

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1507337-001

Total Deleted Page(s) = 41

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X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXX

TEXT
FORMS.TEXT HAS 1 DOCUMENT

INBOX.1 (#600)

TEXT:
VZCZWFO0034

PP HQ PG

DE WFO 0034 062 1529

ZNR UUUUU

P 03 1524Z MAR 87

FM FBI, WASHINGTON FIELD (9A-NEW) (P) (C-4)

TO DIRECTOR, FBI PRIORITY

FBI, PITTSBURGH PRIORITY

BT

UNCLAS

67-0-14208
[REDACTED]; ASSOCIATE SUPREME COURT JUSTICE THURGOOD
MARSHALL; ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMUN-
VICTIM; EXTORTION; 00:PITTSBURGH.

(X)
RET

b6
b7c

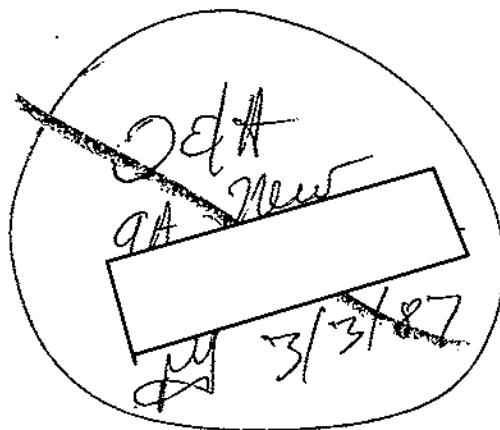
ARMED AND DANGEROUS.

REFERENCE WFO TELCALL TO PITTSBURGH, FEBRUARY 26, 1987.

FOR THE INFORMATION OF THE BUREAU AND PITTSBURGH
DIVISION, ON FEBRUARY 26, 1987, THE UNITED STATES SUPREME
COURT POLICE ADVISED WFO THAT, AT APPROXIMATELY 10:30 A.M.,
THEY HAD RECEIVED A CALL FROM THE UNITED STATES SECRET
SERVICE (USSS) INDICATING THAT CAPTIONED SUBJECT, [REDACTED]

b6
b7c

UNCLAS



4A-3778-1

SEARCHED	GEN. SER.	FOIMS	CP
SERIALIZED		INDEXED	
FILED			
MAR 3 1987			
FBI - PITTSBURGH			

b6
b7c

PAGE TWO, DE WF 0034 ~~SECRET~~

[REDACTED], DATE OF BIRTH, [REDACTED] SOCIAL SECURITY
ACCOUNT NUMBER (SSAN) [REDACTED] HAD MADE THE FOLLOWING
THREAT REGARDING THE CAPTIONED VICTIMS:

"I'M ON MY WAY TO KILL THEM."

[REDACTED] IS CURRENTLY HOSPITALIZED AT THE VETERANS
ADMINISTRATION HOSPITAL, HYLAND DRIVE, PITTSBURGH, PENNSYL-
VANIA.

LEADS. PITTSBURGH DIVISION. AT PITTSBURGH, PENNSYLVANIA.

LOCATE AND INTERVIEW [REDACTED] CONDUCT LOCAL
INDICES AND POLICE CHECK REGARDING [REDACTED] PRESENTS
UNITED STATES ATTORNEY'S OFFICE FOR PROSECUTIVE OPINION,
AND ADVISE WFO IN ORDER THAT UNITED STATES SUPREME COURT
POLICE MIGHT BE APPROPRIATELY APPRISED.

UNCLAS

BT

#0034

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b7C

(File No.) _____

b6
b7C

b6
b7C

Field File No. 9A 3778 Sub A-1

Serial # of Originating Document _____

OO and File No. PG 9A 3778Date Received 3-16-87From [REDACTED] - CHIEF OF SECURITY
(Name of Contributor)VETERANS HOSPITAL - HYLAND DRIVE
(Address of Contributor)PITTSBURGH, PA
(City and State)By [REDACTED]
(Name of Special Agent)To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ NoGrand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☒ NoTitle: [REDACTED]

ASSOCIATE SUPREME COURT JUSTICE THURGOOD MARSHALL -
VICTIM;
ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMUN -
VICTIM
EXTORTION
(OO: PITTSBURGH)

Reference: _____
(Communication Enclosing Material)Description: ☐ Original notes re interview of2 PHOTOGRAPHS OF SUBJECT[REDACTED] TAKEN@ 3-12-87 AT VA, PGH, PA.b6
b7Cb6
b7Cb6
b7C

Field File No. 9A 3778 Sub A-2

Serial # of Originating Document _____

OO and File No. PG 9A 3778

Date Received 3-13-87

From _____
(Name of Contributor)

(Address of Contributor)

(City and State)

By _____
(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☒ No

Title: _____
ASSOCIATE SUPREME COURT JUSTICE THURGOOD MARSHALL - VICTIM
ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMUN - VICTIM
EXTORTION
(OO: PITTSBURGH)

Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

ORIGINAL "AUTHORITY TO RELEASE
INFORMATION" FORM ENCLOSED
DATED 3/13/87

b6
b7C

b6
b7C

AUTHORITY TO RELEASE INFORMATION

I hereby authorize the following physicians and/or institutions or their employees to release to any authorized representative of the Federal Bureau of Investigation within one year of date any information regarding medical treatment and/or hospitalization received by me:

VA HOSPITAL

HYLAND DRIVE

PITTSBURGH, PA

I hereby release any such physician and/or institution, including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind which may at any time result to me, my heirs, family, or associates because of compliance with this authorization and request to release information, or any attempt to comply with it.

