FILE DESCRIPTION



SUBJECT Thurgood Marshall

FILE NO. Headquarters file 77-88227

VOLUME NO. 2

FEDERAL BUREAU OF INVESTIGATION

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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Copy to:

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Report of:

9/14/61

Office: Kansas City

Field Office File No.s

_77-6303

Bureau File No.:

Title:

THURGOOD MARSHALL

Character:

DEPARTMENTAL APPLICANT U. S. CIRCUIT JUDGE SECOND CIRCUIT

Synopsis:

Records USDC, ECMO, reflect THURGOOD MARSHALL in 1951, represented plaintiffs as legal counsel in suit against City of Kansas City, Mo. Motion filed by defense and supported by documents to remove MARSHALL as plaintiffs' legal counsel. Documents reveal MARSHALL as a member of Executive Board of National Lawyers' Guild in 1949 and member of the International Juridical Association, National Committee. Mational Lawyers' Guild and International Juridical Association cited as Communist front organizations by Special Committee on Un-American 670 Activities, U. S. House of Representatives. Results of interviews with: KCHO. set forth. KCMO. declined to recommend MARSHALL, stating he believed MARSHALL would not approach the law judicially in view of his long crusade in behalf of civil rights. Confidential informants, Who have knowledge of Communist Party and other subversive activities in the ECMO area advise they have no knowledge of subversive activity on the part of THURGOOD MARSHALL. No credit or arrest record located KCMO.

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DETAILS: AT KANSAS CITY, MISSOURI

U. S. DISTRICT COURT RECORDS

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On September 13, 1961,

U. S. District Court. Clerk's Office, made available

Docket #7078 entitled

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City, Missouri. This docket reflects that the plaintiffs were petitioning court on a civil rights matter to enjoin the City of Kansas City from denying the plaintiffs the use of the Swope Park swimming pool. Each of the plaintiffs sought \$12,500 as punitive damages because they were refused admittance to the Swope Park pool.

On October 27, 1951, motion was filed by the defense attorneys on behalf of Kansas City, Missouri, to strike the name of THURGOOD MARSHALL, 20 West 40th Street New York, New York, from the plaintiffs petition and to deny him the privilege of appearing as counsel in this case. This motion reflects that according to authenticated official reports of the Committee of the House of Representatives of the U. S. Congress, THURGOOD MARSHALL was, in 1949, a member of the Executive Board of the National Lawyers' Guild and several years prior thereto, was also a member of the International Juridical Association and Mational Committeeman from the state of Maryland in said association. This motion by the defense pointed out that in the findings of the Congressional Committee both the International Juridical Association and the National Lawyers' Guild were described as Communist front organizations allied with the Communist Party, the latter referred to in the reports as the "legal bulwark of the Communist Party".

In support of this petition, the defense submitted in evidence the following printed and photostated pamphlets and reports of the Committee on Un-American Activities, U. S. House of Representatives which were certified by the clerk of the House of Representatives:

Exhibit 1, "Investigation of Un-American propaganda activities in the United States, 78th Congress, second session, on H. Res 282, second section, U. S. Government Printing Office, Washington: 44". On page 795 of this document under the title International Juridical Association, there appears a list of officers or National Committeemen of this association wherein appears the name THURGOOD MARSHALL.

Exhibit 2, "Report on the Mational Lawyers' Guild, legal bulwark of the Communist Party, prepared and released by the Committee on Un-American Activities, U. S. House of

KC 77-6303

Representatives, Washington, D. C. September 21, 1950". On page 18 of this report appears a list of the officers of the National Lawyers' Guild, and the name THURGOOD MARSHALL appears as an Executive Board member under the caption New York City.

Exhibit 3, "Guide to subversive organizations and publications dated May 14, 1951, and released by the Committee on Un-American Activities, U. S. House of Representatives, Washington, D. C.: House document #137". This document cites the National Lawyers' Guild and the International Juridical Association as Communist front organizations.

Exhibit 4, "Investigation of Un-American propaganda activities in the United States, 78th Congress, second session, on H. Res. 282, first section, U. S. Government Printing Office, Washington:44". Page 809 of this exhibit entitled "Exhibit #1, International Juridical Association, 100 Fifth Avenue, New York City", lists the National Committee of this association which list includes the name THURGOOD MARSHALL.

On November 8, 1951, an order was filed in U. S. District Court by Judge ALBERT A. RIDGE in which he upheld the right of THURGOOD MARSHALL to appear as counsel for the plaintiffs and Judge RIDGE overruled the petition of the defendants.

On November 10, 1951, the plaintiffs and Mr. THURGOOD MARSHALL, as one of four counsels for the plaintiffs, moved that the defendants motion to strike the name of THURGOOD MARSHALL from the plaintiffs petition and to deny him the privilege of appearing as counsel. in this case be striken and expunged from the record on the grounds that to allow the motion to remain as part of the official record of this case, although overruled, might possibly prejudice the personal integrity, and question the national patriotism of THURGOOD MARSHALL in future litigations in U. S. District Court, Kansas City, Missouri, and other courts.

In a memorandum entered by Judge RIDGE on December 18, 1951, the motion of MARSHALL and the plaintiffs to strike and expunge from the record defendants motion to strike the name THURGOOD MARSHALL from plaintiffs petition and deny him the privilege of appearing as counsel in the case was overruled.

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A characterization of the International Juridical Association and the National Lawyers' Guild is set forth in the appendix of this report.

It is noted that U. S. District Court Docket #7078 reflects that the attorneys for the plaintiffs participating with THURGOOD MARSHALL as chief counsel were CARL R. JOHNSON, 231 Lincoln Boulevard, Kansas City, Missouri, ALMER T. ADAIR, 231 Lincoln Boulevard, Kansas City, Missouri, and ROBERT L. CARTER, 20 West 40th, New York, New York. The attorneys for the defense were listed as DAVID M. PROCTOR, Kansas City City Counselor, JOHN J. COSGROVE and BENJAMIN M. POWERS, Associate City Counselors.

ASSOCIATES AND ATTORNEYS

City of Kansas City, Missouri, Room, City
Hall, advised that in 1951, he participated in an action entitled
ws. Kansas City, Missouri, which was an action brought
by three persons against the City of Kansas City, Missouri,
because of the plaintiffs being barred from a swimming pool at
Swope Park, Kansas City, Missouri.
DAVID M. PROCTOR, Chief City Counselor at the time, lead the
defense in this case with the assistance of

Advised
that DAVID M. PROCTOR is now deceased and
currently on vacation in Europe, location unknown.

this matter, he became acquainted with THURGOOD MARSHALL, legal counsel for the National Association for the Advancement of Colored People (NAACP), which organization supported and backed the plaintiffs in their case against Kansas City, Missouri.

Stated that he was acquainted with MARSHALL only in connection with the litigation in this case and as a result of his contact with him an a pre-trial conference with Judge ALBERT A. RIDGE and a hearing of one or two days duration, as well as an appearance in the U. S. District Court of Appeals, St. Louis, Missouri. He stated further that in view of the brief encounter with MARSHALL as an opposing attorney, he did not know MARSHALL well enough to comment regarding his ability as an attorney. He stated that he would decline to recommend MARSHALL to a judiciary position in the federal court system

inamuch as it was his belief that MARSHALL would not be able to approach the law in a judicial manner in view of his long years of crusading in civil rights matters.

Kansas City case, Mr. PROCTOR had reason to investigate
MARSHALL's background and obtained information regarding
MARSHALL's connection with two Communist Party front organizations which information was made the subject matter of a
motion to release MARSHALL from participating in the case.
However, Judge RIDGE denied the motion.

Stated
that he does not know the organizations to which MARSHALL
was connected and he had no further information regarding
MARSHALL's connection therewith. He stated further that he
knows none of MARSHALL's associates with the exception of
CARL R. JOHNSON, attorney who participated with MARSHALL in
the WILLIAMS case. He stated that JOHNSON later became a
Kansas City, Missouri, Municipal Judge, whose character and
reputation was favorable, however, Judge JOHNSON is now deceased.

in this matter was stated that another associate of MARSHALL with whom he is not acquainted.

