Burleson returned with the police with John and Jane Doe warrants for their arrest. Mrs. Dunson stated that she purchased her interstate train ticket at the terminal at Los Angeles, Calif.

I also interviewed Miss Ellen Margaret Kleiman, whose address was listed as 1521½ Commonwealth, Los Angeles, Calif. on the identification sheet. Miss Kleiman, when asked to confirm the address, stated that she had to give up her apartment when she left for the trip to Houston, and that the only address she could give through which she could be reached was that of her parents. She gave as the name and address of her father: Harry A. Kleiman, 608 North Avenue 53, Los Angeles 42, California. Miss Kleiman was listed on the identification sheet as being colored and she was first incarcerated in the colored block, but it was later found that she was white and she was transferred from the colored block to the white block of cells. When asked her nationality, she stated that she was Caucasian. Miss Kleiman stated that after they gained entrance to the coffee shop that

she beckoned to the waitress and that she was ignored. She stated that the waitresses would not look at them. She stated that they did not offer to serve them and gave them no opportunity to give an order. She stated that some of the group sat at the counter and some of them sat in booths. She stated that they sat there until the owner came back with two policemen and warrants. Miss Kleiman asked several times if I did not wish to talk with her other friends, and asked if I would speak with their attorney, Mr. George Washington, Jr. She gave his telephone number as CA-7-0186. Miss Kleiman's ticket showed the following Numbers: Form Exchange ticket 1570. Form Card No. 09465. It was issued for: Santa Fe. ISSUING ROAD: SP 8-9-61.

Mr. J. D. Burleson, sub-lessee and operator
of the dining facility described as the Union
Station Coffee Shop, Houston, Texas.

I called at the Union Station Coffee Shop, 501 Crawford Street, Houston, Texas on the afternoon of August 14, 1961 and requested an interview with Mr. J. D. Burleson. The cashier stated that he had left for the day, but that she would contact him by telephone for me. In telephone conversation with Mr. Burleson, he stated that he had been alerted prior to their arrival that a group of Freedom Riders were going to come into his restaurant

that day. He stated that he did not want them to come into his place at all. He stated that they came there for the specific purpose of demonstrating, and that their real purpose was not to be fed. He stated that when colored interstate passengers came into the restaurant and ask^d to be served that he has a table out in the kitchen where he will serve them if they so desire, but that he knew this group to be trouble makers and that he told his waitresses not to serve them before they arrived. He stated that he closed and locked the entrance door that opened from the platform and that he stood at the door entering from the lobby of the Union Station for a time and kept the group out of the restaurant. He stated that there were so many of them standing around the doorway that it was interfering with business and he moved aside and let them in. He stated that it was approximately 1:30 P.M. when the demonstration began. He stated that a white girl sat at one of the booths between two colored men and that three or four were in another booth, that three or four went to the south end of the counter, and that the rest of them occupied seats on the front counter.

Mr. Burlison stated that the only way that he can get action on having the people removed from the restaurant is for

him to go and file charges against them and have warrants issued. He stated that he filed charges and had warrants issued for the arrest of the entire group in his restaurant on Friday, August 11, 1961. Mr. Burleson is firm in his position that he does not consider his restaurant a facility set up for the purpose of serving Interstate railroad passengers.

All 18 of the people were arrested on charges of unlawful assembly.

UNION STATION, HOUSTON, TEXAS

The board showing trains arriving and departing from the Union Station at Houston, Texas, shows the following Lines:

Santa Fe

Missouri Pacific

Fort Worth & Denver Ry.Co. Rock Island

The Santa Fe shows Train 65 California Special From: San Francisco-Los Angeles, Arizona, New Mexico and West Texas as Due to arrive Houston 8:15 A.M. daily. On Friday, August 11, 1961, this train No. 166 from the above points as arriving Houston at 9:35 A.M. with Conductor Davidson on August 11, 1961.

The Fort Worth and Denver Ry. Co. shows Train 17 Twin Star Rockett From: Pacific Coast-Denver-Amarillo, Fort Worth, Dallas. Due arrive Houston: 2:15 P.M. daily.

No other trains are shown as arriving from the West Coast.

MR. HAMAH R. KING
WASHINGTON, JEFFERSON & KING
ATTORNEYS AT LAW
3507-A WHEELER STREET
HOUSTON, TEXAS

On the afternoon of Monday, August 14, 1961, I called at the law offices of Washington, Jefferson and King and requested an interview with Mr. George Washington, Jr., who was represented by the individuals interviewed at the County Jail to be their attorney. Mr. Washington was out of the office and I was referred to Mr. King. Present at Mr. King's office at the time of my call was Mr. John Wildenthal, Jr. Mr. Wildenthal first stated that he was just an interested citizen. Messrs. King and Wildenthal asked if Mr. Wildenthal might be allowed to remain in the office while I was speaking with Mr. King and I did not object. When we exchanged business cards, Mr. Wildenthal's card read: John Wildenthal, Jr., Attorney at Law, 3733 Westheimer, Houston 27, Texas. Mr. Wildenthal said that some time back he was employed in Washington on Vice President Johnson's staff. He stated that he had called Washington, D.C. in July about the alleged racial discrimination practiced against Dorothy M. Henry and Loretta M. Thompson at the Union Station Coffee Shop, Houston, Texas.

Mr. King advised me that all 18 of the persons that were arrested at the Union Station Coffee Shop held interstate train tickets. He stated that he was not sure, but that he thought the tickets for the group from Houston were to DeQuincy, Louisiana. He stated that due to some difficulty at the County Jail that bail had been posted for four of the white men and that they had been released. He stated that the rest of the group was in the County Jail at 4:30 P.M. Monday, August 14, 1961.

I asked Mr. King if he would be good enough to arrange to have all 18 of the persons that were arrested at the Union Station Coffee Shop to take their train tickets down to the Interstate Commerce Commission at the Federal Office Building and have Mr. John C. Redus of the Bureau of Motor Carriers make photocopies of them. It was explained to Mr. King that all except 4 of the tickets were in custody at the County Jail and that it would be a very involved and difficult thing to accomplish reproduction of them while they were being held in custody. Mr. King stated that he would do that, although he was unable to state when the group would be released, or when they would stand trial.

Before my departure from his office, Mr. Andrew L. Jefferson, Jr. came in. The interview was almost over when that gentleman arrived.

MR. LEWIS CUTRER, MAYOR
CITY HALL
HOUSTON, TEXAS

I called at the office of Mayor Cutrer on the afternoon of Monday, August 14, 1961, but was unable to speak with that gentleman. I inquired of the receptionist if she knew anything about the brief the Mayor had requested the City Attorney to make up in regard to the position of the City of Houston's position in connection with the integration of the Union Station Coffee Shop. I was referred to City Attorney R. H. Burks office, and his secretary, Mrs. McRea, was asked about the brief that was to be prepared by the City Attorney and sent to Commissioner Hutchinson. Mrs. McRea conferred with City Attorney and returned to tell me that he knew nothing about such a brief, and that he had not prepared one. (

MR. J. T. ALEXANDER, PRESIDENT AND GENERAL MANAGER
HOUSTON BELT AND TERMINAL RAILWAY COMPANY
UNION STATION, HOUSTON, TEXAS

I interviewed Mr. J. T. Alexander on Monday, August 14, 1961 about the demonstration at the Union Station Coffee Shop on August 11, 1961. Mr. Alexander gave me photocopies of newspaper articles in connection with the matter and those articles are attached as Appendix (B).

Mr. Alexander stated that since the restaurant was leased to Mr. J. D. Burleson that the Houston Belt and Terminal Railway Company was not in a position to take any action. He stated that the rest of the Union Station had been integrated for some length of time.

Mr. Alexander called me long-distance at headquarters in Fort Worth, Texas on Wednesday, August 16, 1961 and advised me that the group of eleven passengers that came into Houston from California on August 11, 1961 had come into Houston on the Southern Pacific Railroad. He stated that the Southern Pacific station did not have a lunch room or restaurant in it. He further advised me that all eleven of the tickets of the group that arrived from California were exchanged on Friday, August 11, 1961 at about noon at the ticket office at the Union Station. The exchange was made to change the tickets from the Southern Pacific to the Santa Fe. He stated that each of the eleven exchange tickets was made out for R. P. Kaufman, 2734 Haste, Berkley, California.

Mr. Alexander stated that Mr. Watkins Deer, ticket clerk and Mr. W. M. Gentry, Ticket Agent at the Union Station, Houston, Texas, handled the transaction. Mr. Alexander stated

that all the tickets for the 11 people that arrived from California were sold at Los Angeles on August 9, 1961. He stated that R. P. Kaufman gave as the reason for exchanging the tickets that they could not get reserved seats on the Southern Pacific. Kaufman did not request reserved seats on the exchange Santa Fe tickets and gave as the reason that they did not know when they would go back.

Mr. Alexander stated that the Ticket Agent at the Union Station had the California tickets that were surrendered in exchange in his possession, as well as copies of the exchange tickets, and that he would have photocopies of these tickets made and send them to me at Fort Worth, Texas. The photocopies of the tickets will be forwarded to you immediately when they are received.

The Southern Pacific passenger train Sunset arrived at the Southern Pacific Station at Houston, Texas at 9:55 A.M., Friday, August 11, 1961. Mr. Alexander stated that he spoke with Mr. Hamah King of the law firm Washington, Jefferson and King, and that Mr. King confirmed that all of the 11 California interstate passengers arrived in Houston on Friday, August 11, 1961 on the Southern Pacific train.

MISCELLANEOUS

On Tuesday morning, August 15, 1961, I called at the Interstate Commerce Commission and spoke with Mr. John C. Redus, District Supervisor, Bureau of Motor Carriers, about the matter and told him that Mr. Hamah King of Washington, Jefferson and King had told me that he would have all 18 of the people involved in the incident at the Union Station Coffee Shop on August 11, 1961, go into the Interstate Commerce Commission office with their tickets and that Mr. John C. Redus would have the tickets photocopied and returned to the individuals. I requested Mr. Redus to be sure that each of the tickets was identified with the individual in possession of it.

Respectfully submitted,



Roy R. Walker
Special Agent

Appendix (A)

List of 18 people arrested at Union Station Coffee Shop, Houston, Texas, on the afternoon of August 11, 1961, on charges of unlawful assembly. The list contains name, address, race, sex and Identification Number in records of City Jail, 61 Reasoner Street, Houston, Texas.