Full Name:

(Signature)

Full Name:

(Print)

Parent or Guardian:
(If required)

Date: MARCH 13, 1987

Current Address:

Witness:

(Special Agent)

(Federal Bureau of Investigation)

b6
b7C

b6
b7C

Field File No.

9A 3778 SUPERIA - 3

Serial # of Originating Document _____

OO and File No.

PG 9A 3778

Date Received

3-13-87

From _____

(Name of Contributor)

(Address of Contributor)

(City and State)

By _____

(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ NoGrand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☒ No

Title:

ASSOCIATE SUPREME COURT JUSTICE THURGOOD MARSHALL -
 ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMUN -
 EXTORTION VICTIM;
 VICTIM;

Reference:

(OO: PITTSBURGH)

(Communication Enclosing Material):

Description: ☒ Original notes re interview ofb6
b7Cb6
b7Cb6
b7C

should be a very

Blatant shall be aware, important

impaired & essential

from his role in Wade US Rowe (1973)
Pro Choice Abortion Stat

myth have said he shall be killed

to



b6
b7C

- enter each one rotation -

- [redacted] said I shall go in -

in [redacted]

TRIFLOW

- mood elicits -

arrived - area of arrest Mar 21, 1972

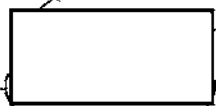
Flying oil,

went to airport & poured gasoline on airplane
poured gas on seats and set this on
fire



b6
b7C

took flying lesson -



that you would for airplane gas
from Airplane -

DID NOT

earth being fairview house for criminal case
2 yr.

- mdo lanta

231

no

wanted for car theft - called
want to get time for car (1968)
city police

- no plan to go to D.C. -
- no gun now -

2/25/87 into home

- was angry at [redacted] -

b6
b7C

- call [redacted] - said to come
- haven't thing abt for real

- stated 5 mch is off
Team meeting - 4-5

Team ① Hurl man

② man

③ pay

④ [redacted]

PA
OP6 223
LT. DIVE
to PA2

PA
A51444
MOTHERS car
Dodge 600

b6
b7C

Diagram -

- watched a movie on abt chm 40 - Tom Green
- sure go to
- no plan to go to D.C.

1985 Mercury topaz

- not empty -

SSAN Disalt

no empty since 1980



b6
b7C

think he gave chut
1 part way a can

soh w

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☒ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date 3/5/87

1 FM PITTSBURGH (9A-3778) (P)
 2 TO DIRECTOR PRIORITY
 3 WASHINGTON FIELD OFFICE PRIORITY

4 BT

5 UNCLAS

6 [REDACTED] ASSOCIATE SUPREME COURT JUSTICE THURGOOD MARSHALL, b6
 7 ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMUN - VICTIM; EXTORTION; b7C
 8 OO: PITTSBURGH

9 RE WASHINGTON FIELD OFFICE TELETYPE TO PITTSBURGH, MARCH 3, (X)
 10 1987. (RE)

11 FOR THE INFORMATION OF BUREAU AND WASHINGTON FIELD, A REVIEW
 12 OF PITTSBURGH INDICES DISCLOSED A REFERENCE TO [REDACTED]

13 [REDACTED] HAD PREVIOUSLY APPLIED AS A SPECIAL AGENT WITH THE FBI.

14 [REDACTED] APPLICATION WAS LOCATED AND WAS DATED APRIL 14, 1979. b6
 b7C

15 [REDACTED] WAS ADVISED THAT HE DID NOT POSSESS THE NECESSARY QUALIFI-
 16 CATIONS FOR THE POSITION OF SPECIAL AGENT. THE REASONS CITED WERE

17 [REDACTED] b6
 18 [REDACTED] b7C
 b7E

19 [REDACTED]
 20 [REDACTED] b6
 21 [REDACTED] b7C

Appro [REDACTED]

Transmitted

(Number)

064/0022

(Time)

Per

0353Z

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Forms

Serials

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9A-3778-2

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☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO

PG 9A-3778

UNCLAS

1 PAGE TWO PG 9A-3778 UNCLAS
 2 [REDACTED] HIS APPLICATION LISTED HIS HEIGHT AS 6'4" INCHES AND b6
 3 WEIGHT AT 270 POUNDS. [REDACTED] ADDRESS WAS LISTED AS [REDACTED] b7C
 4 [REDACTED] HOME TELEPHONE [REDACTED]
 5 [REDACTED] LISTED HE HAD PENNSYLVANIA DRIVER'S LICENSE IN 1979 WITH
 6 DRIVER'S LICENSE NUMBER [REDACTED]. [REDACTED] LISTED HE IS A FORMER
 7 VETERAN AND IS CURRENTLY RECEIVING, AT LEAST AS OF 1979, EIGHTY
 8 EIGHT DOLLARS PER MONTH. HE LISTED HIS DISCHARGE FROM THE U. S.
 9 ARMY AS HONORABLE AND ADDED THAT HIS REASON FOR DISCHARGE WAS
 10 DISABILITY. HE GAVE HIS SERIAL NUMBER AS US [REDACTED] HE SAID HE
 11 SERVED IN THE U. S. ARMY BETWEEN SEPTEMBER 5, 1966, AND MAY 11,
 12 1966. ON MARCH 22, 1972, [REDACTED] WAS FOUND GUILTY IN WASHINGTON b6
 13 COUNTY, PA., OF [REDACTED] UNDER DETAILS OF [REDACTED] b7C
 14 [REDACTED] [REDACTED] LISTED THAT SINCE THE WAR IN VIETNAM HE HAS
 15 SUFFERED [REDACTED]
 16 [REDACTED]. HE ALSO LISTED PERIODS OF HOSPITALIZATION FOR
 17 [REDACTED] HIS APPLICATION LISTED A STAY IN THE LEECH
 18 FARM VETERANS ADMINISTRATION HOSPITAL ON HIGHLAND ROAD IN
 19 PITTSBURGH, PA., AND IN THE JEFFERSON HOSPITAL IN PLEASANT HILLS,
 20 PA. [REDACTED] GAVE HIS VETERAN PENSION NUMBER AS [REDACTED] b6
 21 LEADS - PITTSBURGH AT PITTSBURGH, PA. (ALLEGHENY COUNTY) b7C