On September 14, 1961, advised that he has been acquainted with THURGOOD MARSHALL on a personal basis since 1951, having associated with MARSHALL in a federal court action in civil rights instituted in Kansas City, Missouri, to gain redress for three 170 plaintiffs who were barred from access to the Swope Park swimming pool, Kansas City, Missouri. A stated further that he had been a member of the Kansas City, Missouri, NAACP in connection with various legal matters concerning the desegregation of schools in the United States and in this capacity had carried on legal research for MARSHALL who, as chief legal counsel of the NAACP, had carried out the litigations throughout the United States in an effort to gain desegregation in schools. He stated further that his association with MARSHALL also extended to various social activities as well as Bar Association meetings. Stated that he is not acquainted with MARSHALL's family, however, it is his understanding that MARSHALL's first wife is deceased and he has remarried.

as a very able lawyer who is extremely capable in trial work and unquestionably the foremost attorney on civil rights matters in the United States. He described MARSHALL's courtroom demeanor as masterful. He stated that it was his opinion that MARSHALL would make a good judge. He stated that in view of MARSHALL's record relative to his experience as chief legal counsel of the RAACP, he has appeared in many more courts and courts of appears than any other attorney known to the stated that from the standpoint of his character, loyalty and associates, he would recommend MARSHALL to the position of federal judge, a position for which he read in the local newspaper MARSHALL was being considered.

advised that he was acquainted with THURGOOD

MARSHALL in 1951 when he, along with three other
individuals were plaintiffs in the case entitled

vs. Kansas City,

Missouri. Stated that he and the two other plaintiffs
had endeavored to swim at the Kansas City Swope Park pool and
when they were turned down, action was brought in U. S. District
Court, Kansas City, Missouri, in their behalf. He stated that
THURGOOD MARSHALL came to Kansas City to head the plaintiffs
case in this matter. He stated further that MARSHALL acted in
his capacity as chief legal counsel with the NAACP.

of this matter, the defense entered a motion to strike MARSHALL's name from the petition of the plaintiffs and the defense brought up MARSHALL's membership in two organizations, the names of which were unknown to the stated that although MARSHALL had been a member of these two organizations which were organizations for attorneys, MARSHALL had joined the organizations without knowing their true character. Stated that although the defense's motion was documented, the motion was denied by Judge RIDGE who handled the matter.

THURGOOD MARSHALL was a person of outstandingly fine character, whose loyalty to the United States was above reproach. He stated that if MARSHALL had had any idea that these organizations were

Communist backed he, feels sure MARSHALL would not have joined such organizations. Stated that he had read in the local press that MARSHALL was being considered for the position of federal judge. He stated he would recommend MARSHALL without question as to his character, loyalty, associates and ability to the position of federal judge.

MEWSPAPER LIBRARY

On September 13, 1961, a review of the Kansas City Star Newspaper Library of clippings regarding THURGOOD MARSHALL reflected numerous articles relating to MARSHALL's visits to Kansas City, Missouri, on behalf of the MAACP. In addition, it was noted a newspaper report dated October 27, 1951, relating to the motion which was filed by the City of Kansas City to strike MARSHALL's name from the plaintiffs petition in case entitled section of the Swope Park swimming pool case).

CONFIDENTIAL INFORMANTS

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Confidential informants who have knowledge of Communist Party and other subversive activities in the Kansas City area on September 13, 1961, advised they had no knowledge of subversive activities on the part of THURGOOD MARSHALL.

CREDIT & ARREST

On September 13, 1961, Credit
Bureau of Greater Kansas City, Inc., Edvised that her office
has no record identifiable with THURGOOD MARSHALL.

Department, Bureau of Records and Identification, advised on September 13, 1961, that her office has no record identifiable with THURGOOD MARSHALL.

APPENDIX

WATIONAL LAWYERS' GUILD

- 1. Cited as a Communist front.
 (Special Committee on Un-American Activities, Fouse Report 1311 on the CIO Political Action Committee, March 29, 1944 p. 149.)
- 2. Cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

(Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally released September 17, 1950.)

3. "To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the ***
Mational Lawyers' Guild. When the Communist Party itself is under fire these offer a bulwark of protection."

(Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)

APPRNDIX

04

APPENDIX

INTERNATIONAL JURIDICAL ASSOCIATION

of the International Labor Defense."

(Special Committee on Un-American Activities,
House Report 1311 on the CIO Political
Action Committee, Narch 29, 1944, p. 149.)

 Cited as an organization which "actively defended Communists and consistently followed the Communist Party line."

(Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally released September 17, 1950, p. 12.)

APPREDIX

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FEDERAL BUREAU OF INVESTIGATION 670

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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Capy to:

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Report of:

Date:

September 14, 1961

Office:

Norfolk, Virginia

Field Office File No.:

77-1890

Bureau File No.:

Titles

THURGOOD MARSHALL

Character:

DEPARTMENTAL APPLICANT
U. S. CIRCUIT JUDGE, SECOND CIRCUIT

Synopsis:

United States District Judge, Eastern District of Virginia, Norfolk, Virginia, advised THURGOOD MARSHALL, attorney, has appeared before him on three or four occasions. He advised he has known him only by reason of court appearances and he is extremely capable in his chosen field of race relations and he has no knowledge of MARSHALL's ability in other legal matters. He advised he knows nothing derogatory about MARSHALL. Norfolk, Virginia, Retail Merchants Association and Police Department have no record identifiable with MARSHALL.

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DETAILS: AT NORPOLK, VIRGINIA

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Eastern District of Virginia, Norfolk, Virginia, advised on September 12, 1961, THURGOOD MARSHALL is an attorney who has appeared before him on three or four occasions, according to his recollection. He advised the first two occasions were in connection with the arguments on the constitutionality of certain Virginia laws enacted after the Supreme Court decision in BROWN v. BOARD OF EDUCATION. He stated the next two times were related to three-judge court hearings in Richmond, Virginia, in the case of NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE v. ALMOND

by reason of MARSHALL's court appearances. He advised MARSHALL is extremely able in his chosen field of race relations but he has no knowledge as to MARSHALL's ability in other legal

MF 77-1890

matters. He advised MARSHALL first appeared before him in November, 1957. He advised that MARSHALL has at all times been courteous to the court and appears to be able to present persuasive arguments. He advised he knows nothing derogatory about MARSHALL. He advised that MARSHALL has not practiced law as such in the Norfolk area.

Merchants Association, advised on September 12, 1961, she by has no record identifiable with THURGOOD MARSHALL.

Norfolk Police Department, advised on September 12, 1961, he has no record identifiable with THURGOOD MARSHALL.

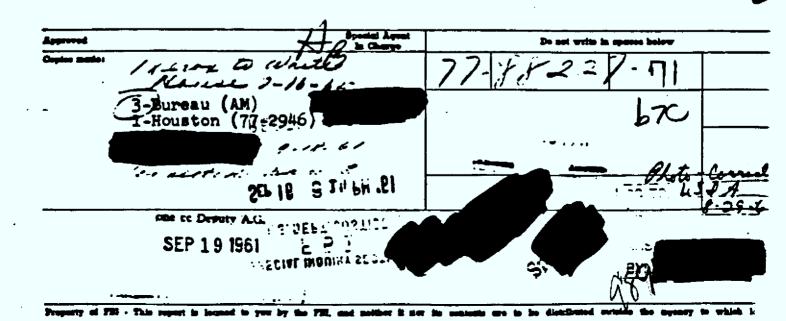
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ADMINISTRATIVE

Indices of the Houston office contain no references to applicant except references indicating he assisted local attorneys in 1959 in preparing a school integration case at Houston, Texas.

Investigation at Houston disclosed MARSHALL has never resided in this area, but has only visited the Houston area for a day or two at a time.



UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Capy to:

Office: HOUSTON

Report of:

Date:

9/14/61

Field Office File No.s

HOUSTON 77-2946

Bureau File No.:

Titles

THURGOOD MARSHALL

Character:

DEPARTMENTAL APPLICANT U. S. CIRCUIT JUDGE SECOND CIRCUIT

Symopeis:

Biggraphical data from files of "Houston Chronicle" indicate MARSHALL has appeared before U. S. Supreme Court since 1938 in cases affecting constitutional rights of Negroes. Three Houston attorneys, who have associated with MARSHALL in connection with School desegregation cases in Texas, consider him to be highly capable, of excellent reputation, and entirely suited for high position in Federal Judiciary.

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DETAILS: AT HOUSTON, TEXAS:

On September 14, 1961, "The Houston Chronicle, "produced a biographical file pertaining to applicant which contained the following information:

officer of the National Association for the Advancement of Colored People (NAACP). He was reported to have appeared before the United States Supreme Court on numerous occasions beginning in 1938, and to have argued or prepared briefs with the cooperation of other NAACP attorneys in all cases affecting the constitutional rights of Negroes from 1938 to the present time. MARSHALL was also reported to have appeared in lower

ument contains polither recommendations nor conclusions of the FSL. It is the property of the FSI and is beaund to your agreen; it and the contains are not to be distributed outside your agreent.

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HO 77-2946

Federal Courts and state courts throughout the United States, including most Southern states. His most significant victories in appearances before the United States Supreme Court was reported to be:

- (1) The right for Negroes to vote in Democratic primaries in the South.
- (2) The right of Negro passengers to travel freely in interstate travel.
- (3) Racial cases establishing the principle that covenants restricting the use, rent or sale of property to Negroes were not enforceable.
- (4) Was in charge of the entire campaign to outlaw segregation and discrimination in the field of education, culminating in the Supreme Court decision of May 17, 1954.