FARRELL, Robert Charles, 514 East 33rd Street, Los Angeles, Calif.
Negro - Male. Identification Number 113998.

BERRARD, Clarence Charles, 4457 Lexington Avenue, Los Angeles, Calif.
Negro - Male. Identification Number 114004.

LA BOSTRIE, Ronald Peter, 2663 Cimmaron, Los Angeles, Calif.
Negro - Male. Identification Number 114000.

DUNSON, Marjorie Marion; Sterling (nee), 1843 W. 47th, Los Angeles, Calif. Race: Jamacian (British subject). Emigrant. - Female.
Identification Number 114001.

KLEIMAN, Ellen Margaret, 1521½ Commonwealth, Los Angeles, Calif.
White - Female. Identification Number 114006.

KOVNER, Patricia Ann, 4253 Fulton, Sherman Oaks, Calif.
White - Female. Identification Number 114007.

RADCLIFFE, Beverly Dell, 1126 Randall Court, Los Angeles, Calif.
White - Female. Identification Number 114008.

KAUFMAN, Robert Paul, 2734 Haste, Berkley, Calif. White - Male.
Identification Number 113999. *Mem Exec Bd San Calif Dist Comm Party*

SANFIELD, Stephen Howard, 1533½ N. McAdden Place, Hollywood 28, Calif.
White - Male. Identification Number 114005.

McNICHOLS, Steven Everett, 930 N. Edgemont, Los Angeles, Calif.
White - Male. Identification Number 114003.

STEVENSON, Joseph McClendon, 2101 Stanley Hills Drive, Hollywood, Calif. White - Male. Identification Number 114002.

JONES, Robert Earl, 2520 Staples, Houston, Texas. Alias: Johnson, Robert L.; Jones, E. R. Negro - Male. Identification Number 35260.

continued

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Appendix (A)

HOGROBROOK, Holly Adrienne, 2119 Winburn, Houston, Texas.
Negro - Female. Identification Number 114010.

HANDY, "Willie" H., 4002 Market, Houston, Texas. Negro - Female.
Identification Number 114009.

HAMILTON, Herbert Wilkie, 10513 Murr-Way, Houston, Texas.
Negro - Male. Identification Number 110636.

HUTCHINS, John Dane, Jr., 2206 Dowling, Houston, Texas.
Negro - Male. Identification Number 111907.

JONES, Eddie Douglas, 3205 Calumet, Houston, Texas. Negro - Male.
Identification Number 111102.

MOODY, Marion Marie, 601 East 39th, Houston, Texas. Negro - Female.
Identification Number 111004.

Assistant Director Paul J. Reider
Section of Car Service

Houston 14, Texas
August 15, 1961

Wm. S. Reese
Safety & Service Agent Wm. S. Reese

Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

I am attaching other newspaper clippings taken from
the Houston Chronicle and the Houston Post, dated August 12,
1961, for your information.

cc: Zone Supervisor Handy

*8/15/61
Ms. Thompson ✓*

The HOUSTON CHRONICLE
August 12, 1961

'Rider Assault Upon Houston Starts; 18 Held

Houston's Union Station Coffee Shop apparently is the target for the first Houston invasion of out-of-town "freedom riders."

Eleven Californians were among 18 persons in jail Saturday after an attempt to integrate the train station coffee shop in the South's largest city.

Those arrested remained in the county jail after they refused to make bond.

Predicts "Waves"

A prominent Negro in Houston, who has helped to finance integration attempts by the local Progressive Youth Assn., said "waves of freedom riders are going to come to Houston in the next few months."

One of the "freedom riders," Robert Kaufman, 23, a graduate American History student at the University of California at Berkeley, said, "I wouldn't be surprised if more and more people come here from out of town."

Kaufman, who is white, was

(See RIDERS, Page 2).

RIDERS --

(Continued From Page 1)

acting as spokesman for the group of Californians.

Trips Paid

He said The Congress of Racial Equality (C.O.R.E.) had sponsored and paid for the trip he and the 10 others made to Houston.

The New York-based organization has been heading "freedom rider" campaigns throughout the South.

"We were contacted in Los Angeles by C.O.R.E. to make the trip here to test the statement of your mayor," Kaufman said.

Mayor Lewis Cutrer said two weeks ago that holders of interstate tickets will not be arrested at the coffee shop by police unless someone else files complaints.

The 11 Californians arrested Friday night had traveled to Houston from Los Angeles on round trip tickets.

Unlawful Assembly

The group of Negroes and whites was arrested after coffee shop operator James D. Burleson, 4063 Merrick, swore out John and Jane Doe warrants charging them with unlawful assembly.

Until the demonstration Friday, integration attempts at the coffee shop, downtown restaurants and movie theaters have been carried out by the local P.Y.A.

First Such Attempt

This was the first attempt by a large group of out-of-towners sponsored by C.O.R.E.

The Californians arrested and jailed were: Kaufman, Mrs. Marjorie Dunson, 30; Robert C. Farrell, 24; Ronald P. Labostrie, 26; Miss Patricia Ann Kovner, 20; Miss Beverly Radcliffe, 23; Miss Ellen Kleinman, 19; Steven E. McNichols, 22; Clarence C. Bernard, 21, all of Los Angeles.

Also, Stephen H. Sanfield, 18, and Joseph McClendon, 18, of Hollywood.

The Houstonians jailed were: Eddie Douglas Jones, 19, 3205 Calumet; Herbert Hamilton, 20, 10513 Murr Way; John D. Hutchings, 20, 2206 Dowling; Miss Holly A. Hogrobrooks, 20, 2119 Win-

bern; Miss Marion M. Moody, 19, 601 E. 39th; Robert E. Jones, 32, 2520 Staples, and Willie H. Handy, 18, 4002 Market.

11 'Freedom Riders' Arrested at Station

California Group Goes to Jail Rather Than Post \$500 Bonds

Eleven "freedom riders" from California—seven of them white—were arrested Friday afternoon in the Union Station Restaurant on John and Jane Doe warrants charging unlawful assembly.

Seven Houston members of the Progressive Youth Association were arrested with them.

THE CALIFORNIA group's white spokesman, Robert Kaufman, 23, of Berkeley, said:

"This is a definite attempt to test integration in Houston."

Kaufman said his group, sponsored by the Congress of Racial Equality, arrived in Houston about 10 AM Friday by train.

He said they were traveling on round-trip tickets from Los Angeles to Houston.

The "freedom riders" went to jail rather than post bonds of \$500 each. Kaufman said they would not post the bonds and would serve out any sentence.

"WE ARE ON vacation," he said. "We hate for it to be this kind, but we feel that we are doing our duty."

All the demonstrators identified themselves as students.

Kaufman said his group called the Progressive Youth Association and then went to the coffee shop in the Union Station about 2:30 PM.

They talked to the coffee shop manager, James D. Burlison of 4063 Merrick Drive.

Kaufman said Burlison told them he would let them in as soon as the coffee shop got empty. But, he said, Burlison disappeared somewhere, and they filed in and took seats.

BURLESON WENT to Justice of the Peace Tom Maes' court and swore out 11 John Doe and nine Jane Doe warrants. The court requested police to serve the warrants.

Two weeks ago Friday, Mayor Lewis Cutrer decreed after a conference with Negro attorneys that no legitimate travelers would be arrested in the station restaurant unless warrants were sworn out against them.

He so decreed after City Atty. Richard Burks said the restaurant cannot legally refuse service to any interstate traveler.

Police Chief Carl Shuptrine was on vacation Friday. Assistant Chief George Seber said his officers were simply executing warrants.

"WE WILL NOT file charges ourselves on people in interstate travel," he said.

The Californians arrested in

addition to Kaufman were: Mrs. Marjorie Dunson, 30, Robert C. Farrell, 24, Ronald P. Laboshrie, 25, Miss Patricia Anna Kevner, 20, Miss Beverly Radcliffe, 23, Miss Ellen Kleinman, 18, Steven E. McNichols, 22, Clarence C. Berrard, 21, all of Los Angeles.

Also, Joseph McClendon Stevenson, 18, and Stephen H. Sanfield, both of Hollywood.

The Houstonians arrested were:

Robert F. Jones, 32, of 2520 Staples St.; Miss Holly A. Hogo-brook, 20, of 2119 Winbern St.; Willie H. Handy, 18, of 4002 Market Street; Miss Marion M. Moody, 19, of 601 East 39th Ave.

Also, John D. Hutchings, 20, of 2206 Dowling St.; Herbert Hamilton, 20, of 10513 Murr Way, and Eddie Douglas Jones, 19, of 3205 Calumet Drive.

WHILE THE demonstrators failed to desegregate the coffee shop, Jones noted that they did desegregate the city jail Friday.

For the first time, Negro and white demonstrators were put in the same cells.

"I understand," Kaufman joked from his jail cell, "that this is the only integrated hotel in Houston."

August 14, 1961

Telephone conversation between Special Agent Roy Walker at Houston, Tex.,
and Director Walter:

S.A. W: I have checked and am nearly through but have not had an opportunity to get to Union Station.

Dir. W. Was that service at Union Station or Southern Pacific?

S.A. I think at Union

Dir. Did they come in on Union Pacific

S.A. I think it was the Santa Fe.

Dir. That comes in at Union Station doesn't it?

S.A. I guess so. I have been out to the County jail and City jail. They let 5 of the people out. I have interviewed the negroes who had tickets from California; one girl was Jewish and not negro. I have the train ticket numbers. None of them had an opportunity to show the tickets at the station where they tried to get lunch service. The waitress wouldn't wait on those tables.

Dir. They didn't offer to display interstate tickets?

S.A. Each said they were not asked to display them. Mr. Burleson met them at the door and barred them with his arms. He ~~kept~~ kept them out for a while and finally he left the door and they all came in but he would not serve them and I think he spoke to a white man who was the spokesman. Believe his name was Bob Coffman. He told Mr. Burleson they were interstate passengers and wanted service and explained the Federal laws to Mr. Burleson. Mr. Burleson said he ~~didn't~~ couldn't be bothered with Federal laws. But I have not yet had the opportunity to talk to Burleson today.