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

FBI

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PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

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☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE THREE

PG 9A-3778

UNCLAS

1 FORWARD PHOTOCOPY AND DESCRIPTIVE DATA OF SUBJECT VIA AIRTEL
2 TO WASHINGTON FIELD FOR DISTRIBUTION TO U.S. SUPREME COURT POLICE.
3

INTERVIEW SUBJECT

4
5 OBTAIN PROSECUTIVE OPINION FROM U. S. ATTORNEY, WESTERN
6 DISTRICT OF PENNSYLVANIA.

ARMED AND DANGEROUS.

BT

#

b6
b7c

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

Memorandum



To : SAC, PITTSBURGH (~~89-NEW~~) (P)

Date 03/04/87

From : SA [REDACTED]

b6
b7C

Subject :

^{RET}
9A-3778*
JUSTICE OF THE SUPREME
COURT BLACKMAN - VICTIM;
JUSTICE OF THE SUPREME
COURT MARSHALL - VICTIM;
FEBRUARY 26, 1987,
THREAT TO KILL SUPREME COURT
JUSTICES BLACKMAN AND MARSHALL;
AFO-THREAT TO KILL SUPREME
COURT JUSTICES
(OO: PITTSBURGH)

At 10:45 AM, 02/26/87, SA [REDACTED] U.S. Secret Service, Pittsburgh, PA, telephonically advised the writer as follows:

b6
b7C

Chief [REDACTED] VA Hospital, Hyland Drive, Pittsburgh, PA, advised SA [REDACTED] on 02/26/87, as follows:

[REDACTED] a patient at the VA Hospital, Pittsburgh, PA, for psychiatric illnesses, made a threat to a [REDACTED] who is assigned to the VA Hospital in Pittsburgh. [REDACTED] allegedly advised [REDACTED] that he [REDACTED] wanted to go to Washington, D.C., in order to kill Chief Justices BLACKMAN and MARSHALL. Chief [REDACTED] further advised SA [REDACTED] hospital records indicated that [REDACTED] had either blown up or set a plane on fire in 1970. [REDACTED] DOB is [REDACTED] and his SSAN is [REDACTED] residence address is [REDACTED] SA [REDACTED] advised he contacted his headquarters in Washington, D.C., regarding this matter.

b6
b7C

②-Pittsburgh

(2)

9A-3778-3

SEARCHED	GEN	FOIMS
SERIALIZED		DEXED
FILED		
MAR 10 1987		
FBI - PITTSBURGH		

b6
b7C

PG 89-NEW

In view of [] history of mental illness and alleged history of violent activity (regarding the blowing up or setting fire to a plane in 1970), it is recommended that an 89-New be opened and assigned in order to explore [] alleged threat to kill Supreme Court Justices BLACKMAN and MARSHALL.

b6
b7C

PG indices are negative regarding []

b6
b7C

FBI

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☐ Facsimile
☐ _____

PRECEDENCE:

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☒ Priority
☐ Routine

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☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date

3/13/87

1 FM PITTSBURGH (9A-3778) (P)

2 TO DIRECTOR PRIORITY

3 WASHINGTON FIELD OFFICE PRIORITY

4 BT

5 UNCLAS

6 ATTN: WFO, SA [REDACTED]

7 [REDACTED]; ASSOCIATE SUPREME COURT JUSTICE SURROGATE MARSHALL-^{b6}

8 VICTIM; ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMAN-VICTIM;

9 EXTORTION (OO: PITTSBURGH)

10 REPGTEL TO BUREAU DATED MARCH 5, 1987; AND TELCALL TO SA [REDACTED]
 11 WFO, ON MARCH 13 1987.

12 ON MARCH 13, 1987, SUBJECT [REDACTED]

13 [REDACTED] WAS INTERVIEWED IN CONNECTION WITH ALLEGED THREATS
 14 TO KILL SUPREME COURT JUSTICES BLACKMAN AND MARSHALL. [REDACTED] WAS ^{b6}
 15 ADVISED OF THE IDENTITY OF THE INTERVIEWING AGENT AND THE NATURE OF ^{b7C}
 16 THE INQUIRY. ACCORDING TO [REDACTED], WHO WAS RELEASED FROM A VA HOSPI-
 17 TAL IN PITTSBURGH, PA, ON MARCH 12, 1987, HE NEVER SAID HE WAS GOING
 18

19 [REDACTED]

20 [REDACTED]

Transmitted 672/6008

(Number) (Time)

Per [REDACTED]

Search Con.