Articles in "The Houston Chronièle" dated June 18, 1959, reported MARSHALL made a speech in Houston on the previous evening concerning the school desegregation issue, in which he stated "We must use patience and firmness - but not violence." This article noted MARSHALL had joined other attorneys in the Houston school desegregation case.

on September 13, 1961,

stated he first met applicant in 1947

at Washington, D.C. has subsequently worked with

MARSHALL on a number of occasions, principally in connection

with NAACP matters, having formerly been

Applicant assisted in the,

successful school desegregation case at Houston which was

settled in 1960. Applicant has never spent more than a day or

two at Houston at any one time, but has visited this area

frequently during recent years.

reputation both as a lawyer and as a man. He has tried cases under very trying circumstances involving racial tensions, and has always maintained a calm, reasonable and objective attitude toward his work and his responsibilities as an attorney.

HO 77-2946

which would reflect unfavorably on applicant's character or reputation, and he considers MARSHALL to be a completely loyal American. He recommends applicant highly for any position in the Federal Judiciary.

stated on September 13, 1961, that he has known applicant since 1945. At that time MARSHALL assisted in the case which resulted in opening the University of Texas Law School to Negroes, being one of the first Negroes to be affected.

Applicant has spent most of his legal career in Federal courts, primarily in civil rights matters.

In numerous conferences with MARSHALL in connection with such cases in Texas in recent years, and has observed that in his relations with younger attorneys MARSHALL has always maintained an objective, even-tempered attitude, rejecting the efforts of some attorneys to emphasize racial issued unnecessarily.

further stated applicant has always been highly regarded among both Negro and white attorneys with whom he has associated, and is "dedicated to our constitutional form of government above all else." He considers MARSHALL to be highly capable, of mature judgment, and highly suited for a high position in the Federal Judiciary.

According to applicant has visited Houston several times for short periods, but his associates in Houston are limited to the attorneys with whom he has worked. The recalls MARSHALL's first wife died several years ago and applicant later married his secretary, who was a native of Hawaii. It is not socially acquainted with applicant's family.

on September 13, 1961

stated he is well acquainted with applicant on a professional basis but is not a personal friend or social acquaintance has worked with MARSHALL on a few occasions in recent years on cases in the Houston area. He considers applicant to be a thoroughly competent attorney, of even temperament, dedicated to justice and the highest traditions of the legal profession, and a thoroughly loyal American in every sense. Based on his professional association with MARSHALL, precommends applicant highly for a position of trust with the United States Government.

FEDERAL BUREAU OF INVESTIGATION

SEPORTING OFFICE	OFFICE OF ORIGIN	DATE INVESTIGATIVE PER	00
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THURGOOD MAI	CC TC State REQ. REC D 4-2	DAPLI U. S. CIRCUIT JUDGE, SECOND CIRCUIT	
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ADMINISTRATIVE

Information concerning THURGOOD MARSHALL contained in this report based on file review of the following:

Savannah file 100-3050 entitled "NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, IS-C;"

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Savannah file 105-222 entitled "CITIZENS COUNSEL, SWANSEA, S. C., IS-X."

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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Savannah, Georgia

Report of:

Field Office File No.:

Date:

9/14/61

77-2378

Burene File No.:

Office:

Title:

THURGOOD MARSHALL

DEPARTMENTAL APPLICANT U. S. CIRCUIT JUDGE. SECOND CIRCUIT

Newspaper article reveals MARSHALL scheduled speaker for state meeting of NAACP, Columbia, S. C., 5/29-31/44. MARSHALL subsequently identified as legal counsel for school teacher in suit asking for permanent injunction against discrimination in South Carolina school system. MARSHALL was guest speaker, NAACP peeting. Savannah. Ga., in December, 1951.

Lexington County, S. C., accused MARSHALL of being for no race in particular, but just involved for whatever he could get out of it, according to newspaper article.

on interview advised he has never met MARSHALL and all he knows about MARSHALL is what he read in newspapers. Any public comments he might have made regarding MARSHALL were his personal opinions and not based on fact.

RUC-

SV 77-2378

DETAILS

AT SAVANNAH, GEORGIA:

MISCELLANEOUS

An article appearing in the "Lighthouse and Informer," a Weekly newspaper published at Columbia, South Carolina (no longer in existence), on April 28, 1944, reflected that THURGOOD MARSHALL, speaker, National Association for the Advancement of Colored People (NAACP), would arrive in South Carolina between May 29 and 31, 1944, to draw up strategy for the vote case to be brought against the White Democratic Primary by the Negro Citizens Committee.

The February 11, 1945, edition of the "Lighthouse and Informer" carried an article captioned "The South Carolina NAACP Fights On" which revealed that THURGOOD MARSHALL, special counsel for the NAACP, was representing one in her suit asking for a permanent injunction against discrimination in the South Carolina school system.

An article captioned "Thurgood Marshall NAACP Speaker" appeared in the Savannah Evening Press, a daily newspaper published in Savannah, Georgia, on December 7, 1951. This article revealed that officials were arriving in Savannah for a three-day meeting of the state branch of the NAACP. The principal speaker and best known person coming to Savannah for the session was listed as THURGOOD MARSHALL, special counsel for the NAACP.

An article appearing in the "Times and Democrat," a daily newspaper published at Orangeburg, South Carolina, on November 4, 1955, revealed that a crowd of approximately 300 Swanses and Lexington County, South Carolina, citizens jamed into the auditorium at Orangeburg, South Carolina, to pledge their support in the battle against integrating schools and the NAACP. Among the speakers was of Lexington County, South Carolina, who preceded the guest speaker and who "cut loose with a verbal assault against who he termed 'whatever he is', THURGOOD MARSHALL, MAACP official. 'MARSHALL' said, 'is neither Negro or white. He isn't any race in particular - he's just involved for whatever sum of money he can get out of it.'"

8V. 77-2378

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The following investigation was conducted by

AT WEST COLUMBIA, SOUTH CAROLINA

b70

September 14, 1961 that he has never met THURGOOD MARSHALL and has no first-hand information pertaining to MARSHALL. He stated that all he knows about MARSHALL is that which he has read in the newspapers.

because of his connections with the NAACP, and that any public comments he might have made regarding MARSHALL were his personal opinions and not turn on facts.

FEUERAL DUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	, DATE	HIVESTIGATIVE PER	00
KNOXVILLE	BUREAU	9/14/61	9/13/6	51
TITLE OF CASE	Water	REPORT MADE BY		TYPED BY
THURGOOD MARSHALL	CC TO: FAC. REQ. REC'D 11- ADD 1 8 196 ANS BY:	3 UNITE	MENTAL APPLIC STATES CIRCU CIRCUIT	
EFFERENCE: Burea	u teletype dated	9/12/61.		in

- ECC -

ADMINISTRATIVE:

By teletype dated 9/13/61 the Memphis Office was requested to interview of Nashville, who are professional associates of applicant and were

Court records were not checked on each case in which the applicant was an attorney of record in this area, inasmuch as applicant did not actively participate in the proceedings and no derogatory information was developed necessitating a detailed check of each case.

COVER PAGE

APPROVED

APPR

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Copy to:

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Report of:

Date:

2723701

Office: KNOXVILLE

Field Office File No.: 77-1485

Bureau File No.:

Title:

THURGOOD MARSHALL

DEPARTMENTAL APPLICANT

UNITED STATES CIRCUIT JUDGE

SECOND CIECUIT

currently

Synopole:

Professional associate of applicant described bim as person of excellent character who has reputable associates and unquestionable loyalty to the United States Government. Applicant, along with other attorneys for the National Association for the Advancement of Colored People, was an attorney of record in major civil actions involving school integration in the Chattanooga and Knoxville area, but no indication applicant appeared in person in connection with these cases. Newspaper morgues in Knoxville and Chattanooga contain no pertinent news items. Credit and criminal, Knoxville and Chattanooga, negative.

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DETAILS:

AT KNOXVILLE, TENNESSEE:

b70

Professional Associate

who resides at the property of the property of

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XX 77-1485

bx

estated that he did not consider applicant an intimate friend; however, he has had considerable association with him through professional contact and correspondence with respect to MAACP activities. He said that he had met applicant's first wife, who is deceased, and one of applicant's brothers, name unrecalled. He described applicant as a person of excellent character, who has reputable associates and unquestionable loyalty to the United States Government. He stated he would recommend applicant for any high-level position with the United States Government. He said that in his experience he has found that applicant "goes right down the middle" and stays within the strict interpretations of the law. He said that applicant is fair and impartial and he is sure applicant would not discriminate against anyone. He felt that applicant would always insure that justice is served.

further related that the applicant has not personally handled any cases in court in the Knox-ville or Chattanooga area. He mentioned that of Nashville, of Nashville, of Nashville, as well as the handled the major civil actions involved in school integration in the Chattanooga and Knoxville area, but applicant gave general supervision to these cases for the NAACP. He further described applicant as being forceful in his opinions; however, he would insure a free exchange of ideas before making a final decision. He stated that to his recollection, applicant would not be known personally by other attorneys in the area.

along with the above-mentioned attorneys, as attorney of record in five cases involving school integration in the Knoxville and Chattanooga, Tennessee, area. He described these cases as follows:

(1) Suit file-12750 on behalf of and others for integration of Clinton, Tennessee, schools. As a result of this suit, according to Negro students are now permitted to attend schools under court order.