Dir. Have you talked to police officers?

S.A. No sir, have not talked to the arresting officers.
I just a few minutes ago got access to the tickets. I saw each ticket. They were in lockers. There are two sections -- men's in one and women's in another. I had to take each one in a room and talk to them and took quite a while for each and then I had to get hold of the tickets from the locker room.

Dir. You didn't meet with any resistance on the part of the jail authorities?

S.A. No sir, they were all very cooperative, even the freedom riders. Made some remark as to what they are to do. It was terribly hot in there.

Dir. How many interstate passengers were refused service, were there seven of them, - four I guess.

S. A. Four colored, and a great many interstate passengers were refused service. Four of the people were considered Caucasian. There was one colored girl and there were three colored men, all the others were white. I did not have an opportunity to interview a white man.

Dir. You might interview one white man.

S.A. I heard someone mention that two of these women are immigrants. They were going to ship them to Brownsville, Tex.

Dir. Meaning immigrants from Mexico.

S.A. No sir, I imagine they were going to deport them. They were white.

Dir. Do you have your photostat equipment with you?

S.A. No sir, but I imagine I can borrow some.

Dir. Think you can get those tickets long enough to get photostats of them.

S.A. I would have to request permission to get them out of the locker but I am not certain I can accomplish it. I might accomplish it after the people get out. There is a locker in the women's section and one in the men's section and I would have to set up equipment in the two different places to take pictures.

Dir. Do you think you can finish there today. Is Reese with you?

S.A. No, he is in Louisiana this week. Apparently he was not in Houston on the week end. I had to come by myself.

Dir. If you encounter too much trouble in getting the tickets to photostat tell the holders of the tickets ~~to~~ when they go out of jail to go to the Bureau of Motor Carriers office to get photostats made.

S.A. They have given me the name of their attorney. His name is George Washington, Jr. I think I can get the tickets photostated when they get out of jail.

Dir. You are taking the numbers of the tickets of everyone?

S.A. Yes.

Dir. There is no doubt in your mind that it is the Union Station

S.A. It is the same station. I don't know what the trouble was regarding the whites.

Dir. You are going to Ft. Worth when you finish.

S.A. Yes sir, but I would like to interview Burleson before I leave.

Dir. You won't have time to write your report today.

S.A. No I don't think so. I will write it when I get back to Ft. Worth.

Dir. One other question I would like to ask you, let me think what it is.

S.A. I have got all the names and addresses where these people can be reached; that is the four colored and one white person.

Dir. While you are there call the Mayor's office or drop in and ask him about the brief. He told Reese when he was there the City Attorney prepared a brief on the City's ~~partic~~ position in this matter and was going to send it to the Chairman. We haven't got it yet. Will you ask him if it has been mailed and tell him we would like to have it as soon as possible. He was going to send it to Chairman Hutchinson. I want that particularly to cover the point of arresting people on complaint of Burleson.

S. A. Yes sir. Every one was charged with unlawful assembly.

Dir. Were they arrested by complaint of Burleson or without complaint.

S.A. Burleson went away and came back with the policeman and had John Doe and Jane Doe warrants.

Dir. They were not told they would not be served?

S.A. The waitresses wouldn't go to their booth to serve them. One waitress went over and told them she couldn't serve them. No one had an opportunity to place an order.

Dir. The one person was refused service?

S.A. Mr. Burleson met them at the door refusing service to all of them. Should I get each of the newspapers that came out.

Dir. Yes I would like to have them but of course I can't rely on what the newspapers say. That is why I wanted you to go there. If you have time to write your report, write it today, otherwise write it when you get back to Ft. Worth.

UNITED STATES GOVERNMENT

Memorandum

TO Mr. A. Henry Walter, Director
Bureau of Inquiry and Compliance

DATE: August 2, 1961

FROM Bureau of Safety and Service

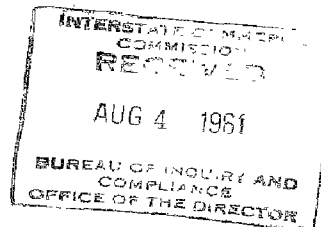
SUBJECT: Alleged racial discrimination practiced against
Dorothy M. Henry and Loretta M. Thompson at the
Union Station Coffee Shop, Houston, Texas. (D-79)

Attached hereto is copy of a report from Safety and
Service Agent Wm. S. Reese (the original of which was given to
you in person) concerning an investigation made by Agent Reese
at your request.


C. W. Taylor
Director

Attachment

cc: Zone Supvr. Doss Handy (Dallas)
Agent Wm. S. Reese (Houston)



UNITED STATES GOVERNMENT

Memorandum

PK

TO Assistant Director Paul J. Reider DATE: August 1, 1961
Section of Car Service

FROM Safety & Service Agent Wm. S. Reese

Houston 14, Texas

SUBJECT: Alleged racial discrimination practiced against Dorothy M. Henry and Loretta M. Thompson at the Union Station Coffee Shop, Houston, Texas. (D-79)

Mr. Walter of the Bureau of Inquiry and Compliance telephoned me at 2:30 pm, July 31, 1961 requesting further information in connection with the above-mentioned subject.

He wanted me to discuss with Mayor Lewis Cutrer of the city of Houston and determine their policy in regard to the arresting of these people when they have interstate rail tickets. Also, endeavor to have Mr. Cutrer write Chairman Hutchinson of their views in the matter. And too, I was requested to interview Mr. Burleson further to determine if he had made any change in his policy of refusing service to persons when they hold interstate rail tickets.

This morning Mr. Walter ask me to investigate the statement made in the Houston Chronicle dated July 30, to the effect that Attorney George Washington, Jr. intended filing a request in the Federal court asking for an injunction to stop Mr. Burleson from refusing service.

I was unable to discuss this matter with Mayor Cutrer until 9:00 am this morning. His position is that when the police are called, they will, before making an arrest, determine if the person or persons have a rail ticket or other evidence showing that they are interstate passengers. If it is determined that they are interstate passengers, no arrest will be made--unless, a charge is filed by Mr. Burleson and a warrant issued for arrest, then the police will have to abide by it. Mr. Cutrer stated further that he was having their attorney prepare a brief outlining their policy, which would be sent to Chairman Hutchinson within a few days. A copy of this brief will be furnished me; and upon receipt of same, it will be transmitted to you for your information.

Further discussion with Mr. Burleson reveals that there has been no change from his original policy, and that he has no intention of changing. He states that he will continue refusing service whether they hold a ticket or not, and charges will be filed against them when they enter his establishment.

Asst. Dir. Paul J. Reider

August 1, 1961

My investigation in connection with the Houston Chronicle article to the effect that Attorney George Washington, Jr. would ask for an injunction in the Federal court to cause Mr. Burleson to cease refusing service reveals that no such action has thus far been taken, and it is evident that Attorney Washington was misquoted. In fact, I talked with him; and he states that he did not and does not intend taking such action. He feels that this should be instituted by us "ICC".

As additional information, Eldrewey Stearnes, President of the Progressive Youth Association, with two other persons, none of which had rail tickets, were arrested on July 21 for a "sit-in" at the Union Station Restaurant. Stearnes elected to stay in the county jail rather than make bond after being charged with unlawful assembly in the restaurant. A writ of habeas corpus was filed by his attorney in Federal court to obtain his release. The hearing was scheduled for July 28, at which Federal Judge Allen B. Hennay granted a motion by the District Attorney to dismiss a petition for a writ to free Stearnes. Judge Hennay said his court lacked jurisdiction and that pleadings did not establish "extra-ordinary circumstances" which would empower it to act. Stearnes was finally released from jail July 30 on a \$400 bond, and nothing further has developed up to this time.

WSR/r1
cc: Zone Supervisor Handy

Cutrer's Aid In 'Sit-Ins' Requested

Mayor Lewis Cutrer was urged Wednesday night to intervene in the arrests of Negroes at the restaurant in Houston's Union Station "as a Southern solution to a Southern problem."

A telegram was sent to the mayor's office in the City Hall by George Washington Jr, an attorney who has represented Negroes who were arrested while seeking service in the restaurant.

WASHINGTON urged Cutrer in the 200-word telegram to issue a directive "prohibiting the unlawful arrests of persons seeking to enjoy their rights."

The mayor could not be reached Wednesday night for comment on the situation.

The request for intervention came on the eve of a habeas corpus hearing in federal court here seeking to free Eldrewey Stearnes from the Harris County Jail on the grounds that his arrest was unwarranted.

Stearnes, executive director of the Progressive Youth Association, was charged with unlawful assembly last Friday when he was arrested while seeking service at the Union Station restaurant.

ASSOCIATES of Washington who filed the writ in federal court said they would argue that discrimination in interstate commerce facilities is prohibited by the Interstate Commerce Act.

Washington said he requested Mayor Cutrer's intervention to avoid future appeals to federal court to solve a local problem.

"I think there is a misconception that we as a minority group would like to run off to Washington and the Supreme Court to settle such things," Washington said.

"We think there has been too much buok passing to the federal courts. We have avoided that as long as we could.

"AND WE STILL feel we can solve our problems without going out of Houston."

Washington said he viewed this as a Southern solution to a Southern problem.

Mayor Holds Meeting On Union Restaurant Sit-Ins

As far as the City of Houston is concerned, the coffee shop at the Union Station is desegregated for all bona fide, train travelers.

This was the decision at a meeting Thursday afternoon of Mayor Lewis Cutrer; Police Chief Carl Shuptrine and his top officers, and the attorneys for Eldrewey Stearnes, the 27-year-old leader of the restaurant sit-down demonstrations in Houston.

THE MAYOR explained it this way:

From now on, when city police are called to the coffee shop on complaints of demonstrations, the officers will check for tickets and other evidence that the persons in question are travelers. If they have tickets or other evidence, the police will not arrest them.

However, if the operator of the coffee shop then files a complaint of unlawful assembly in a justice of peace court and the court issues warrants or arrests, the police will make the arrests.

"We have no choice" but to make arrests after warrants are issued by the courts," the mayor explained. "But that is the only way in which bona fide travelers, involved in interstate commerce, will be arrested."

ON THE OTHER hand, those without tickets will be arrested and charged in corporation court with loitering the mayor said.

George Washington Jr, attorney for Stearnes, pointed out that the corporation courts and county criminal courts are dismissing loitering charges fairly consistently.