Form

Search

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9A-3778-4

FBI

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☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

1 PAGE TWO PG 9A-3778 UNCLAS
 2 TO GO TO WASHINGTON, D.C., AND KILL BLACKMAN AND/OR MARSHALL. [REDACTED]
 3 SAID DURING HIS RECENT TREATMENT AT THE VA HOSPITAL ON HIGHLAND DR.,
 4 PITTSBURGH, HE SAW A PROGRAM ON A LOCAL TV STATION DEALING WITH THE b6
 5 ABORTION ISSUE. [REDACTED] SAID DURING THE NEXT DAY, THE TOPIC OF b7C
 6 ABORTION WAS VERY MUCH ON HIS MIND. HE SAID HE WAS UPSET AND ANGRY
 7 OVER THE PRO-CHOICE ABORTION STAND OF SUPREME COURT JUSTICE BLACKMAN.
 8 [REDACTED] SAID TO A GROUP OF HOSPITAL STAFF MEMBERS, INCLUDING PSYCHIA-
 9 TRIST [REDACTED] THAT "BLACKMAN SHOULD BE ARRESTED, IMPEACHED
 10 AND EXECUTED FOR HIS (BLACKMAN'S) ROLE IN WADE VS ROE (1973)." b6
 11 [REDACTED] DENIED STATING HE WAS GOING TO KILL JUSTICE BLACKMAN OR b7C
 12 MARSHALL. HE ALSO DENIED STATING HE WAS GOING TO TRAVEL TO
 13 WASHINGTON, D.C, FOR THIS OR ANY OTHER PURPOSES.
 14 [REDACTED] SAID THE ABOVE STATEMENT WAS MADE AT THE VA HOSPITAL
 15 DURING WHAT HE DESCRIBED AS AN "TEAM MEETING." HE SAID THE "TEAM
 16 MEETING" INCLUDED [REDACTED] PSYCHIATRIST, A PSYCHOLOGIST,
 17 A NURSE AND OTHERS WHOM HE COULD NOT RECALL. [REDACTED] SAID HE b6
 18 VOLUNTARILY ENTERED THE VA HOSPITAL, HIGHLAND DR., PITTSBURGH, PA, b7C
 19 ON FEBRUARY 25, 1987, UPON THE ADVICE OF [REDACTED] THE REASON
 20 FOR HIS ADMISSION WAS TREATMENT OF EMOTIONAL PROBLEMS.
 21 [REDACTED] WAS COOPERATIVE DURING THE INTERVIEW AND SIGNED A

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

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☐ Routine

CLASSIFICATION:

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☐ UNCLAS

Date _____

PAGE THREE

PG 9A-3778

UNCLAS

RELEASE FORM ALLOWING THE FBI FULL ACCESS TO HIS MEDICAL RECORDS AT THE VA HOSPITAL.

_____ SAID HE BELIEVED THAT ANY STATEMENTS WHICH HE MADE TO DOCTOR WAS OF A CONFIDENTIAL NATURE AND WAS PROTECTED BY THE DR-PATIENT RELATIONSHIP. _____ IS CURRENTLY ON DAILY MEDICATION FOR TREATMENT OF EMOTIONAL DISORDERS.

_____ SAID HE HAS BEEN ARRESTED FOR CAR THEFT AND ARSON IN THE PAST. HE SAID HE SET FIRE TO THREE SINGLE ENGINE AIRPLANES IN MARCH OF 1982. HE SAID HE DID THIS OUT OF REVENGE AGAINST THE OWNER OF A SMALL AIRPORT WHO HAD HIM _____ ARRESTED FOR STEALING GASOLINE FROM A PLANE.

_____ SAID HE HAD NO PLANS TO TRAVEL TO WASHINGTON, DC.

BETHEL PARK POLICE WERE FAMILIAR WITH _____ AND ARREST RECORDS AT THE BETHEL PARK POLICE DEPARTMENT WHICH SHOWED _____ HAD BEEN ARRESTED FOR MOTOR VEHICLE VIOLATIONS AND HAD BEEN COMMITTED TO A HOSPITAL FOR TREATMENT OF EMOTIONAL PROBLEMS IN 1970. FOR THE INFORMATION OF THE BUREAU AND WFO, AUSA _____ WDP, REQUI ADDITIONAL INFORMATION REGARDING SUBJECT BEFORE HE WOULD MAKE A PROSECUTIVE DECISION IN THIS MATTER. THEREFORE, PG WILL CONDUCT APPROPRIATE INVESTIGATION AND PRESENT SAME TO THE USA'S OFFICE.

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE FOUR

PG 9A-3778

UNCLAS

PHOTOS OF [REDACTED] WERE SENT BY EXPRESS MAIL TO WFO FOR DISSEMINATION TO U.S. SUPREME COURT POLICE. b6 b7C

THE FOLLOWING BACKGROUND DATA WAS OBTAINED FOR [REDACTED]

[REDACTED] THROUGH OBSERVATION AND INTERVIEW: CURRENT RESIDENCE:

[REDACTED] RACE: WH, SEX: MALE, AGE: 42; b6 b7C

DOB: [REDACTED]

SSAN: [REDACTED] X

PITTSBURGH AT PITTSBURGH, PA. INTERVIEW STAFF MEMBERS AT VA HOSPITAL, HIGHLAND DR., PITTSBURGH, PA, AND OBTAIN MEDICAL RECORDS OF SUBJECT. CONDUCT CRIMINAL HISTORY CHECKS AND OBTAIN PROSECUTIVE OPINION OF AUSA. ADVISE THE BUREAU AND WFO.

BT

#

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

P.O. Box Number 1315
Pittsburgh, Pennsylvania 15230

April 23, 1979



Dear



This is to acknowledge receipt of your application for employment dated April 14, 1979.