, ,C

- (2) Suit file 11/251 on behalf of the and others for integration of University of Tennessee.
 This case went to the United States
 Supreme Court and in 1952 the University of Tennessee agreed before the Supreme Court to admit Negro students and the case was dismissed.
- (3) Suit file 1/57 on behalf of against the Knoxville City Board of Education, which was dismissed June 1, 1959, on technical grounds involving the question of procedure.
- (4) Suit file 171159 on behalf of and others against the Knoxville City Board of Education for integration. This case is presently pending before the Court of Appeals, according to
- (5) Suit file in connection with integration of Chattanooga, Tennessee, schools, approximately February 22, 1960. This case is presently being appealed in the Sixth United States Court of Appeals.

Newspaper Morgues

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Circulation Department,

Knoxville Journal and Knoxville News-Sentinel,

Chattanooga Free Press, and

Chattanooga Bunday Times, who

also checked the Chattanooga Daily Times, all advised
that the newspaper morgues of their respective newspapers
failed to reflect any pertinent items concerning applicant.

Stated that her newspaper files did
reflect that the applicant was associated with the NAACP
and was mentioned as attorney of record, along with other
attorneys in some integration suits filed.

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Credit and Criminal

Department,
Chattanooga Police Department,
Credit Bureau of Knoxville, and
Credit Bureau, all advised that the records of their
respective organizations do not contain any information
concerning applicant.

conducted by Special Employee Tonducted by Special Employee Tonducted by Special Agent All of the above investigation was conducted on September 13, 1961.

Routing Slip FD-4 (Rev. 10-12-58)	Date9/15/61
To Director	The second secon
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LITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

September 14, 1961

NEW ORLEANS

Field Office File No.: NO (77-3192)

Bureau File No.:

Title

Date:

THURGOOD MARSHALL

DEPARTMENTAL APPLICANT, UNITED STATES CIRCUIT JUDGE. SECOND CIRCUIT

appointee. "The Louisiana Weekly," 11/14/59 issue contained article that THURGOOD MARSHALL was included among a number of lawyers who should be investigated for practicing barratry. Investigation reflects appointee considered for local barratry proceeding due to fact he was attorney of record in case involving attempts by Negro children to register at white schools, East Baton Rouge Parish, La., in which depositions taken reflecting plaintiffs were caused to make registration attempts at instigation NAACP which also paid for attorney fees and costs of litigation. This case presently pending US Supreme Court.

East Baton Rouge Parish, La., advised barratry proceeding not instituted because of federal law that case could be removed to federal court upon allegation Civil Rights violation which would make other local attorneys aware of removal statute. These attorneys would have used this federal law in according to many other types of criminal proceedings.

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DETAILS:

The following investigation was conducted at Baton Rouge, Louisians on September 13, 1961:

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he has known THURGOOD MARSHALL for about fifteen years, they having met for the first time when while MARSHALL was acting as a consultant to a Leadership Conference held at Southern University in Baton Rouge. He said they considered each other close friends and while they do not see each other very often, MARSHALL generally telephones him when he makes occasional visits to New Orleans, Louisiana.

He said he knows very little about MARSHALL's relatives other than he has a brother, name unrecalled, who is a doctor in New Jersey and his mother and father are both now deceased. He stated he has met both MARSHALL's first wife, VIVIAN, who died some years ago of cancer, and his second wife, CECILIA, and considers them both highly as to character, reputation, and loyalty.

stated MARSHALL was a legal counsel with the National Association for the Advancement of Colored People (NAACP) until about 1950. At this time, to circumvent treasury regulations which did not consider gifts to the NAACP as tax deductible, it broke into two separate and distinct organizations, one being a continuation of the NAACP and the other the Legal Defense and Educational Fund Incorporated, gifts to which are tax deductible. He stated MARSHALL was made and is director and chief counsel for this latter group. He said MARSHALL's only connection with the NAACP itself is as a life member.

he knows the appointee is a member are as follows:

The Alpha Phi Alpha, a college social fraternity; the Masons, of which he is a 33rd degree acting member and Grand Marshal of the United Supreme Counsel in Washington, D. C., and a warden of the Saint Philip's Episcopal Church, New York, New York. He stated he considered MARSHALL as capable, "honest to a fault," of high integrity and one who, if he makes a mistake, is always willing to admit it to anyone. He said he is gregarious by nature and is equally friendly with people from all

30 77-3192/jlc

walks of life. He advised he had never heard anything derogatory concerning his character, associates, and reputation, considered him loyal to this country, and one whom he would not hesitate to recommend for a position of trust and confidence in the U. S. Government.

The November 14, 1959, issue of "The Louisiana Weekly" under the fielding "Nagro Lavers Threatened With - Charges Of Barratry" contained the following article:

"BATON ROUGE, La. - Angered by a decision of the U. S. Supreme Court, Appellate Court and the District Court's decisions which had consistently overturned racially discrimatory practices of long standing, authorities of East Baton Rouge Parish have stated that it was their plan to seek retaliation against Negro attorneys who handled the cases. This move was announced by the for East Baton Rouge Parish,

of barratry against Negro attorneys.

"Barratry, he explained, is the inciting or encouraging of law suits or the persistant incitement to litigation. In other words he accused the Negro lawyers of going out and looking for someone who could be used as a guinea pig in a suit, begging these persons to sue and assuring them that the suit would cost them nothing. This action he said was in accord with segregation leaders in the state.

"Among the lawyers whom he stated should be investigated for practicing barratry were Thurgood Marshall and the MAACP of New York and both representing the MAACP of Dallas;

of New Orleans. He also said that Baton Rouge would also be one against whom charges would be filed. b70

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said he had depositions from ten of the fourteen Negro plaintiffs in the school board suit to the effect that the lawyers had sought them out, begged them to act as plaintiffs and that the NAACP was footing all of the bills.

"White Citizens Councils in Louisiana have done everything possible to rid themselves of civil rights suits. They have lost practically every suit filed against them by Negroes."

Baton Rouge Parish, advised he was aware of some of the details concerning the barratry charges which were at one time considered against MARSHAIL and others 670 connected with the NAACP.

He said this grew out of the case of a minor, by his father and next friend et al, versus East Baton Rouge Parish School Board. Incorporated and East Baton Rouge Parish, which is under Civil Action Docket Number 1662 in the United States District Court for the Eastern District of Louisiana, New Orleans, Louisiana This case involves the attempt by various Negro children to register in segregated white schools. He said this case has to date been decided in favor of the United States Supreme Court.

He said the depositions of ten Negroes, the parents or guardians of these children, were taken during April, 1956 in connection with this case. He advised these revealed there had been meetings during about 1955 which were held by the NAACP representatives in

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personally.

which those in attendance were apparently requested to register their children in white schools, and ultimately culminated in the Plaintiffs' efforts. He said these depositions also indicated that the NAACP thereafter took charge of the court proceedings, supplying attorneys as well as paying the fees and costs. He said these actions, to his view are, in contravention of the state barratry statute. He said since THURGOOD MARSHALL is one of the attorneys of record in the school case and is connected with the NAACP, he would have been one of those charged in the barratry matter despite the fact he had apparently not attended any of the meetings in question. He advised the never did bring this to trial and he was not certain of the reason. He stated

he has a copy of these depositions in his possession and would, if requested, make them available.