The meeting was held in the mayor's office Thursday after Washington appealed to Cutrer to stop the arrests "as a Southern solution to a Southern problem."

City Atty Richard Burks attended it and gave the opinion that the interstate passengers are legally entitled to eat in the coffee shop.

J. D. Bursleson, the restaurant operator, who has sworn charges against the demonstrators, did not attend.

EARLIER THURSDAY U. S. District Judge Allen B. Hannay dismissed Stearnes' petition for a writ of habeas corpus and the leader of the Progressive Youth Association went back to the County Jail.

Stearnes had refused to make bond when he was arrested with two "freedom rider" demonstra-

tors last week and stayed in jail to protest his arrest.

Judge Hannay ruled that he was not entitled to a hearing.

"You are asking us to anticipate that the trial in the county court-at-law will result in a conviction, but, of course, no one knows that it will," the judge said.

UNITED STATES GOVERNMENT

Memorandum

D+C-B-79

TO : Assistant Director Paul J. Reider DATE: July 28, 1961
 Section of Car Service
FROM : Safety & Service Agent Wm. S. Reese

SUBJECT: Alleged racial discrimination practiced against Dorothy M. Henry and Loretta M. Thompson at the Union Station Coffee Shop, Houston, Texas. (D-79)

This has reference to your memorandum dated May 24, 1961, concerning my report on the matter dated June 13, 1961.

Today I met and conferred with Special Agent Chapman, of the Bureau of Inquiry and Compliance, concerning this matter. After which, we interviewed Mr. J. T. Alexander, President of the Houston Belt and Terminal Railway Company, Mr. Quentin Bates, one of the HB&T attorneys, and also Mr. J. D. Burleson, owner of the Union Station Restaurant.

During the course of our interviews, Mr. Chapman cited the United States Supreme Court's decision on December 5, 1960 in the Boynton vs Virginia case, with which Mr. Alexander, Bates and Burleson were familiar.

The HB&T maintains the position that no laws are being violated, and that they would not be within their legal rights in attempting to force or compel Mr. Burleson to integrate. To do so, would, in their opinion, subject them to a possible damage suit. Mr. Burleson is still maintaining that his establishment is privately owned and has no connection whatever with the carrier; also that he has not violated any laws and is within his rights in refusing service to any person, whether they are travelers or not.

The foregoing is for your information. Also, I am attaching two more articles taken from the Houston Post, dated July 27 and 28, concerning these "sit-in" demonstrations.

cc: Zone Supervisor Handy

IOC Form No. 1001
March 1964

INTERSTATE COMMERCE COMMISSION

TRANSMITTAL SLIP

DATE

7/31/61

TO

Chairman Hutchinson

ROOM

4211

FROM:

A. H. Watter

ROOM

3341

THROUGH MAILS AND FILES

ACTION

- | | |
|--|--|
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> NOTE AND FILE |
| <input type="checkbox"/> DRAFT OF SUGGESTED REPLY | <input type="checkbox"/> NOTE AND FORWARD |
| <input type="checkbox"/> FOR COMMENT | <input type="checkbox"/> NOTE AND RETURN |
| <input type="checkbox"/> FOR CORRECTION | <input type="checkbox"/> PREPARE REPLY |
| <input type="checkbox"/> FOR SIGNATURE | <input type="checkbox"/> PREPARE FOR MY SIGNATURE |
| <input type="checkbox"/> FOR YOUR APPROVAL | <input type="checkbox"/> PREPARE REPLY FOR SIGNATURE OF CHAIRMAN |
| <input checked="" type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> RECOMMENDATION |
| <input type="checkbox"/> IMMEDIATE ACTION DESIRED | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> INITIALS | <input type="checkbox"/> TAKE APPROPRIATE ACTION |

COMMENTS:

UNITED STATES GOVERNMENT

Memorandum

TO: Mr. A. Henry Walter, Director ~~of~~ Bureau of Inquiry and Compliance DATE: July 28, 1961

FROM: A.M. Chapman, Special Agent
Fort Worth, Texas

SUBJECT: File D-79: Alleged racial discrimination practiced against Dorothy M. Henry and Loretta M. Thompson at the Union Station Coffee Shop, Houston, Texas

Complying with instructions received yesterday by telephone from you and Assistant to Director E.L. Murphy, I have visited Houston, Texas and discussed the above subject with the following persons, accompanied in each instance by Mr. Wm. S. Reese, Safety and Service Agent, who conducted the investigation for the Interstate Commerce Commission:

- (a) Mr. J.T. Alexander, President and General Manager, Houston Belt and Terminal Railway Company.
- (b) Mr. Quentin Bates, a member of the Law firm of Fulbright, Crocker, Freeman, Bates and Jaworski, Bank of the Southwest Building, Houston, Texas. Mr. Bates is counsel for Houston Belt & Terminal Ry. Co.
- (c) Mr. J.D. Burleson, sub-lessee and operator of the dining facility described above as the Union Station Coffee Shop, Houston, Texas.

Although the possibility of injunctive action or criminal prosecution, or both, were freely discussed without any apparent feeling on their part that these suggestions were being threatened at this time, the parties are adamant in their position that no law violations have occurred, and each indicates that any action against them will be resisted.

Having stated their position, each of these parties was asked to explain the grounds on which they base their decision. Their explanations are as follows:

Statements of J.D. Burleson

Mr. Burleson was questioned apart from the other two men, by me, in the presence of Safety and Service Agent Reese.

Mr. Burleson states that he has, in fact, refused service to members of the colored race; that he is currently refusing service to such persons; and that he plans to continue this policy until such time as a Court or other body of competent jurisdiction orders him to discontinue this practice.

Mr. Burleson states further that he has employed counsel, who has advised him to continue his present policies as indicated above; that his attorney informed him that the decision of the United States Supreme Court in Bruce Boynton v. Virginia, decided December 5, 1960, does not extend to conditions which exist at the Houston dining facility in question; and that this opinion of his counsel has been endorsed by an informal forum of seventeen attorneys who were consulted by Burleson's attorney.

Mr. Burleson informed us that he has no personal objection to integration of his dining facility, but it would be economic suicide for him to do so at this time, and that a restraining order would result in permanent closing of the facility. He explained that his pessimistic views ~~are~~^{are} based upon -

- (a) The Union Station dining facility takes in about \$300.00 per day.
- (b) The facility employs twenty-two (22) persons.
- (c) Eighty-five (85) percent of his trade is from persons who eat regularly with him, being employed in and around the Union Station area.
- (d) Twenty-five (25) percent or more of his regular trade would go elsewhere for their meals if this facility was integrated.

- (e) If this facility should be declared as one subject to Federal jurisdiction, the next step would be to order him to comply with Federal minimum wage standards, which would wipe out any possibility of a profit, considering the fact that other dining facilities in the immediate area would not be affected by such regulations.

The foregoing explanations are, no doubt, irrelevant to the issues here involved. However, they show that, in the mind of Proprietor Burluson, he must choose between opposing the integration of this facility or economic disaster.

Statements of J.T. Alexander
(in conjunction with Attorney Bates)

Mr. Alexander was the first of the three persons contacted. After he had stated his position as President of Houston Belt and Terminal Railway Company, in opposition to attempting the lessee or sub-lessee to be persuaded to integrate the dining facility in the Union Station, it was agreed that Mr. Quentin Bates, attorney for the Terminal Railway Company, should be called into the conference. Mr. Bates gave up a small portion of his vacation to join us, but, in the interim, Mr. Alexander borrowed my copy of the Supreme Court decision in *Boynton v. Virginia*, for his personal study and then for discussion in the presence of Attorney Bates.

The position of the Houston Belt and Terminal Railway Company, as expressed by President Alexander and concurred in by Attorney Bates, is as follows:

1. There is a valid and lawful lease from the Terminal Railway to H.T. Brandon, and an enforceable sub-lease of the dining facility to J.D. Burluson. As long as that lease runs (to 1964) and its terms are met by the sub-lessee, the Terminal Railway Company has no control over the policies of the tenant-operator of the dining facility.

2. The lease presently in effect carries a clause which permits cancellation of the lease in the event of violation, on the part of the lessee, of State or Federal laws. It is the position of the lessor that, until either the Interstate Commerce Commission or the Federal Courts have made a determination of this matter, the lessor has no grounds on which to base a cause of action against the lessee. //
3. The Terminal Railway Company is not opposed to integration of the dining facility in the Union Station. They are, however, apprehensive that such action would result in the discontinuance of the use of the facility for dining purposes.
4. The Terminal Railway Company maintains that the decision in the Boynton case is based upon facts so far different to those which exist at the Houston facility as to cause them to believe that the Court might well have rendered an opposite decision had the Houston facility been the one in litigation.

As the Terminal Company appears to be firmly convinced that their situation is different from that existing at the Richmond Terminal, which was the facility in question in the Boynton case, I asked Mr. Alexander to point out some of these differences to me. Some of them are, he states, as follows:

In the Boynton case the Court said: "We decide only this case, on its facts, where the circumstances show that the terminal and restaurant operate as an integral part of the bus carrier's transportation service for interstate passengers."

The Houston facility is not an integral part of the (railroad) carrier's transportation service. All trains coming into or leaving the terminal at or about usual meal hours carry dining cars or other eating facilities.

In the case of Dorothy Henry and Loretta Thompson, it is claimed that they came to the Union Station dining facility before five (5) o'clock in the afternoon when they were refused service. The train on which they planned to depart was not scheduled to leave until about 9:30 p.m. This, the Terminal people contend, does not give much flavor to the Court's dictum to the effect that "Interstate passengers have to eat", or that this restaurant constituted an "essential need" in their case.

- 5 -

There were other contentions, all of which I would consider to be of an argumentative nature. I have given you herein only enough to indicate the trend of the thinking as expressed to me by the persons interviewed at Houston.

I believe I have properly carried out your instructions in determining the attitude of the parties in question, and that I left no doubt in their minds that serious consequences might result if they maintain the position previously reported. I also feel that there is no animosity left behind as a result of this handling of a sensitive subject.