After reviewing your application, it appears that you do not possess the necessary qualifications for the position of Special Agent. Although you have the necessary educational background and are of suitable age, you do not possess the requisite work experience. An applicant with a degree in Chemistry must have three years experience in the Chemistry field. From your application, it would appear that you have only ten months in this capacity. You only list employment for the years 1977 and 1978 so there is no way of knowing whether or not you have any additional work experience which would qualify. If you have professional work experience that totals three years or more, further consideration might be given. It should be noted that this work experience must be professional in nature. That is, it must be supervisory, administrative, or investigative.

I might also point out that the Bureau has certain weight requirements to conform to an individual's height. You indicate that you are 6'4" and weigh 270 pounds. According to current Bureau standards, someone who is 6'4" may not weigh more than 231 pounds.

- Addressee
- Pittsburgh (67-0)



*Reviewed
11/29/79
Tavola*



9A-3778-5

SEARCHED	GEN	FOIMS
SERIALIZED	INDEXED	
FILED		
MAR 19 1987		
FBI - PITTSBURGH		

67-0-14208A

P.O. BOX 10000
Pittsburgh, Pennsylvania 15236

I regret that we are unable to process your application at this time, and if you have any additional questions in this matter, please feel free to contact me at 412-471-8687.

Very truly yours,
[Redacted]

Sincerely yours,

[Redacted]

[Redacted]
for employment [Redacted]

[Redacted]
Applicant Coordinator

b6
b7C

[Faint, mostly illegible text block]

[Faint, mostly illegible text block]

INSTRUCTIONS: Please sign and return one of the two enclosed copies with FD-140.

This is to advise you that the information solicited in the enclosed Application for Employment form (FD-140) is necessary to complete the background investigation required pursuant to authority granted in Title 28, Part O, Subpart P, paragraph 0.85, Code of Federal Regulations. In order that the FBI will have adequate information to complete this investigation, it is necessary that you complete FD-140 in its entirety. The information solicited and the results of the investigation that follows will be used to determine your suitability for employment with the FBI. You should be aware that willfully making a false statement or concealing a material fact in your Application for Employment will be the basis for dismissal from the FBI, if you receive such appointment, and may constitute a violation of Section 1001, Title 18, United States Code.



Signature of Applicant

Apr 14, 1978
Date

b6
b7c

SM 38637 1987/03/16 0822:17 IN OLS 1917 OUT FBP 27

OLN/12565487. VALIDATED/073186. EXPIRES/0990

NAM/ [REDACTED], M

DOB/ [REDACTED]. SEX/M

[REDACTED]
[REDACTED]

RESTRICTIONS:
SUSPENSION/REVOCATION: NO
OPERATOR CLASS: 3 5
OPERATOR TYPE: REGULAR OPERATOR
NUMBER OF DUPLICATES: 00

b6
b7C

SM 47269 1987/03/16 0916:54 IN MVR 3442 OUT FBP 53

LIC [REDACTED]. EXPIRES/0188

VMA/MERCURY . VYR/85

TLN/36667923

REG GR WT/00000. COMB GR WT/00000

VIN/ [REDACTED]

OWN/ [REDACTED]

[REDACTED]

[REDACTED]

LIGHT BLUE
MERCURY TOPAZ

[REDACTED]

b6
b7C

SM 46944 1987/03/16 0914:55 IN MVR 3410 OUT FBP 50

LIC [REDACTED]. EXPIRES/0887

VMA/DODGE . VYR/83

TLN/35288709

REG GR WT/00000. COMB GR WT/00000

VIN/ [REDACTED]

[REDACTED] (MOTHER)

[REDACTED]

b6
b7C

4A-3778-6

SEARCHED	GEN	FOIMS
SERIALIZED	[REDACTED]	INDEXED
FILED	[REDACTED]	
MAR 19 1987		
FBI - BUREAU		

[REDACTED]

b6
b7C

XX AIRTEL

AIR-TEL

3/20/87

TO: WASHINGTON FIELD OFFICE
FROM: SAC, PITTSBURGH (9A-3778) (P)

[REDACTED]
ASSOCIATE SUPREME COURT
JUSTICE THURGOOD MARSHALL;
ASSOCIATE SUPREME COURT
JUSTICE HARRY BLACKMAN - VICTIM;
EXTORTION;
(OO: PITTSBURGH)

b6
b7C

Re teletype to Washington Field Office (WFO) and the
Bureau from Pittsburgh dated 3/5/87.

Enclosed for WFO are three photocopies of a photograph
of the subject, taken in 1979. WFO may wish to disseminate
these to the United States Supreme Court Police.



ARMED AND DANGEROUS

2 - Washington Field Office (Enc. 3)
2 - Pittsburgh

[REDACTED]
(4)

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b7C

1*

AIR-TEL

Search _____
Filing _____
Serialized _____
Indexed _____

b6
b7C

[REDACTED]
9A-3778-7

XX AIRTEL

AIR-TEL

3/20/87

TO: WASHINGTON FIELD OFFICE
FROM: SAC, PITTSBURGH (9A-3778) (P)

[REDACTED]
ASSOCIATE SUPREME COURT
JUSTICE THURGOOD MARSHALL;
ASSOCIATE SUPREME COURT
JUSTICE HARRY BLACKMAN - VICTIM;
EXTORTION;
(OO: PITTSBURGH)

b6
b7C

Re teletype to Washington Field Office (WFO) and the
Bureau from Pittsburgh dated 3/5/87.