He stated he does not know THURGOOD MARSHALL

East Baton Rouge Parish, stated never brought the barratry case against THURGOOD MARSHALL and other NAACF representatives, is because it is a Federal Law, Section unrecalled, under which a man can without question have a criminal case removed from a state court to a Federal Court upon alleging a violation of his Civil Rights. He said few attorneys are aware of this provision and since he was sure that would have been done in this barratry proceeding, which would have received much publicity, it would have made all attorneys aware of the statute and he would have had to contend with this type of removal in many other criminal proceedings dealing with both Negro and white people and which would

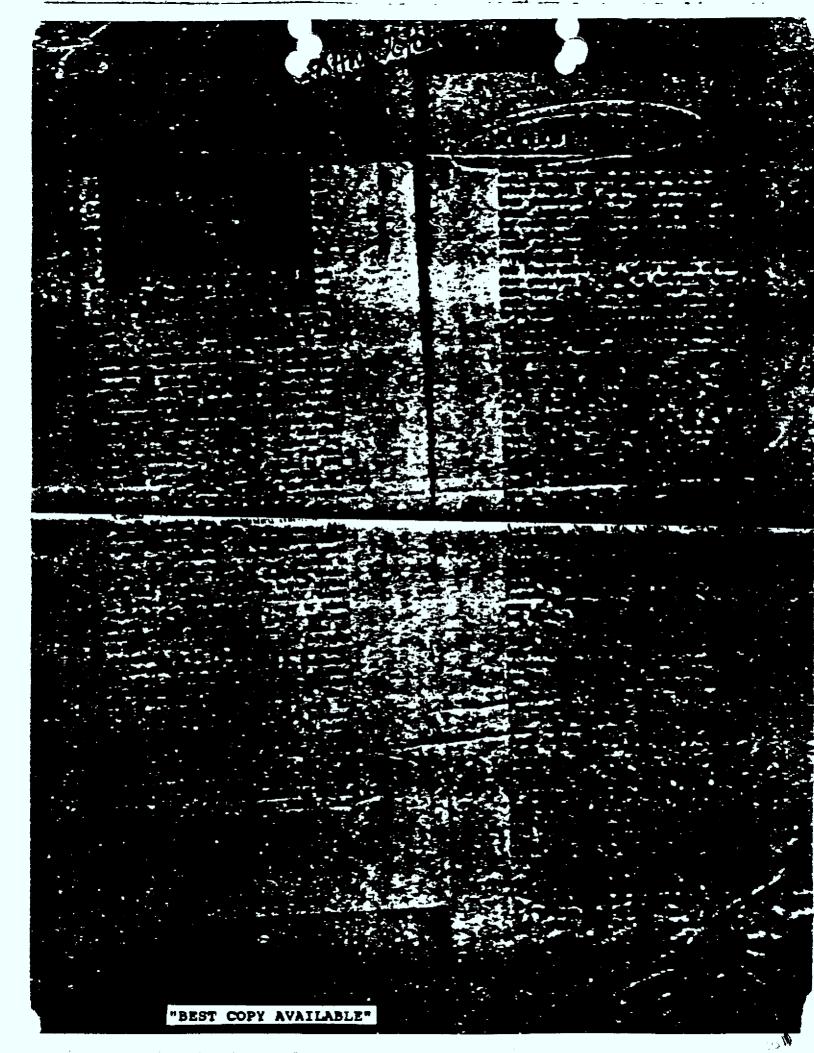
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have proven cumbersome to the efficient local administration of justice.

He said that described the sai

He said he does not know THURGOOD MARSHALL personally; but understands that MARSHALL has spent his whole life crusading for the Negro people and integration.

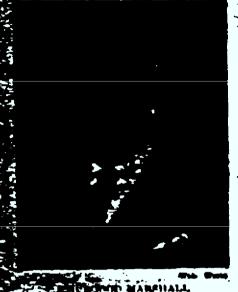
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	of court proceed on 5/8/57, State issued a permane affiliated organ practice of law interest, engage activities control indirectly, lor prosecute a for the MAACP within the reflect	exas, advised that he image for THURGOOD Made District Judge OTIS ont injunction order sizations endoining to financing a suiting in political activary to State laws, a siring or paying any law suit. THURGOOD has in Tyler, Texas, in he was cited for contents.	7th Judicial 1 had no record of control of the RSHALL. Dallas files T. DUNAGAN, Tyler, against the NAACP and then from engaging in the shift they have not be soliciting law suits, litigant to bring, marshall, General Court of this suit. Dallas at empt of court at the	stempt reflect rexas, d all its the direct g directly aintain, asel s files at time.
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Approved: Special Agent in Charge

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U. S. DEPART OF JUSTICE
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Kr. Tolon Kr. Belman Kr. Mohr Kr. Callahan Kr. Catrad Kr. Dalanah

Mr. Evena Mr. Malona

Mr. Sullvan.

Mr. Trotter___ Tele Research

Mr. Ingram.

URGENT 9-15-61 4-58 PM

TO DIRECTOR, FBI

FROM SAC, NEW HAVEN 77-4291

THURGOOD MARSHALL, DAPLI, USCJ, SECOND C IRCUIT. RE NEW HAVEN

TELETYPE SEPTEMBER FOURTEEN LAST.

SECOND CIRCUIT COURT OF APPEALS, OUT OF TOWN ON MOTOR

TRIP AND DUE BACK THIS WEEKEND. PRESENT WHEREABOUTS UNKNOWN.

HE WILL BE INTERVIEWED MONDAY, SEPT. EIGHTEEN, AND RESULTS

SUBMITTED BY REPORT.

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SEDERAL PURSAL OF INVESTIGATION U. S. DEPARTMENT OF JUSTICE COMMUNICATIONS SECTION SEP 1 5 1961

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TO DIRECTOR

FROM SAC LOS ANGELES 77-12678

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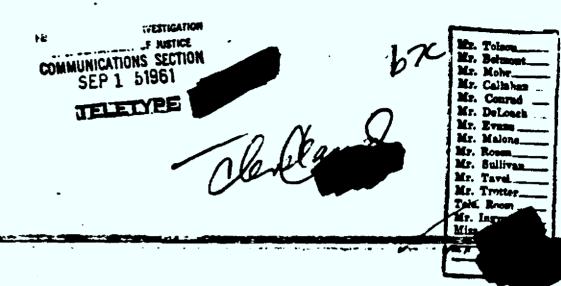
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TO DIRECTOR, FBI AND SAC, BALTIMORE

FROM SAC, CHICAGO /77-12343/ 2P

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NINE AND THEN MOVED TO NEW YORK TO PURSUE FULL TIME WORK

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FOR NAACP. APPLICANT NONMEMBER OF AMERICAN BAR AND NATIONAL BAR ASSOCIATIONS.

ADVISED SA

INSTANT DATE BEEN ASSOCIATED WITH APPLICANT ON INTERMITTENT BUSINESS BASIS PAST SIXTEEN YEARS. LAST IN CONTACT WITH THRE
YEARS AGO. CONSIDERS APPLICANT TO BE PERSON WELL VERSED IN FIELD OF
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REPROACH. STATED HAD NO UNFAVORABLE INFORMATION OF ANY NATURE CONCERNING APPLICANT AND HIGHLY RECOMMENDS APPLICANT FOR POSITION IN UN
STATES JUDICIAL SYSTEM. BALTIMORE HANDLE ABOVE LEADS. CHICAGO WILL
SUBMIT REPORT EXPEDITIOUSLY.

END AND ACK IN ORDER PLS.

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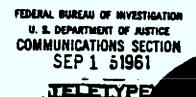
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Mr. Tolsen
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Mr. Polyach
Mr. Ryens
Mr. Yaless
Mr. Sullivan
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Mr. Tavel
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Mise Gandy

DRUENT FEBRUARY FOR

TO DIRECTOR, FBI

FROM SAC. SAN FRANCISCO /77-9089/ 2 PAGES COVES, THURGOOD MARSHALL, USCJ, SECOND CIRCUIT. REBUTEL SEPTEMBER TWELVE, LAST. SAN FRANCISCO REPORTS REFERRED TO IN REBUTEL. AND OTHER REFERENCES SAN FRANCISCO INDICES CONTAIN NO INFORMATION INDICATIVE LIN-AMERICAN ACTIVITY ON PART OF MARSHALL. SOURCE OF INFORMATION FURNISHED CONCERNING MARSHALL IN SAN FRANCISCO REPORT RE FOREIGN INSPIRED AGITATION AMONG THE AMERICAN NEGROES IN SAN FRANCISCO SHE STATED SHE WAS NEVER GIVEN ANY REASON TO QUESTION LOYALTY OF MARSHALL. ACCORDING TO HER BELIEF NATIONAL OFF-ICIALS OF NAACP, BY COINCIDENCE RATHER THAN DESIGN, SUPPORTED ACTION ALSO SUPPORTED BY COMMUNIST FACTION OF LOCAL NAACP IN NINETEEN FORTY INFORMANTS ADVISE NO KNOWLEDGE INDICATIVE UN-AMERICAN ACTIVITY ON PART OF MARSHALL. INDICATED IN INITIAL INTERVI THAT MARSHALL WAS BELIEVED BY HER TO HAVE BEEN ACQUAINTANCE OF LONG 47 STANDING OF HAVING ATTENDED LINCOLN UNIVERSITY IN PENN-SYLVANIA WITH HIM, BUT CANNOT NOW RECALL MARSHALL WAS

ASSOCIATED WITH SELF ADMITTED FORMER CP

25 FEB 23 1962

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END OF PAGE ONE

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MEMBER. BUFILE INTER-VIEWED IN FIFTY SEVEN AND TESTIFIED BEFORE HOUA IN FIFTY SEVEN. WAS in san fran-COOPERATIVE IN BOTH INSTANCES. CISCO IS UNAVAILABLE FOR IMMEDIATE INTERVIEW. IN VIEW OF ABOVE, THIS INFORMATION NOT BEING INCLUDED IN DETAILS OF REPORT. SAN FRANCISCO NEWSPAPER LIBRARY FILES CONTAIN NO UNFAVORABLE INFORMATION. FOR INFO-RMATION MARSHALL WAS SUBJECT OF MAJOR ARTICLES PUBLISHED IN QUOTE COLL-IERS UNQUOTE FEBRUARY TWENTY THREE, NINETEEN FIFTY TWO, AND QUOTE LIFE UNQUOTE JUNE THIRTEEN, FIFTY FIVE. IN EVENT NOT AVAILABLE FOR IN ERVIEW BY END OF THIS WORK DAY, PENDING REPORT WILL BE SUBMITTED WITH SUPPLEMENTAL COMMUNICATION TO FOLLOW AFTER INTERVIEW OF END AND ACK PLS. 2-51 PM OK FBI WA

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HEC.D & F. I

Memorandum

TO

Mr. Evans.