SPECIAL AGENT

UNITED STATES GOVERNMENT

AB

Memorandum

TO Assistant Director Paul J. Reider DATE: Houston 14, Texas
Section of Car Service July 25, 1961

FROM Safety & Service Agent *W.S. Reese* Wm. S. Reese

SUBJECT: Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

This has reference to your memorandum dated May 24,
1961, concerning the above-mentioned subject, and my report
on the matter dated June 13, 1961.

Attached is an article taken from the Houston Post,
dated July 23, 1961, which is related to this matter and is
for your information.

cc: Zone Supervisor Handy

Capital 2-72-01 X 26

Room 616-C

Houston, Tex

W.S. Reese

Ticket Holding Negro Arrested at Depot

Police Saturday night arrested a Negro youth on a charge of loitering at the Union Station Restaurant, despite the fact the youth had a railroad ticket to De Quincey, La.

Last week Mayor Lewis Cutrer ordered police not to arrest ticketholders at any terminal on loitering charges.

James Hollie, 21, of 3331 Burkett, a business major at Texas Southern University, was arrested on a complaint filed by James D. Burleson, 4063 Merrick, operator of the cafe at the railroad depot.

Burleson said Hollie and an unidentified Negro girl entered the cafe and asked to be served. Burleson claimed they refused to show railroad tickets. When he refused to serve them, the girl left. Burleson went to the police station and filed the loitering complaint.

Sgt. William H. Horn and Patrolmen P. D. Cubstead and L. W. Reddene arrested Hollie at the cafe, despite the fact he showed them his ticket.

Hollie was booked at the jail and released on a \$10 bond.

Police Chief Carl Shuptrine said:

"I feel the passenger was at fault in not showing Burleson his ticket. But I have told Capt. Otto Vahldick (in charge of the radio patrol on the night shift) that in the future, before we accept charges, we will make our own check to determine whether the accused has a ticket."

Hollie claimed Burleson did not ask him if he had a ticket. He said the arresting officers did not ask to see his ticket either, so he produced it voluntarily.

Hollie said he was a member of the Progressive Youth Assn., which has conducted the integration demonstrations here.

George Washington, of 3507 Wheeler, attorney for the P. Y. A., said he will seek an injunction in federal court Monday to stop Burleson from refusing to serve interstate passengers.

THE HOUSTON CHRONICLE 7/30/61

HOUSTON POST July 29, 1961 Desegregation Order At Rail Station Cafe Sought

Houston's Progressive Youth Association began a campaign Saturday to get the Interstate Commerce Commission to order the desegregation of the restaurant in the Union Station here.

The head of the association was in county jail Saturday night protesting the tardiness of the ICC in ruling on a complaint, and the association's attorneys promised to seek a federal court injunction if a ruling is not made soon.

ELDREWEY STEARNES, the executive director of the association, refused bond and is staying in jail on a charge of

unlawful assembly at the restaurant Friday afternoon.

"It's incumbent on the ICC to act on a previous complaint we made about the segregation of the restaurant," Stearnes said, "and I'll stay in jail until it does."

Stearnes was arrested and charged with two "freedom riders" on their way home to Arizona after 10 days in Mississippi jails. The Arizona couple were released from jail here Friday night on \$500 bonds.

George Washington Jr and Hannah F. King, attorneys for the Progressive Youth Association, made the complaint to an ICC investigator on June 7 after two young women were arrested in the Union Station restaurant.

THE TWO WOMEN told the investigator that they were arrested after they sought service at the restaurant while en route by train to Opelousas, La.

Washington and King said the basis of their complaint, that the arrests were illegal, was a ruling by the United States Supreme Court in Boynton v Virginia.

The court reversed the trespassing conviction of Boynton, who was arrested while traveling through Richmond on an interstate bus when he sought service in a bus station restaurant.

The court ruled that eating facilities in interstate stations cannot discriminate against travelers because of the provisions of the Interstate Commerce Act.

Stearnes said Houston's two bus stations and its airport desegregated their restaurants some time ago, and the Union Station's restaurant is the only interstate facility here still segregated.

THE ICC CAN file cease and desist orders against the manager of the restaurant, forcing him to serve Negroes, if it decides such procedure is justified in the informal complaint previously submitted, Washington said.

"If not, we'll try something else," King said. "We will go to federal court and seek an injunction requiring the manager of the restaurant to stop urging the arrest of persons who try to use facilities they have a right to use."

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Henry Walter, Director
Bureau of Inquiry & Compliance

DATE: June 16, 1961

FROM : Bureau of Safety & Service *Houston*

SUBJECT: Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas (D-79)

This has reference to your memorandum dated May 22, 1961,
File D-79 relevant to above-mentioned subject.

Our investigation is now completed and a copy of the agent's
report is attached.

[Signature]
C. W. Taylor
Director

Attachment

*S/A Thompson was interviewed
by A. H. W. L. at Houston 7/28
to return. Bureau was in support of
policy and closure. The
segregation. Thompson
will send detailed report
P.M. 7/28 direct to
A. H. W. *[initials]*
120*

INTERSTATE COMMERCE
COMMISSION
RECEIVED
JUN 15 1961
BUREAU OF INQUIRY AND
COMPLIANCE
OFFICE OF THE DIRECTOR

UNITED STATES GOVERNMENT

Memorandum

785

TO Assistant Director Paul J. Reider DATE: Houston 14, Texas
 Section of Car Service June 13, 1961

FROM Safety & Service Agent Wm. S. Reese

SUBJECT: Alleged racial discrimination practiced against Dorothy M. Henry and Loretta M. Thompson at the Union Station Coffee Shop, Houston, Texas. (D-79)

This has reference to your memorandum dated May 24, 1961, concerning the above-mentioned subject.

My investigation, in connection with this matter, revealed the following:

1. An observation was made on June 2, 1961, of the operation of the Union Station Coffee Shop, located in the Union Station Building at 501 Crawford Street, Houston, Texas. During the period of my observation, no colored persons entered, or attempted to enter, the restaurant for the purposes of being served. No signs are posted in the establishment to indicate any discrimination; however, there are signs reading "We reserve the right to refuse service to any one."

2. The Houston Belt and Terminal Railway Company owns and operates the Union Station and the building in which it is located, also operates the freight and passenger terminals of the following carriers, who, in turn, own the HB&T:

Carrier	Percent Owned
Missouri Pacific Railroad Company	50%
Gulf Colorado and Santa Fe Railway Company	25%
Chicago, Rock Island and Pacific Railroad Co.	12 $\frac{1}{2}$ %
Fort Worth and Denver Railway Company	12 $\frac{1}{2}$ %

3. Mr. J. T. Alexander, President and General Manager of the HB&T, was interviewed regarding this incident and as to their policy on racial discrimination. A letter dated June 5, 1961, from Mr. Alexander, outlining their policy on racial discrimination and their relationship with the restaurant is attached. (Tab 1) The portion of the building in which the restaurant is located is leased to Mr. H. T. Brandon, who, in turn, sub-leases to Mr. J. D. Burleson, the operator of the restaurant. A copy of the lease between the HB&T and H. T. Brandon covering the lease and the agreement between Mr. Brandon and J. D. Burleson, for the portion used by Mr. Burleson, are also attached (Tab 2).

Asst. Dir. Paul J. Reider June 13, 1961
SUBJ: Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

4. Attorney George Washington was contacted on June 6, 1961, and requested to make arrangements for me to interview the complainants, Dorothy M. Henry and Loretta M. Thompson, at 1:00 PM the following day in his office at 3507-A Wheeler Street, Houston, Texas. About 1:30 PM on June 7, Attorney Washington showed up at his office accompanied by the complainants--at which time they were interviewed and statements taken from them, which are attached. (Tab 3) During the course of the interview, it was determined that both of the complainants were willing to testify in court proceedings in connection with this incident. They were in a position to identify all of the friends who came to the station with them, since all of them were arrested and are represented by Attorney Washington, who has the names of each one of them.

Attorney Washington was to send some of these friends to our office the following day, June 8, for me to interview and obtain statements; however, to date they have not shown up--therefore, statements from them were not obtained.

MOP Railroad Card Tickets Nos. 9333 and 9334 from Houston to Opelousas, Louisiana, in possession of Attorney Washington, were turned over to me, and are enclosed. (Tab 4) In my conversation with the complainants regarding the tickets, they stated that some unidentified person had asked them if they told any one that they had railroad tickets, and that they said, "No, no one had asked them." The complainants accompanied me to the Union Station and identified the cashier, who, it was determined later, was Mrs. Lena Daspit.

5. Mr. J. D. Burluson was interviewed on June 8 about 2:00 PM at his place of business; and the statement taken from him is attached. (Tab 5) In my discussion with Mr. Burluson, it was determined that he is definitely of the opinion that his business is entirely separate and in no way connected with the railroad and that he does maintain a policy of segregation. Mr. Burluson further stated that the majority of his business depends upon local trade, which he estimates at 85 percent. It was Mr. Burluson who called the police and had the group of 32 persons, including the complainants, arrested and charged with unlawful assembly.

6. A statement taken on June 9 from Mrs. Lena Daspit, cashier for Mr. Burluson, is attached. (Tab 6) Also a copy

Asst. Dir. Paul J. Reider June 13, 1961
SUBJ: Alleged racial discrimination practiced against Dorothy
M. Henry and Loretta M. Thompson at the Union Station
Coffee Shop, Houston, Texas. (D-79)

of the Police Sergeant, C. W. Munro's report, covering the incident, is attached (Tab 7). Sergeant Munro was in charge of the police detail answering Mr. Burleson's call, and directed the arresting of the group. Sergeant Munro is on vacation; and I was unable to interview him. I trust the copy of his report will suffice.

As a matter of information and for whatever value it may be, Mr. Burleson stated that this incident was about the fourth time a "sit-in" demonstration had occurred in his establishment, and that he had refused service in each instance. It was further developed at the police station that their records failed to show that any tickets were in possession of either of the complainants when they were searched upon arrival at the police station.