Enclosed for WFO are three photocopies of a photograph
of the subject, taken in 1979. WFO may wish to disseminate
these to the United States Supreme Court Police.

ARMED AND DANGEROUS

2 - Washington Field Office (Enc. 3)
(2)- Pittsburgh

[REDACTED]

b6
b7C

1*

AIR-TEL

Exec. Sec. _____
Asst. Dir. _____
Adm. Serv. _____
Ident. _____
Intell. _____
Lab. _____
Legal Coun. _____
Off. Cong. & Public Aff. _____
Rec. Mgmt. _____
Tech. Serv. _____
Training _____
Off. of the Inspector General _____

9A-3778-7

[Handwritten signature]

Date 3-19-87

☐ Birth ☐ Credit ☒ Criminal ☐ Death ☐ INS ☐ Marriage * ☐ Motor Vehicle ☐ Other _____
☐ Driver's License

To PITTSBURGH - ALLEGHENY COUNTY IDENTIFICATION DIVISION Buded _____

Return to FBI - PITTSBURGH File number _____

ATTENTION: SPECIAL AGENT [REDACTED] 9A 3778
Name and aliases of subject, applicant, or employee, and spouse

b6
b7C

Addresses _____

Residence _____

Business _____

Former _____

* Date and place of marriage (if applicable) _____

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Race	Sex	Age	Height	Weight	Hair	Eyes
<u>W</u>	☒ Male ☐ Female	<u>42</u>	<u>6'4"</u>	<u>270</u>	<u>BROWN</u>	

Birth date	Birthplace
[REDACTED]	[REDACTED]

Arrest Number	Fingerprint classification	Criminal specialty

Specific information desired ① ANY RECORD OF ARREST Social Security Number ??
② PHOTO, IF AVAILABLE

Results of check _____

b6
b7C

- No
- Photo AT THIS TIME
- No Rap Sheet

Pittsburgh and Allegheny County
Identification Division
Criminal Number [REDACTED]
Identification Officer [REDACTED]

Response based on comparison of requester for
information and/or fingerprints against a name index
and subject index. If the name index contains the name of the
subject, the subject's fingerprints will be compared to the
fingerprints of the requester. If the fingerprints of the
subject are found to be identical to the fingerprints of the
requester, the subject will be identified as the same person.

(Use reverse side, if necessary)

9A-3778-8

FBI

TRANSMIT VIA:

☒ Teletype☐ Facsimile☐ _____

PRECEDENCE:

☐ Immediate☐ Priority☒ Routine

CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☒ UNCLASDate 3/25/87

1 FM PITTSBURGH (9A-3778) (P)

2 TO DIRECTOR ROUTINE 1710Z

3 WASHINGTON FIELD ROUTINE " "

4 BT

5 UNCLAS

6 ATTENTION SA [REDACTED] WFO

7 [REDACTED]; ASSOCIATE SUPREME COURT JUSTICE SURROGATE

8 MARSHALL - VICTIM; ASSOCIATE SUPREME COURT JUSTICE HARRY BLACKMAN

9 VICTIM; EXTORTION; OO: PG

10 REPGTEL TO BUREAU AND WFO, DATED MARCH 13, 1987 AND TELCALL

11 TO SA [REDACTED] FROM PITTSBURGH ON MARCH 23, 1987.

12 FOR THE INFORMATION OF THE BUREAU AND WFO, PITTSBURGH HAS

13 COMPLETED ADDITIONAL INVESTIGATION REQUESTED BY THE USA, WDPA,

14 REGARDING A PROSECUTIVE OPINION ON SUBJECT, [REDACTED]

15 ON MARCH 23, 1987, THIS INFORMATION WAS PRESENTED TO AUSA [REDACTED]

16 [REDACTED] PITTSBURGH, PA, WITH THE FOLLOWING PROSECUTIVE DECISION:

17 AUSA [REDACTED] STATED THAT BASED ON THE TOTALITY OF CIRCUMSTANCES

18

19 [REDACTED]

20

21

Approved [REDACTED]

Transmitted

(Number)

(Time)

Per [REDACTED]

Search Gen.

Forms

Serial

Index

Filed

9A-3778-9

b6

b7C

b6

b7C

b6

b7C

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

1 PAGE TWO PG 9A-3778 UNCLAS
2 SURROUNDING THE ALLEGED THREATS AGAINST SUPREME COURT JUSTICES
3 BLACKMAN AND MARSHALL, HIS OFFICE WOULD DECLINE PROSECUTION IN THE
4 CAPTIONED MATTER. AUSA GARRETT NOTED THE ALLEGED THREATS BY
5 [] WERE MADE IN A [] ATTRIBUTABLE b6
6 TO [] [] HAS A LONG HISTORY OF [] b7C
7 [] AND WAS MOST RECENTLY ADMITTED TO THE VETERANS
8 HOSPITAL (VA) IN PITTSBURGH, PA, ON FEBRUARY 25, 1987, THE DATE OF
9 WHICH HIS STATEMENTS REGARDING THE JUSTICES WERE MADE. []
10 VOLUNTARILY ADMITTED HIMSELF TO THE VA UNDER THE ADVISE OF []
11 [] A STAFF PSYCHIATRIST AT THE VA. [] SAID b6
12 [] NEVER MADE ANY SPECIFIC THREATS THAT HE WAS GOING TO GO TO b7C
13 WASHINGTON, DC, AND KILL ANY SUPREME COURT JUSTICE. []
14 SAID HE DID NOT KNOW HOW THE FBI AND U.S. SECRET SERVICE COULD HAVE
15 RECEIVED INFORMATION IN WHICH HE [] WAS SAID TO BE THE IN-
16 DIVIDUAL TO WHOM [] SPECIFICALLY STATED HE WAS GOING TO GO TO b6
17 WASHINGTON, DC, AND KILL SUPREME COURT JUSTICES BLACKMAN AND MARSHALL. b7C
18 [] SAID [] MADE NO SUCH STATEMENT AND HE CHARACTERIZED
19 [] AS "HARMLESS." [] HAS BEEN AN OUTPATIENT AT THE VA SINCE
20 1984. THOSE WHO WERE INTERVIEWED AT THE VA REGARDING []
21 STATEMENTS FELT HE DID NOT POSE ANY KIND OF DANGER TO THE SUPREME