DATE: 9-15-61

FROM

W. V. Cleveland

SUBJECT:

THURGOOD MARSHALL

DEPARTMENTAL APPLICANT

UNITED STATES CIRCUIT JUDGE

SECOND CIRCUIT

As previously advised, the Deputy Attorney General's Office requested an investigation of Marshall at 5:00 p.m. on 9-8-61. Marshall is special counsel of the National Association for the Advancement of Colored People (NAACP). Approximately 750 references to Marshall were located in Bureau files and the pertinent information was furnished to the field for appropriate investigation and proper reporting. The information developed thus far indicates that Marshall in the past has been an official or member of the Progressive Citizens of America, The National Lawyers Guild, International Juridical Association (cited by HCUA or similar state agency), National Federation for Constitutional Liberties, and the National Negro Congress (designated pursuant to Executive Order 10450).

It may be noted that according to articles appearing in Vashington, D. C., newspapers on 9-14-61, President Kennedy has already announced his intention of appointing Marshall to the above-captioned position. Our investigation has not been completed and it would appear from this that considerable pressure will be brought to bear for the Bureau to complete its investigation. Investigation is being conducted in 31 field offices and due to the activities of Marshall as special counsel for the NAACP, he has been subject to considerable publicity and criticism in connection with the many cases he has handled throughout the United States. Additional leads have developed daily, all of which are being handled on an expeditious basis and every effort is being made to complete this investigation as soon as possible.

ACTION:

This case is being afforded close supervision.

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TO SAC. BALTIMORE (77-20751)

DIRECTOR FRI (72-88227)

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On 9/8/61 Assistant Deputy Attorney General Dolan requested expedite investigation of Marshall who is being considered for position of U. S. Circuit Judge, Second Circuit,

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TO SAC, BALTIMORE 77-20751
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PEDERAL BUREAU OF INVESTIGATIONS FEB 28 1962

U. S. DEPARTMENT OF JUSTICE
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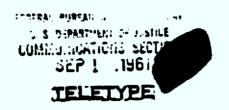
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FROM DIRECTOR, FBI (77-88227)

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NOTE: On 9/8/61 Assistant Deputy Attorney General Bolan requested expedite investigation of Marshall who is being considered for the position of U. S. Circuit Judge, Second Circuit; 7

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THURGOOD MARSHALL		CHARACTER OF C		
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REFERENCES

Bureau teletype dated 9/8/61. Bureau airtels dated 9/12/61. Richmond teletypes dated 9/11/61 and 9/12/61. New York teletype dated 9/12/61.

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INFORMANTS

Source of Identity

is whose identity is known to the Bureau.

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T-symbols were utilized in this report only after careful consideration and only in those instances where it was necessary.

LEADS

WASHINGTON FIELD OFFICE

AT WASHINGTON, D. C.

- 1. Will follow and report results of agency checks at CSC, CIA, and Passport and Security Offices of the State Department when made available by these agencies.
- 9/12/61.
- 3. Will report results of contacts with Washington Confidential Informants.



UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

Carry to:

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Report of

9/15/61

Office: Washington, D.C.

Field Office File No.: _77-72488

Bureau File No.:

Titles

THURGOOD MARSHALL

Connected

DEPARTMENTAL APPLICANT
UNITED STATES CIRCUIT COURT JUDGE
SECOND CURCUIT

Supposie

Applicant received LL.B. and Honorary Doctor of Law Degrees from Howard University. No record of any former employments could be located at B & O Railroad or United States Post Office Department. Personnel records, State Department, did not contain any information concerning applicant.

from New York State and acquaintances recommend. Credit and local police department records were negative re applicant and his wife except for Metropolitan Police Department records which indicated THURGOOD MARSHALL was a speaker at a "rally to free the movies from the Thomas Committee". Applicant was admitted to practice before United States Supreme Court in 1939. No record of applicant could be located ain the Lawyers' Register or Committee on Admissions and Grievances, United States District Court. Records of the Bar Association for the District of Columbia and Federal Bar Association was negative re applicant. Library indices. Washington Evening Star Newspaper, contained no additional information concerning applicant. HCUA indicated applicant affiliated with IJA, NLG, and that he was a speaker at rally sponsored by the Progressive Citizens of America. These organizations cited in Guide to Subversive Organizations and Publications. CHARLES H. HOUSTON, deceased, former associate of applicant, was associated with organizations cited under Executive Order 10450.

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DETAILS: AT WASHINGTON, D.C.

BDUCATION

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Hevard University

On September 13, 1961, the applicant's scholastic record was reviewed by SA Diffice, Howard University, and indicated that the applicant was born July 2, 1908, at Baltimore, Maryland. He was admitted to the Law School of this university on October 1, 1930, on the basis of an A.B. degree which he had received from Lincoln University in 1930. At the time of his enrollment the applicant's address was shown as 1838 Druid Hill Avenue, Baltimore, Maryland. The applicant attended this law school during the first and second semesters for the following school years: 1930-31, 1931-32, and 1932-33. On June 9, 1933, he was graduated from this law school Cum Laude with a LL.B. degree.

University, advised SA on September 13, 1961, that according to the 86th Annual Commencement Program for June 4, 1954, the applicant received an Honorary Doctor of Laws Degree from Howard University.

School of Law. Howard University, advised SA on September 14, 1961, that he has known the applicant professionally and socially for about 20 years. The has consulted the applicant for about 20 years. on many occasions concerning civil rights matters, and he considers the applicant one of the best lawses in the nation based on the number of victories Mr. MARSHALL has won in cases he had tried before the United States Supreme Court. Isaid the applicant practiced law in Baltimore, Maryland, for a few years after receiving his law degree and then went to New York City, New York, to become Assistant to Mr. CHARLES H. HOUSTON, Special Counsel of the National Association for the Advancement of Colored People (NAACP), DV GERE Later, Mr. MARSHALL became Director of the Defense Fund, MAACP. The applicant has had considerable experience for the past 25 years in Pederal courts. He had specialised as an attorney in the field of civil rights. According to the applicant was a very thorough, sincere, dedicated individual who commands respect for his accomplishments. He said the applicant is a man of good moral character and

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reputation, and the property has never heard of anything which would reflect adversely upon the applicant's associates or loyalty to the United States. He felt the applicant possesses the judicial temperament to make a good Federal court judge, and he recommended him for such a position.

Howard University, advised SA on September 13, 1961, that he has known the applicant since approximately 1945. is socially acquainted with Mr. MARSHALL, and he considers him to be a fine person who possesses a good disposition and excellent character. The applicant's loyalty to the United States is above reproach. He said Mr. MARSHALL enjoys a very good reputation and that to his knowledge the applicant's associates are also respectable individuals. said the applicant has specialized as an attorney in the civil rights field and it is Mr. MARSHALL's point of view that progress in this field should be handled constitutionally through the courts rather than by demonstrations and a lot of ballyhoo. felt that the applicant possesses the disposition and temperament to impartially fullfill the requirements for a Federal judgeship, and he recommended him for such a position.

University Law School, advised SA on on September 13, 1961, that he has been acquainted with the applicant professionally and socially for the past 25 years.] said the applicant has a marvellous personality and that his moral character is the applicant has done an impeccable. According to excellent job in keeping the NAACP clear of infiltration by subversive groups or elements. The applicant, he said, is completely loyal to the United States and a man of good reputation and associates. He pointed out that the applicant has received much acclaim as an attorney in the field of civil rights and that the applicant has handled racial and civil rights matters in a very straightforward and legal manner since the applicant is much opposed to having such problems resolved by loud protests and demonstrations. The applicant is a fairminded individual who, according to possesses the judicial temperament to make a very fine judge for the United States. He recommended the applicant for such a position.