While I endeavored to conduct my investigation as quietly and with as little publicity as possible, several articles appeared in the daily newspapers relating to the incident, which are also attached. (Tab 8)

Encls:

- Tab 1 - Letter, Mr. J. T. Alexander
- " 2 - Lease instruments
- " 3 - Statements, Complainants
- " 4 - Tickets (MOP Card, 7333 and 7334)
- " 5 - Statement, J. D. Burleson
- " 6 - Statement, Mrs. Lena Daspit
- " 7 - Sgt. C. W. Munro's Report
- " 8 - Newspaper Clippings

WSR/rl

cc: Zone Supervisor Handy

HOUSTON BELT & TERMINAL RAILWAY COMPANY
UNION STATION BUILDING

OPERATING UNION STATION AND FREIGHT AND PASSENGER TERMINALS OF

MISSOURI PACIFIC RAILROAD CO
FORT WORTH AND DENVER RAILWAY CO

GULF, COLORADO AND SANTA FE RAILWAY CO
CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO

J. T. ALEXANDER
PRESIDENT AND GENERAL MANAGER

HOUSTON, TEXAS

June 5, 1961

Mr. W. S. Reese,
Interstate Commerce Commission,
Houston 14, Texas.

"Dear Mr. Reese:

In my office this afternoon you inquired as to the policy of this Company with respect to any segregation as to race or color in the operation of its Union Station.

Please be advised that no such segregation whatsoever is practiced in our facilities - our waiting rooms, our concourse, or our rest rooms; and persons seeking information or purchasing tickets at our ticket counter, and checking or receiving luggage at our baggage room, are given attention without any discrimination.

You understand, though, that the lunch room is operated by an individual, Mr. J. D. Burleson, who sub-leases the space occupied from the lessee thereof, another individual, Mr. H. T. Brandon, neither of whom has ever had or now has any relationship whatsoever other than as a sub-lessee or lessee with this Company which, as lessor, does not exercise, and has no right under the lease to exercise, any control thereof as to its hours of operation or to whom it will or will not grant admittance or render service.

Yours very truly,

151
J. T. Alexander

February 11, 1959

File: 340-L

Mr. H. T. Brandon
Union Station
Houston, Texas

Dear Mr. Brandon:

Referring to your letter of January 12th, advising that it is your desire to exercise your option for the additional five years as set forth in paragraph IX of your lease dated March 15, 1954 which was made for a term of five years with an option for a five year renewal on the newsstand and coffee shop, which extension is agreeable to us subject to all the original terms and provisions.

We have handled with our Executives regarding the separation of the newsstand lease from the coffee shop, also your request for an additional five year option; however we did not meet with any success as it is their desire that both the coffee shop and the newsstand be continued under one lease and at the expiration of your present five year option they would be glad to negotiate a new lease at that time.

Yours very truly,

/s/ W. A. LITTLE

WAL/b

Houston, Texas
January 12, 1959

Houston Belt and Terminal Ry. Co.
Attention: Mr. W. A. Little
501 Crawford
Houston, Texas


Gentlemen:

I hereby refer to paragraph XIX in lease dated
March 15, 1954, with H. T. Brandon for the News
Stand and Coffee Shop.

This notice is to exercise the additional five
years option, with a request for an additional
five years option subject to all the original
terms and provisions.

I would like for you to consider a separate lease
for J. D. Burleson on the Coffee Shop. If there
are any objections, we would like to talk with
you at your convenience.

Yours truly,



H. T. Brandon

COPY

THE STATE OF TEXAS |
COUNTY OF HARRIS |

THIS AGREEMENT OF LEASE made and entered into this the 15th day of March, 1954, by and between Houston Belt & Terminal Railway Company, a corporation organized and existing under the laws of the State of Texas, domiciled in Houston, Texas, hereinafter called "Lessor" and H. T. Brandon, a resident of Harris County, Texas, hereinafter called "Lessee",

W I T N E S S E T H :

I.

Lessor for itself, its successors and assigns, in consideration of the covenants and agreements hereinafter contained to be kept and performed by lessee, and in consideration of the prompt and punctual payment of all installments of rent as the same may become due as herein provided, has LEASED, DEMISED and LET and by these presents does LEASE, DEMISE and LET unto lessee the following described space in the Union Passenger Station at Houston, Harris County, Texas, for the following purposes:

- (a) Approximately 2,100 square feet on the south end of the building, on the first floor, for use as a lunchroom and kitchen in connection therewith.
- (b) Approximately 5,200 square feet in the basement at the south end of the building for use in connection with the operation of the lunchroom.
- (c) A space of approximately 490 square feet in the south end of the building, on the first floor, for use as a newsstand for the sale of newspapers, periodicals, books, cigars, cigarettes, tobaccos, fruits, candies, souvenirs, and similar articles customarily sold in newsstands in railroad stations.
- (d) Space on the first floor for the location of hand lockers belonging to American Locker Company.
- (e) Space on the first floor for the location of the photography booth and any other concessions presently maintained on the first floor of

Union Station, except the shoeshine stand which is not included in this lease.

The above described spaces are the same spaces which have been used by Clark Armstrong, the previous tenant of lessor.

In addition, lessee shall be permitted to use the necessary space for the operation of any other concessions which may be agreeable to lessor and lessee.

II.

The term of this lease shall be for a period of five years, commencing March 15th, 1954, and ending March 14th, 1959.

III.

Lessee has agreed and does hereby agree to pay to lessor a monthly rental computed at five percent (5%) of the total amount of all "Gross Sales" made in, through, or from the leased premises during each lease month.

"Gross Sales" as used in this lease shall mean all sales of food, drinks, goods, wares and merchandise and services rendered in, through or from the leased premises, for cash or on a charge, credit or time basis, whether paid or unpaid, collected, or uncollected, less all credits for return of merchandise, exchanges or refunds; provided, however, that insofar as the lockers, photography booth, and any other concessions are concerned, "Gross Sales" as to such items shall mean the amount which lessee shall receive from American Locker Company, the owner of the lockers, and from the owners of the photography booth and other concessions.

There shall be excluded from "Gross Sales" the amount of all sales tax or excise tax based on sales, levied or imposed by the United States, State of Texas, City of Houston, or any other governmental agency.

Lessee on or before the 15th day after the end of each lease month of this lease shall furnish to lessor a written statement showing the "Gross Sales" made during the preceding

lease month of all business operated on the demised premises, and on or before twenty (20) days after the end of each lease month lessee shall pay to lessor the rental due lessor for the preceding lease month.

Lessee further agrees to furnish to lessor within forty-five days after the expiration of each lease year (and within forty-five days after the termination of this lease if it be terminated prior to the stated ending date of this lease) a complete certified audit made and certified to by a reputable certified public accountant or firm of certified public accountants, showing the amounts of the "Gross Sales" made in, through or from the leased premises during the preceding lease year. Should there be any variation between the amount of "Gross Sales" reported by lessee and the amount of "Gross Sales" shown by the certified statement of such certified public accountant, an adjustment in the rental due hereunder will be promptly effected based on the statement and audit of the certified accountant.

Lessee shall keep accurate and complete books of account of sales which will always remain open for inspection by lessor, and lessor shall have the right at any time and from time to time to have audits of the books and records of sales of lessee made by a reputable certified public accountant selected by lessor, at lessor's expense.

Lessor agrees to keep sales figures and audit reports of lessee confidential except in the event of litigation where such matters are material.

↓
IV.

Lessee agrees that during the term of this lease it will not give or grant to any other person, firm or corporation the right to conduct any similar business or to sell any article

sold in connection with the business of lessee in said passenger station.

V.

Lessor shall furnish the fixtures and equipment which are listed on Exhibit A attached hereto, and shall maintain such fixtures and equipment and the demised premises in good repair.

Lessee shall pay to lessor, as additional rental, ten dollars (\$10.00) per month for each unit of the walk-in refrigerator in the basement used by lessee.

VI.

Lessee at his own expense shall provide, install and maintain all other necessary facilities, equipment and machinery for the equipping and operation of the lunchroom, newsstand or other businesses.

No party furnishing labor or materials for such improvements by lessee shall ever have a lien on the demised premises or any improvements thereon, or to be erected thereon, to secure the payment for such services or materials. All permanent improvements and fixtures, except fixtures removable without injury to the building, shall become and remain the property of lessor, unless otherwise agreed in writing by the parties hereto.

VII.

Lessor shall heat the premises and maintain all pipe, electrical and plumbing connections. Lessee shall pay all charges for gas and shall pay to lessor for all electrical current and water used by lessee, at the same rate paid by lessor.

Lessor shall endeavor to purchase ice for lessee and lessee shall repay to lessor the cost to lessor of such ice.

VIII.

Lessee shall operate a first class lunchroom in a neat, sanitary and efficient manner, free from all obnoxious

odors, so as to obtain the maximum sales therefrom, and shall charge prices comparable to similar establishments.

Lessee shall never carry on, or knowingly permit to be carried on, in the leased premises, or any part thereof, any business which is not permitted by law, and lessee agrees to comply with all valid laws and regulations of the state or national government, or any subdivision thereof, and lessee further agrees not to sell or permit the sale of intoxicating liquors or beverages in, on or through the demised premises.

IX.

If, during the term of this lease, the building of which the demised premises are a part should be damaged by fire, windstorm or other act of God, lessee shall give immediate notice to lessor who shall restore the demised premises to its condition at the time of delivery of the demised space to lessee. If, however, the building of which the demised premises are a part should be by the lessor deemed so damaged as to be unfit for occupancy, this lease shall cease and the rent shall be paid only up to the time of the damage.

X.

It is expressly understood and agreed that in the event lessee shall fail to pay the monthly rental herein provided for when the same shall mature and be due and payable and shall continue in default for 30 days thereafter, or shall fail for 30 days to do and perform any other act, obligation or thing herein agreed by lessee to be done and performed by him after the arising of such obligation as herein provided, then lessor may, at its option, declare this lease terminated, and upon giving notice to lessee of such election as herein provided, this lease shall thereafter cease and terminate as fully, finally and completely as if it had expired by lapse of time, and the

lessee shall thereupon in such event surrender and deliver said premises to lessor, and all rights and claims of lessee thereto, as well as those of his successors and assigns in and to the use and enjoyment of said premises shall cease; provided, however, (except for failure to pay rent) that no such forfeiture shall be declared until lessee shall have received written notice from said lessor of the default claimed by said lessor and lessee shall fail within 30 days after the receipt of said notice to remedy such default.

XI.

The nonenforcement by lessor of the breach of any term, covenant or condition herein stipulated, shall never be construed to be waiver of any other or succeeding breach of any term, covenant or condition herein imposed upon the lessee.

XII.