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

1 PAGE THREE PG 9A-3778 UNCLAS
2 COURT JUSTICES. IN VIEW OF THE NEGATIVE PROSECUTIVE DECISION BY
3 THE USA'S OFFICE, PITTSBURGH WILL CONDUCT NO FURTHER INVESTIGATION.
4 FD-302S WILL BE FORWARDED WHEN COMPLETED.
5 BT

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#

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

INSTRUCTIONS

1. This form may be submitted in legible hand printing.
2. Use separate form for each individual on whom record is requested.
3. Make effort to furnish FBI identification number, law enforcement identification number, or military service number.
4. Furnish descriptive data and fingerprint classification only when FBI number not available.
5. Indicate whether search of criminal or civil files requested. Do not request civil file search unless information from this file needed.
6. Indicate office for reply in lower right corner. Also list all offices which should receive copy of record. Include copy of FD-9 for each such office and forward with original to Bureau.
7. Do not fill in block in lower left corner.

ASSISTANT DIRECTOR, IDENTIFICATION DIVISION

Date 3-18-87

Field File No. 9A-3778

Furnish The Known Identification Record of the Following:

Name [REDACTED] FBI No. [REDACTED]
Other No. [REDACTED]

Aliases [REDACTED]

Sex <u>M</u>	Race <u>WHITE</u>	Birth Date <u>[REDACTED]</u>	Birthplace <u>[REDACTED]</u>	Residence <u>[REDACTED]</u>	Age <u>42</u>	
Height <u>6'4"</u>	Weight <u>270</u>	Build <u>LARGE</u>	Hair <u>BRN</u>	Eyes <u>[REDACTED]</u>	Complexion <u>[REDACTED]</u>	

Fingerprint Classification [REDACTED]

Scars, marks and tattoos [REDACTED]

Please Search: ☒ Criminal Files ☐ Civil Files	Also Furnish: ☒ Photo ☐ Fingerprints ☐ Handwriting Specimens
--	---

PA FBI PG 10

Identification Division's Reply

- ☒ On basis of information furnished, unable to identify:
- ☒ Criminal Files ☐ Civil Files
- ☐ Record Attached
- ☐ Photo Attached
- ☐ Photo Not Available
- ☐ Fingerprints Attached
- ☐ Handwriting Specimen Attached

Return Reply to:

SAC, PITTSBURGH
Attention: SA [REDACTED]

Send Copies To:

9A-3778-10

SEARCHED OK INDEXED OK
SERIALIZED OK FILED OK
MAR 31 1987
FBI - PITTSBURGH

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b7C

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

4/1/87

Date of transcription

1

On March 16, 1987, [redacted] Acting Chief of Medical Information, Veterans Administration Hospital, Highland Drive, Pittsburgh, Pennsylvania (PA), released the following information regarding patient [redacted]. Selected inserts from [redacted] medical record on file at the Veterans Administration (VA) are attached and made a part hereto:

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Investigation on 3/16/87 at Pittsburgh, PA File # PG 9A-3778-11
by SA [redacted] Date dictated 3/23/87

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 3/25/87

On March 13, 1987, Detective [REDACTED] BETHEL PARK POLICE DEPARTMENT, 5100 West Library Avenue, Bethel Park, Pennsylvania 15102, advised that a review of his agency's records showed a number of arrests for [REDACTED]. A copy of [REDACTED] arrest record on file at the BETHEL PARK POLICE DEPARTMENT is attached and made a part hereto.

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Investigation on 3/13/87 at Pittsburgh, PA File # PG 9A-3778 -12
by SA [REDACTED] Date dictated 3/19/87

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b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 3/25/87

On March 13, 1987, [] was advised of the identity of the interviewing Agent and of the nature of the inquiry. [] was interviewed in connection with his alleged threats against the lives of Supreme Court Justices THURGOOD MARSHALL and HARRY BLACKMUN.

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[] denied making any statement or statements that he was going to Washington, D.C., and kill Justice BLACKMUN and/or Justice MARSHALL. [] did say he made the following statement to several individuals who are on the staff of the VETERANS ADMINISTRATION (VA) HOSPITAL on Highland Drive in Pittsburgh, Pennsylvania: "BLACKMUN should be arrested, impeached and executed for his (BLACKMUN's) role in WADE versus ROE (1973)." He denied ever saying he was personally going to kill anyone and [] said he has no plans to go to Washington, D.C., for this or any other purpose. [] said he was very "angry and upset" when he made the above statement to VA staff members on February 25, 1987. [] said he was "angry and upset" after viewing a television program dealing with the topic of abortion which was broadcast on Pittsburgh television station WPCP-TV (channel 40) on the preceding evening. [] said he made the above statement because of Justice BLACKMUN's "pro-choice abortion stand," and [] added he "still feels that way."