WFO 77-72488

The above persons were unable to furnish any information concerning the applicant's employment with the Baltimore and Ohio Railroad as a dining car worker and steward or any postal employment when the applicant was attending Howard University ... They further stated that of Howard University

was currently unavailable for interview.

EMPLOYMENTS

A news article appearing in "Time" magazine, dated September 19, 1955, concerning Mr. MARSHALL indicated that he had a dining car summer job with the Baltimore and Chio Railroad many years ago. The "New York Herald Tribune" newspaper article, dated July 4, 1958, page 3, concerning Mr. MARSHALL indicated he worked his way through school as a dining car waiter and as a postal worker.

The files of the Personnel Office, United States Post Office Department, Massachusetts Avenue and North Capitol Street, Washington, D.C., were caused to be searched on September 13, 1961, and no record of the applicant could be located. Records of former employees who worked in the Washington, D.C., area are not maintained after five years.

On September 13, 1961, SA records of the Personnel Office, Baltimore and Ohio Railroad, Washington, D.C., to be searched, and no record of the applicant could be located.

On September 13, 1961, the following people at the Department of State advised SA were unable to locate any record of the applicant;

Personnel Locator,

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Wilce of Personnel.

Section, Office of Personnel.

Personnel Files

Employment Division.

Applicant Files,

Personnel Operations Division.

On September 12, 1961, SACRET Previewed the applicant's file at the Office of the Deputy Attorney General, Department of Justice, and it indicated that 670 Mr. MARSHALL is being considered for appointment to the position of United States Circuit Judge. Second Circuit. His file did not contain any additional pertinent information.

FROM THE STATE OF NEW YORK

on September 13, 1961, that he has personally known the applicant as a very competent and capable attribute whose character, loyalty, reputation, and associates are above reproach.

said the applicant is a well qualified attorney and he did not know of any reason why the applicant should not make an excellent Federal court judge. He recommended him for such a position.

September 13, 1961, that he has known the applicant for approximately 15 years at least and that the applicant is a very vigorous, hard-fighting, deeply convictioned, and highly ethical attorney who has won much acclaim and distinction in the legal field. He said the applicant is a man of good character, reputation, and associates and that he has never had the slightest reason to question the applicant's loyalty to the United States.

The process of th

<u>ACQUAINTANCES</u>

Administration, 15th and Vermont Avenue, N.W., advised SA on September 14, 1961, that he became acquainted with the applicant in 1930 when he and the applicant were students at Howard University Law School. This been professionally and socially acquainted with the applicant for many years, and he said he was associated with the applicant when the applicant appealed the school segregation case before the United States Supreme Court. The applicant, he said, is an outstanding scholar and was graduated at the top of his law school class. He said the applicant's first wife, VIVIAN MARSHALL, died approximately five years ago, and that the applicant remarried CECELIA SUYAT. He said that Mr. MARSHALL has had two sons by his second marriage. He vouched for the

applicant's character, loyalty, reputation, and associates. He said the applicant has much ability and possesses the judicial temperament to make a very good Federal judge, and he recommended him for such a position.

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N.W., advised SA on September 13, 1961, that he became acquainted with the applicant when they were students at Howard University Law School. Said that the applicant was a very excellent student. The applicant has enjoyed outstanding success in the legal profession, and said he and the applicant were

Mr. MARSHALL, he remarked, wis a man of much ability and integrity. He vouched for his character, loyalty, reputation, and associates. He said the applicant is a very ethical individual who possesses an even disposition and who has the temperament to make a very good judge. The recommended the applicant for a responsible judgeship.

SALL on September 13, 1961, that he has known the applicant since approximately 1957 as a professional acquaintance.

Went on to say he worked with the applicant on segregation cases in which the United States was also a party in interest. He attended conferences as well as court sessions with the applicant, but does not know the applicant socially. According to the he found the applicant to be a reliable and trustworthy person who is well regarded as a capable attorney. The person who is well regarded as a capable attorney of the applicant's loyalty, associates, or morality. He recommended the applicant for a reliable and trustworthy position.

On September 13, 1961

Virginia, advised SA that that a member of this law firm, is presently on a business trip and unavailable for interview. Spointed out that his firm represented the local school board in school desegregation cases wherein the applicant may have been associated with the opposing counsel. Stated that both he and



WFO 77-72488

are not personally acquainted with the applicant. He could not recall the applicant personally appearing in connection with the above cases, although he pointed out that the applicant's name may have appeared on the pleadings. He was unable to comment upon the applicant's qualifications to be a judge or his character, loyalty, reputation, or associates. He also said that the same would apply to

District Court, Arlington, Virginia, auvised SA on September 13, 1961, that he does not know the applicant personally and therefore was unable to make any comment concerning him.

Circuit Court of Appeals, Alexandria, Virginia, advised SA court of Appeals, Alexandria, Virginia, advised SA court as an attorney on one occasion, at which time he conducted himself in a very respectable manner. We was not personally acquainted with the applicant, however, and was unable to make any further comment concerning him.

CREDIT AND POLICE AGENCY CHECKS

The files of the Credit Bureau, Incorporated, were caused to be searched on September 12, 1961, by IC and no record of the applicant, his wife, CECELIA SUTAT MARSHALL, or his deceased wife, VIVIAM BUREY MARSHALL, could be located.

The files of the United States Park Police were caused to be searched on September 12, 1961, by IC and no record of the applicant or his above mentioned spouses could be located.

The files of the Metropolitan Police Department
were reviewed by IC on September 14, 1901, and no
criminal or traffic violation for the applicant or his above
mentioned wives could be located. The files of the Metropolitan
Police Department Subversive Division indicated that THURGOOD
MARSHALL, Legal Counsel of the NAACP, was a speaker at a
"Rally to free the movies from the Thomas Committee," held
at the Manhattan Center, 311 West 34th Street, New York City,
New York, around April 17, 1947. These files contain no

WFO 77-72488

additional information concerning this individual. It should be noted that at all times an indefinite number of unidentified records are out of file and not available for review.

MISCELLANEOUS

On September 12, 1961, Office of Admissions, United States Supreme Court, advised SA that her records indicate the applicant was admitted to practice before the United States Supreme Court on December 8, 1939. Her records contain no additional pertinent information concerning the applicant.

The files of the Lawyers Register, United States
District Court for the District of Columbia, were caused
to be searched on September 12, 1961, by SA
and no record of the applicant ever being admitted to the
District of Columbia Bar could be located.

The files of the Committee on Admissions and Grievances, United States District Court for the District of Columbia, were caused to be searched by SA committee on September 12, 1961, and no record of the applicant could be located.

The files of the Bar Association for the District of Columbia, 15th and New York Avenue, N.W., were caused to be searched on September 12, 1961, by SAME and no record of the applicant could be located.

The files of the Federal Bar Association, 1737 H
Street, N.W., were caused to be searched on September 12, 1961,
by SA and no record of the applicant could be located.

The library indices of the Washington Evening Star Newspaper were reviewed by SA on September 13, 1961, and no additional information concerning the applicant could be located. The files of the House Committee on Un-American Activities were reviewed on September 14, 1961, by IC and these files disclosed that the applicant was the Special Counsel for the National Association for the Advancement of Colored People (NAACP) and was a member of the National Committee of the International Juridical Association. The files also disclosed that THURGOOD MARSHALL was a member of the Executive Board of the National Lawyers Guild (NLG) as of December, 1949 and in 1948 an Associate Editor of the Lawyers Guild Review. It was also indicated he was a speaker at a raily to Tree the Movies held in Nor Tosk Coty, North, in 1947 which was sponsored by the Progressive Citizens of America (PCA) - Arts, Sciences and Professions Council.

The Guide to Subversive Organizations and Publications prepared and released by the House Committee on Un-American Activities contains the following information concerning the IJA, NLG, and the Lawyers Guild Review.

International Juridical Association

- 1. Cited as "a Communist front and an offshoot of the International Labor Defense."

 (Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 149.)
- 2. Cited as an organization which "actively defended Communists and consistently followed the Communist Party line." (Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally released September 17, 1950, p. 12.)

Mational Lawyers' Guild

- 1. Cited as a Communist front. (Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 149.)
- 2. Cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

The files of the House Committee on Un-American Activities were reviewed on September 14, 1961, by IC and it was indicated the applicant was affiliated with the National Association for the Advancement of Colored People (NAACP); the International Juridical Association (IJA), the National Lawyers Guild (NLG), and the publication the Lawyers Guild Review. It was also indicated he was a speaker at a fally to "Free the Movies" held in New York City, New York, in 1947 which was sponsored by the Progressive Citizens of America (PCA) - Arts. Sciences and Professions Council.