All obligations, benefits and monies which may become due from lessee to lessor under the terms hereof shall draw interest at the rate of eight percent (8%) per annum from date when due until paid. Lessee shall also pay and discharge all reasonable costs, attorneys' fees, and expenses incurred by lessor in enforcing the covenants and agreements of this lease.

XIII.

As continuing security for the payment of rent and other sums accruing to lessor hereunder, and the faithful performance of the covenants and obligations on the part of lessee and without reference to any limitation attaching to lessor's statutory lien, lessee hereby gives and grants in favor of lessor and grants and conveys to lessor a first and paramount contract lien and chattel mortgage on all of lessee's furnishings, fixtures and equipment on said leased premises. The liens of lessor, whether given by statute or hereby created and reserved, shall attach immediately to all furnishings, fixtures and equipment which may at any time during the term of this lease be placed upon, installed or kept upon said premises; provided, however, that so long as lessee is not in default,

he shall have the privilege of removing, changing, altering or substituting any of his furnishings, fixtures and equipment upon said premises, with the consent of lessor, provided that at all times the furnishings, fixtures and equipment upon which lessor has a lien shall be kept up to the standard of such furnishings, fixtures and equipment as are ordinarily kept and maintained by other businesses of like or similar nature.

Neither the liens hereby reserved, nor anything in this lease contained shall be construed or held in anywise to waive, diminish or affect the statutory landlord's lien or other liens existing by virtue of the laws of the State of Texas for lessor's benefits, such contract liens hereby created being cumulative of and in addition to all other statutory liens.

XIV.

At the expiration and termination of this lease, whether from lapse of time, or from breach of any term, covenant or condition herein imposed upon lessee, lessee shall quit and surrender the premises to lessor in as good condition as they were at the beginning of lessee's occupancy thereof, usual wear and tear from a reasonable use thereof and the destruction or damage of said premises by act of God, fire, casualty, or a public enemy alone excepted. A holding over after the termination of lease shall not renew or extend the same but shall constitute the lessee a mere tenant at sufferance.

XV.

Lessee shall at all times during the term hereof, at his own cost and expense, maintain public liability insurance on said premises, with the minimum limits of 50/\$100,000.00 for personal injuries and \$10,000.00 for property damage, such public liability insurance to cover all loss and damages arising out of the ownership, use or occupancy of said premises and improvements and is to be carried in some good and reputable insurance company or companies licensed to do business in Texas

and actually doing business in Texas. Said insurance shall provide coverage for the benefit of both lessor and lessee, and all such insurance policies or copies thereof shall be delivered to and be held by lessor. If any such policy be issued by a company which is not satisfactory to lessor or which becomes unsatisfactory to lessor, then lessor may require new policies to be taken out in lieu thereof, and lessee agrees in such event to promptly obtain new policies acceptable to lessor and to keep same in force.

Lessor shall not be liable to lessee or to lessee's employees, patrons or visitors for any damages to person or property, caused by the building of which the demised premises are a part, or any appurtenances thereof, being improperly constructed or being or becoming out of repair, nor any damage from any defect or want of repair of any part of the building of which the leased premises form a part, but lessee accepts such premises as suitable for the purposes for which same are leased, and accepts the building and each and every appurtenant thereof, and waives the defects therein, and agrees to hold lessor harmless from all claims for any such damage.

XVI.

Whenever, in the provisions of this lease, notice is required to be given by either party herein, it shall not be construed to mean personal notice, but it must be given in writing by depositing the same in the post office with postage paid, in a sealed envelope and addressed to such other party, and sent by registered mail.

XVII.

Lessee shall not assign this agreement, or sublet the premises or any part thereof, without the consent of the lessor in writing.

XVIII.

It is agreed that neither this lease nor any provision

thereof shall be waived, changed, varied or extended, except by an instrument in writing signed by lessor and lessee.

XIX.

Provided this lease is free from any default, lessee shall have the right, subject to his giving written notice to lessor of his election ninety (90) days prior to the termination of this lease, to extend the term of this lease for an additional term of five years from the expiration date hereof, subject to all the original terms and provisions hereof.

XX.

This lease and each and every condition and agreement herein contained shall be binding and inure to the benefit of the respective successors in interest and assigns of lessor and lessee.

EXECUTED in duplicate originals on the day and year first above written.

HOUSTON BELT & TERMINAL RAILWAY COMPANY

By /s/ J. T. Alexander
President and General Manager

LESSOR

ATTEST: (SEAL)

/s/ A. B. Higgins
Secretary

/s/ H. T. Brandon
H. T. Brandon

LESSEE

HOUSTON BELT & TERMINAL RAILWAY COMPANY
UNION STATION BUILDING

OPERATING UNION STATION AND FREIGHT AND PASSENGER TERMINALS OF

MISSOURI PACIFIC LINES
FORT WORTH & DENVER RAILWAY CO.

GULF, COLORADO AND SANTA FE RAILWAY CO.
CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.

OFFICE OF INDUSTRIAL COMMISSIONER
HOUSTON, TEXAS

W. A. LITTLE
INDUSTRIAL COMMISSIONER

August 10, 1954

Mr. H. T. Brandon
Houston, Texas

Dear Mr. Brandon:

We hereby consent to your exhibiting to J. D. Surleson the approximately 2,100 square feet on the south end of the Union Station, on the first floor, for use as a lunchroom and kitchen in connection therewith, together with approximately 5,200 square feet in the basement at the south end of said building for use in connection with the lunchroom.

It is understood and agreed, however, that you will remain responsible for the performance of all the covenants, agreements, and obligations under your lease with us, dated March 15, 1954, including the prompt and punctual payment of all rentals provided for in said lease.

If this is in accord with your understanding, please note your acceptance on the copy of this letter and return it to us.

Yours very truly,

/s/ W. A. Little

W. A. Little, Industrial Commissioner

/s/ H. T. Brandon
H. T. Brandon

THE STATE OF TEXAS |
 |
COUNTY OF HARRIS |

THIS AGREEMENT MADE and entered into this 2nd day
of September, A.D., 1954 by and between H. T. Brandon and
J. D. Burleson=

WITNESSETH

I.

For and in consideration of the sum of Ten and No/100
(\$10.00) Dollars Cash, and other good and valuable consideration,
H. T. Brandon does hereby sub-lease unto J. D. Burleson, the
property described in sub-divisions (a) and (b) under Paragraph
I of the lease between H. T. Brandon, Lessee, and Houston Belt
and Terminal Railway Company, Lessor, dated March 15, 1954, a
copy of which is hereto attached and made a part hereof for all
purposes, for the length of time and upon the same conditions
and obligations contained in said lease.

II.

For and in consideration of the above and foregoing,
J. D. Burleson does hereby agree to perform all of the covenants,
agreements and obligations with respect to the property above
described which are contained in said lease, copy of which is
attached hereto.

 /s/ H. T. Brandon
 H. T. BRANDON

 /s/ J. D. Burleson
 J. D. BURLESON

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STATEMENT OF LORETTA M. THOMPSON

May 7, 1961, Dorothy and I arrived at the Union Station. We purchased our ticket for Opelousas, Louisiana to attend the funeral services of Dorothy's cousin. After purchasing the tickets we entered the Union Station Coffee Shop. We sat at a table with the intention of being served. When we walked into the Coffee Shop the cashier started to ask the white customers to move down, because you don't want to sit near those niggers. The customers looked around and didn't reply. The cashier continued to make remarks using the term " nigger. "

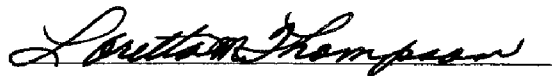
Then a policeman arrived with a camera to take our pictures. He stood around, and took a picture every now and then.

Dorothy and I then moved from the table to the lunch counter. Then the cashier started moving the menus off the counters.

Several policemen arrived and talked to the cashier. Mr. Burleson arrived and entered, I assume his office. When he came out he talked to the cashier and went back into the room with a policeman. He went back and forth from the office to the waiting room.

Then the officer asked Mr. Burleson if he was going to ask us to leave. He said no he didn't have to ask us to leave. Then in turn he said, "but since it's only two I will ask them." He turned to us shaking his finger, "this is my place I don't have to serve you, this is my place and I'm not going to serve you". Turning to the policeman he said, "now see, arrest them."

The policeman, said, "well I guess I'll have to arrest you." He took our names, addresses, and ages and told us to follow him. We were arrested and taken to the City Jail then transferred to the County Jail about 3:45 A.M. and released about 3:30 P.M. Monday evening.

A handwritten signature in cursive script, reading "Loretta M. Thompson", is written over a horizontal line.

STATEMENT OF DOROTHY M. HENRY

Loretta and

May 7, 1961, I entered the Union Station and purchased a ticket for Opelousas, Louisiana, to attend the funeral of my cousin. After purchasing the ticket we entered the station's Coffee Shop and sat at a table to be served. The cashier at the coffee shop said we should be ashamed of ourselves.

She said to several customers, "move down so you won't be close to those niggers." The customers entered the coffee shop and the business seemed normal but upon arrival the cashier ushered each customer to a specific seat in the coffee shop. She looked at us scornfully, talked about us to the other help, and to several customers. We heard some of the comments, and each time she referred to us we were termed "niggers".

Several policemen arrived minutes after we entered the coffee shop. They stood and observed the situation. Customers still entered and left. Several observers stood at the entrance and looked in. The cashier went out and conversed with them. The cashier again talked to a male customer but he made no comments.

The policeman with a camera arrived and took our pictures. He asked me to take sun shades off. Then several more policemen, came and observed the situation. We moved from the table to the counter thinking that maybe they would serve us then. We were still ignored as far as service was concerned. The couple who had been standing outside of the coffee shop was served. Other customers came in and they too were served.

The owner Mr. Burleson, had arrived before this time. He went through the door to the right of us seemingly his office. He came out and talked to the cashier and policeman and went back through the same door. A policeman went in with him. He came back out, and finally a policeman asked him if he would ask us to leave. He replied, "I don't have to ask them to leave. "But since it's only two of them, I will ask them!" He pointed his fingers in our faces and said, "this is my place and I don't have to serve you this is my place and you will not be served, now get up and leave."

He then turned to the officer, "see, arrest them." The policeman asked us our name, address and age. He then told us to come with him. The couple who had been standing on the outside of the Coffee Shop smiled at us. The man followed us into the terminal and later to the police car and looked on until we were taken to the police car. Mr. Burleson also came out to see us off.

We were retained at the City Jail until 3:40 A.M., then transferred to the County Jail until 3:30 P.M. Monday evening.

We were permitted to use the telephone about five (5) hours after our arrest.

Dorothy M. Henry



Issued by
MISSOURI PACIFIC RAILROAD CO.
GOOD IN CHAIR CARS AND COACHES ONLY
HOUSTON(D), Tex., to
OPELOUSAS, La. 9333
Good for One Passage to reach destination
within thirty (30) days from date of sale as
stamped on back. Subject to Tariff Regulations.
Good from New York City

Issued by
MISSOURI PACIFIC RAILROAD CO.
GOOD IN CHAIR CARS AND COACHES ONLY
HOUSTON(D), Tex., to
OPELOUSAS, La. 9334
Good for One Passage to reach destination
within thirty (30) days from date of sale as
stamped on back. Subject to Tariff Regulations.
Good from New York City

Tab
5

Statement of James D. Burleson
Owner of the Union Station Coffee Shop

My policy is to never serve Negroes in the dining room. I have a separate place in which they are served, except at times when these demonstrators or agitators assemble in groups, at which time I feel that it is detrimental to my business, and that I reserve the right to refuse service to any such groups regardless of their race or color.

In connection with the assembling of the Progressive Youth Association in my place of business on May 7, 1961, there was a group of 32 persons that entered my establishment late in the afternoon--seating themselves throughout the dining room. They were refused service; and my cashier, Mrs. Lena Daspit, telephoned me at home, between 5:00 PM and 6:00 PM, advising me of the incident.

I called the police from my home, and arrived at my place of business shortly afterwards. I found the entire group still assembled inside the dining room. A police detail had arrived, and I requested them to arrest the participants. All of the group in the dining room, except two girls, got up and started to leave. I told the police that I wanted all of them arrested. The police rounded up the group that attempted to leave and arrested them. The two girls remained in the dining room; and I told them, in the presence of the policemen, that I was the owner of this business, and that I wanted them to leave--at which time the officer arrested them, and the entire group was taken to the police station.


JAMES D. BURLISON

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STATEMENT OF
MRS. LENA DASPIT

I am employed as cashier by Mr. J. D. Burleson,
owner of the Union Station Coffee Shop, Houston, Texas.

On May 17, 1961, about 5:00 PM, a group of young
colored people entered the coffee shop and sat down at
the tables and counters throughout the entire dining room.

I told them that we did not serve colored people,
and that they would not be served, then picked up the
menus. Then, when they did not leave, I called Mr. Burleson,
and he came down and had them arrested.

Mrs. Lena Daspit
Mrs. Lena Daspit

Feb
7

G.L. Shuptrine
Chief of Police

G.W. Munro, Sergeant
Patrol Bureau II

is: O. H. Vahldiek, Captain
Patrol Bureau

May 8, 1961

W.J. Burton, Inspector
Patrol Bureau

Unlawful Assembly Arrests
at 501 Crawford, Union Coffee
Shop, May 7, 1961

G. L. Seber, Assistant
Chief of Police

On May 7, 1961, at approximately 5:30 PM, Units 76, 110, 136 and 123 received a call to call 281, where they in turn were given information concerning a disturbance and a demonstration at the Union Station Coffee Shop, 501 Crawford.

When I arrived at the above location, along with the other cars, at approximately 5:45 PM, I found that these demonstrators were in the Union Station Cafe, sitting in at the tables and counter. Several stools along the counter were vacant and the demonstrators had stationed themselves at various intervals, along the counter but all booths were occupied by negroes.

I talked to the cashier, Mrs. Lena Despit, who told me that she had refused service to these persons, asked them to leave, but that Mr. Burlison was on the way down and would arrive shortly.

I then talked to John Holly, n/m 21, 3301 Burkett, known to me as a leader in this group. He told me that they were sitting in and requesting service, but that the woman cashier had taken away his menu. During this time, Officer H. Free was making pictures of these subjects showing their position in the cafe, while I in turn was briefing Captain Elliser of this situation on the telephone.

About 6:05 PM, Mr. Burlison, the owner of this establishment arrived in the cafe. The demonstration broke up with the participants leaving out the entrance to the Union Station where they remained in mass assembly.

Mr. Burlison then sought me out, stating that he wanted to file charges on these subjects, stating that they had deprived him of the right to do business and told me he had names of other patrons who were deprived of the privilege of eating at his establishment for this period of time. He demanded that we make the arrest and told us he wanted to file charges on each one of them for an unlawful assembly. I contacted Captain Elliser in the Patrol Bureau Office who told me to bring them to the station and advise Mr. Burlison that he would have to file these charges himself. These people were then advised that they were under arrest, placed in conveyances and brought to the central station where they were filed on in Judge Reppin's Court for unlawful assembly by Mr. Burlison.

(2)

I informed these people of the fact that they were involved in an illegal act while they were sitting in at the Union Station Cafe, according to the information that I had received so far from the cashier, Mrs. Lena Despit. John W. Kelly, the leader of this group, told me that he was aware of this and would await the arrival of Mr. Burleson before taking any further action.

These demonstrators were arrested on the grounds that a breach of the peace was being committed in the presence of officers who did not need a warrant of arrest since an officer may make such an arrest in this instance without warrant under Texas Law.

An offense report is made in this case, #Q-31758 and is forwarded with this letter for your further information.

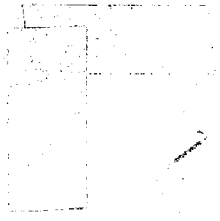
Respectfully submitted,

G. W. Moore

G. W. Moore, Sergeant
Radio Patrol Division IX

GW:1a

G. W. Moore



Attorney for Sit-Ins To Confer With ICC

George Washington, Jr., attorney for 13 Union Railroad Station Cafe sit-in demonstrators, said Wednesday he will confer with an investigator from the Interstate Commerce Commission.

The 13 young Negroes, members of the Progressive Youth Assn., were fined \$25 each last March 24 for "loitering" in the cafe.

Washington said that the youths complained to the

ICC that they were refused service in a facility used by interstate passengers and owned by four interstate rail carriers.

One of the youths, Leo Bonner, 19, of 3868 Rose-dale, won an appeal Tuesday in County Court at Law Judge William A. Miller's court.

Bonner and the 12 other youths had appealed after their convictions in Judge

Joe Harris' corporation court.

Dist. Atty. Frank Briscoe's office favored Bonner's acquittal on grounds that the law required the loitering ordinance to be posted in the place of business.

James D. Burleson of 4063 Merrick, operator of the cafe, said he had no such notice posted.

Washington indicated he will seek acquittal of the 12 others on the same grounds.

OPEN TILL 9 TONIGHT

Loitering Suit Dismissed in County Court

A loitering complaint against Leo Bonner, one of 14 persons arrested on Feb 24 in the second sit-in demonstration at the Union Station Coffee Shop, was dismissed Tuesday by County Court-at-Law Judge William A. Miller.

The action was taken on motion of the prosecution. The defense attorneys, George Washington Jr and Hamah King, readily joined in the motion.

THE CASE was being heard on appeal from Corporation Court, where the 14 Negroes were fined \$25 on a charge of violating a city ordinance against loitering. All of these cases were appealed, and this was the first to get into county court.

In moving to dismiss, the prosecution conceded that a case could not be made against Bonner because the city ordinance requires that any proprietor who wants to avail himself of its provisions must post a copy of the ordinance in his place of business.

James D. Burleson, who operates the restaurant, said no copy was posted.

DEFENSE ATTY Washington said he has received notice that an investigator from the Interstate Commerce Commission will confer with him at 1 PM Wednesday at his office about the Union Station matter.

The Negroes had complained to the ICC about racial segregation at a facility used by interstate passengers and owned by four interstate rail carriers. Burleson leases the space for his operation.

2 Arrested in Sit-In Give Statements to ICC Aide

Two young Negro women who were arrested in the Union Station Restaurant here May 7 during a sit-in demonstration made written statements to an Interstate Commerce Commission investigator Wednesday, their attorney reported.

They are Dorothy M. Henry, 22, of 2404 Chew St, and Loretta M. Thompson, 19, of 5722 Glen-arm St, students at Texas Southern University and members of the Progressive Youth Association.

THEIR ATTORNEY, George Washington Jr, said Miss Henry and Miss Thompson accompanied the ICC representative to the Union Station and identified some of the people in the restaurant.

Washington said the ICC investigator planned to question other witnesses Thursday, and would forward his report to the Bureau of Inquiry and Investigation of the ICC in Washington. A copy of the report will be furnished to the Department of Justice, Washington said.

The two young women had purchased train tickets to Opelousas, La, and were sitting in the restaurant waiting to order food when they were arrested and charged with unlawful assembly.

THEY GAVE their train tickets to the federal investigator Wednesday, their attorney said.

Miss Henry and Miss Thompson were arrested along with 30 other students who had attempted to buy food. They were released under \$500 bond, and the case has not yet been set for trial.

"It is our position that these girls had a federal right to be in the restaurant," Washington said.

"It is our contention that their arrest was an improper arrest."

"WE ARE GOING to insist that the United States district attorney in Houston prosecute

those responsible for the unlawful arrest of these two girls," the attorney said.

The ICC can file cease and desist orders, if it decides such procedure is justified in this case, Washington said. Another possibility is that the United States attorney general might ask the district attorney in Houston to file cases here, he said.

"We are interested in establishing a right to use the facilities — and since the attorney general has asked the ICC to investigate the situation in Mississippi, we believe we can obtain federal support," he said.

MEANWHILE, A loitering complaint against another of the 14 persons arrested on Feb 24 in a sit-in demonstration at the Union Station Restaurant was dismissed Wednesday by County Court-at-Law Judge Jimmie Duncan.

Judge Duncan dismissed the complaint against Edythe Roberta Paige, 21, of 3201 Wheeler Ave, on motion of the prosecution after defense attorneys pointed out that one section of the city ordinance against loitering requires persons to display copies of it.

James D. Burleson, who operates the restaurant, said he did not have the ordinance posted, but said he had a sign reading: "We reserve the right to refuse service to anyone."