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- 2. Cited as an organization which "actively defended Communists and consistently followed the Communist Party line." (Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally released September 17, 1950, p. 12.)

National Lawyers' Guild

- 1. Cited as a Communist front. (Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 149.)
- 2. Cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

WFO 77-72488

(Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally released September 17, 1950.).

3. "To defend the cases of Communist lawbreakers, frents have been devised making special appeals in healf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the * * National Lawyers' Guild. When the Communist Party itself is under fire these offer a bulwark of protection."

(Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)

Lawyers Guild Review

1. Cited as "an official organ of the National Lawyers Guild."

(Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally released September 17, 1950, p. 13.)

Concerning the Progressive Citizens of America (California branches) the Guide contained the following information:

- l. Cited as a Communist front. The "initial meeting" of the Progressive Citizens of America at the Embassy Auditorium in the City of Los Angeles on the evening of February 11, 1947, was actually a consolidation of the National Citizens Political Action Committee and the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions.

 (California Joint Fact-Finding Committee on Un-American Activities, Report, 1947, pp. 234-240,
- 2. Cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

During an interview with which is set out under the caption "Education" in this report, said Mr. MARSHALL and Mr. CHARLES H. HOUSTON were close associates.

According to an article appearing in the April 24, 1950 issue of the Daily Morker! Mr. HOUSTON died in 1950.

Mr. HOUSTON had been Vice-dean of noward University Inc.

School, a member of the legal staff of the NAACP, and a vice president of the National Lawyers Guild.

According to information received in 1945, advised that Mr. HOUSTON was an original sponsor of the Washington Committee for Democratic Action (MCDA) and a vice chairman of its Executive Committee, and furnished information that Mr. HOUSTON's name appeared on the active indices of the Washington Chapter of the American Peace Mobilization (APM). The MCDA, and the ACT, mentioned

The WCDA and the APM, mentioned above, have been designated by the Attorney General of the United States pursuant to Executive Order 10450. The NLG has been previously cited in this report. The "Daily Worker" was an East Coast Communist daily newspaper.



UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

September 15, 1961

Title : THURGOOD MARSHALL

Character: DEPARTMENTAL APPLICANT

67C

Reference: Report of SA

dated and captioned as above.

All sources (except any listed below) used in referenced communication have furnished reliable information in the past.



FEDERAL BUREAU OF INVESTIGATION

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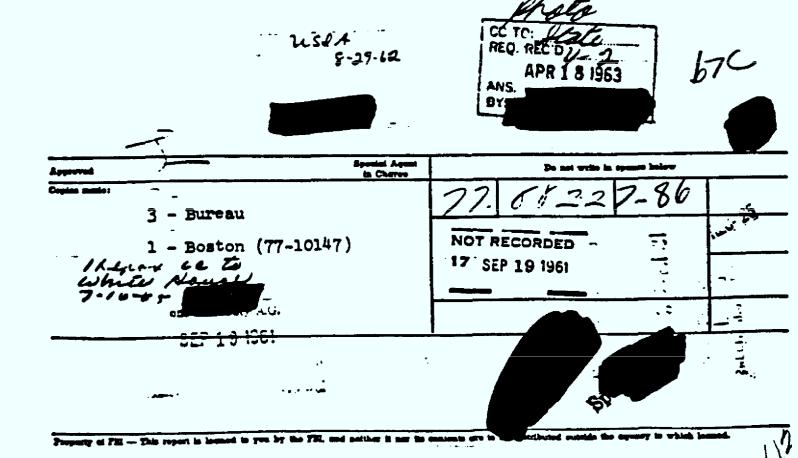
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REFERENCES

New York teletype to Bureau, dated September 12, 1961 and Bureau teletype to Boston, dated September 12, 1961.

New Haven tel to Bureau dated September 14, 1961.

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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

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BOSTON

Date:

September 15, 1961

Bureau File No.z

Title:

THURGOOD MARSHALL

U. S. CIRCUIT JUDGE SECOND CIRCUIT

Comments of

Field Office File No. BS 77-10147

set forth.

advised applicant

not personally known to him. -RUC-

BS 77-10147

DETAILS:

Associate

On September 13, 1961,

b7C

Massachusetts, stated that he has been associated with THURGOOD MARSHALL in the Legal Defense Division of the National Association for the Advancement of Colored People for

stated that during this period he has become a very close personal friend of THURGOOD MARSHALL as well as closely associated with him professionally. In stated that MARSHALL is possessed of a fine, judicial mind and that the preciseness of his thinking would qualify him for favorable consideration as a Federal Judge. He stated that MARSHALL is a hard working, vigorous, charming person possessed of an objectivity which establishes him as one of the leaders "of our time".

He stated that MARSHALL is active in church groups, is a faithful church attendant. and a person about whom no question could be raised regarding his loyalty to the United States. stated that MARSHALL has been steadfast in his declaiming any association with organizations about which there is any suspicion of communist or subversive domination or control. He said that MARSHALL adheres to an exemplary philosophical attitude and that he is a person of unquestionably fine character. He said MARSHALL has a deep sense of fairness as well as an appreciation of issues and that his legal ability is well known, he being held in high respect and esteem by members of the bar and bench of the United States. stated that MARSHALL has been characterized as having one of the "finest legal minds in the country". said that he believes MARSHALL is unalterably imbued with the spirit of the law of the democratic process. said he recommends MARSHALL for favorable consideration as a Federal Judge.

On September 15, 1961

United States Court of Appeals, Second Circuit, New York City, interviewed at Randolph, New Hampshire advises that MARSHALL known to him only by reputation. He states he is unable to comment concerning his suitability for appointment, as he was not personally acquainted with him and therefore does not feel qualified to comment concerning him.



FEDERAL BUREAU OF INVESTIGATION

THURGOOD MARSHALL DEPARTMENTAL APPLICANT, UNITED STATES CIRCUIT JUDGE, SECOND CIRCUIT REFERENCES: Bureau teletype to New York, dated 9/8/61. New York teletype to Director, dated 9/12/61.	porting College	Office of Origin	Deale	Investigative Period			
THURGOOD MARSHALL DEPARTMENTAL APPLICANT, UNITED STATES CIRCUIT JUDGE, SECOND CIRCUIT REFERENCES: Bureau teletype to New York, dated 9/8/61. New York teletype to Director, dated 9/12/61.	CHICAGO	BUREAU	9/15/61	9/11/61 - 9/15/61			
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Denver teletype to Chicago, dated 9/13/61. New York teletype to Director, dated 9/14/61. Chicago teletype to Director, dated 9/15/61.

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ADMINISTRATIVE

September 14, 1961, as set forth in Denver teletype to Chicago, dated September 13, 1961. These files contained nothing of a derogatory nature regarding MARSHALL and pertinent leads were set out to Baltimore by teletype, dated September 15, 1961.

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UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION

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Report of:

9/15/61

Office Chicago

b7C

Field Office File No.:

77-12343

Bureau File No.:

Title

THURGOOD MARSHALL

DEPARTMENTAL APPLICANT.

honoren UNITED STATES CIRCUIT JUDGE,

SECOND CIRCUIT

Synogries

Applicant non-member of American Bar Association and National Bar Association, both Chicago. Business associate and acquaintance both state applicant man of good moral character, intelligent, and excellent lawyer. Both state applicant loyal to the United States Government and would highly recommend for a position of trust.

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DETAILS:

Affiliations

American Bar Association (ABA) 1155 East 60th Street Chicago, Illinois 67C

advised SA that a review of ABA membership files did not rever a record identifiable with the applicant.

National Bar Association (NBA) 12 West Garfield Boulevard Chicago, Illinois

On September 15, 1961,

advised from records that the applicant is not a member of this organization.

She stated that she has been acquainted with the applicant on an intermittent business basis for the past sixteen years. She said that during this period of time she has come to regard the applicant as an intelligent man who is well versed in the field of jurisprudence and possesses legal bearing. She advised that she has never heard anything of an adverse nature concerning the applicant and considers him to be a man of impeccable moral character, loyal to the United States Government, and an individual whose associates are above reproach. She said she would personally highly endorse the applicant for a position of trust.

Acquaintance

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Chreago, Illinois, advised on September 15, 1961, that he has been acquainted with the applicant on a professional and social basis for the past twenty to twenty-five years. He said anything he might say would be highly favorable to the applicant as he considers the applicant to be an excellent lawyer, whose

CG 77-12343

ethics and conduct in the legal field are above reproach. He is well versed in the field of law, presents an excellent appearance, and has always represented his clients to his fullest ability.

stated that he considers the applicant loyal to the United States, and his personal character and associates to be above reproach. He stated he had no reason to question the applicant's emotional stability, personal health, or his financial status. He stated he would highly endorse him for a position of trust.

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