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b7C

[] entered the VA facility voluntarily, under the advice of Staff Psychiatrist [] told him he was "psychotic." [] was released from the VA on March 12, 1987. He would have been released earlier but was detained by hospital officials following his statements regarding the Supreme Court Justices.

b6
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[] was cooperative and answered all questions during the interview. He signed a waiver which allowed the FEDERAL BUREAU OF INVESTIGATION (FBI) access to his medical file at the VA. [] said he was classified as an expert rifleman while in the service but denied owning any guns at present. He said he has been arrested in the past on several charges, these include theft of gasoline, car theft and arson of aircraft.

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Investigation on 3/13/87 at Pittsburgh, PA File # PG 9A-3778

by SA [] Date dictated 3/19/87

b6
b7C

PG 9A-3778

Continuation of FD-302 of [REDACTED], On 3/13/87, Page 2 b6 b7C

In 1968, [REDACTED] said he stole a car in Oakland, Pennsylvania, because he "wanted to get tires for a car." [REDACTED] said he was arrested on March 22, 1972, (he gave this exact date from memory), and was charged with arson of aircraft. [REDACTED] doused gasoline on the seats of three single engine aircraft parked at the Finleyville, Pennsylvania, airport and then set the planes on fire. He said he did this because the manager of the airport, [REDACTED], previously had him arrested for siphoning gasoline from another plane. [REDACTED] said he had no money at the time, was taking flying lessons and needed the gasoline for fuel. Following this incident, a sanity hearing was held for [REDACTED], and he spent three years in Farview, a Pennsylvania hospital for the criminally insane.

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[REDACTED] said he is currently on medication and takes daily doses of a drug called "trifalon" which he said is mood elevator.

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[REDACTED] said he has lost approximately 50 pounds through dieting and has now trimmed down to 230 pounds from his previous weight of 270 pounds. [REDACTED] said he planned to lose 30 more pounds through his diet.

The following background and descriptive data was obtained through observation and interview:

Name:
Current Residence:

Residence Telephone:
Race:
Sex:
Age:
Date of Birth:
Place of Birth:
Height:
Weight:
Hair:
Narcotics User:

Usual Occupation:
Present Employer:
Previous Employer:
Social Security
Account Number:
Date of Military
Service:

No recent employment
None

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 3/25/87

On March 16, 1987, [] Staff Psychiatrist, VETERANS ADMINISTRATION (VA) Hospital, Hyland Drive, Pittsburgh, Pennsylvania, was advised of the identity of the interviewing Agent and of the nature of the inquiry.

b6
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According to [] never specifically stated he was going to Washington, D.C., and kill Supreme Court Justice THURGOOD MARSHALL and/or Justice HARRY BLACKMUN. [] said on February 25, 1987, he spoke with [] on the phone and [] said he was going to Washington, D.C. [] recalled [] made a vague threat which seemed to "have no purposeful action" associated with it. [] said [] did not at any time state he was going to Washington, D.C., and kill Justices BLACKMUN and/or MARSHALL.

b6
b7C

[] voluntarily entered the VA HOSPITAL on February 25, 1987, for treatment of emotional problems. He added [] was released on March 12, 1987. [] said [] has been an outpatient since 1984.

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b7C

[] was asked if he knew why, or how, the FEDERAL BUREAU OF INVESTIGATION (FBI) and other government agencies could have received information which quoted him [] as saying [] was on his way to Washington, D.C., to kill Supreme Court Justices HARRY BLACKMUN and THURGOOD MARSHALL. [] said he did not know the answer to this question. [] never told him that he was going to Washington, D.C., to kill THURGOOD MARSHALL and/or HARRY BLACKMUN. [] characterized [] as a "harmless fellow."

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Investigation on 3/16/87 at Pittsburgh, PA File # PG 9A-3778-14
by SA [] Date dictated 3/19/87

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 3/26/87

On March 16, 1987, [] Chief of Security, VETERANS HOSPITAL, Hyland Drive, Pittsburgh, Pennsylvania, made available a copy of his report of contact with the UNITED STATES SECRET SERVICE (USSS) and the FEDERAL BUREAU OF INVESTIGATION (FBI) regarding statements made by patient []. That report is attached and made a part hereto.

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Investigation on 3/16/87 at Pittsburgh, PA File # PG 9A-3778 -15
by SA [] Date dictated 3/19/87

b6
b7c

4-4 East

MRA'S

REPORT OF CONTACT NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.		VA OFFICE Highland Drive VAMC Pittsburgh, PA. 15206	IDENTIFICATION NOS. (C, XC, SS, XSS, V, K, etc.)
LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print) 		DATE OF CONTACT 2-26-87	
ADDRESS OF VETERAN 		TELEPHONE NO. OF VETERAN 	
PERSON CONTACTED 		TYPE OF CONTACT (Check) ☐ PERSONAL ☒ TELEPHONE	
ADDRESS OF PERSON CONTACTED 		TELEPHONE NO. OF PERSON CONTACTED Ex. 352	
BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN 1. Received a call from in regards to Pt. making threats toward two Supreme Court Judges (Judge Blackman and Judge Marshall) because of their stand on abortion. He also informed me that spent three years in Farview State Hospital (1972-1975) for setting fire to an airplane and that he has numerous arrest for theft and arson. 2. I contacted the Secret Service and spoke with Agent about these threats and he informed me that that they do have a file on He also informed me that the FBI will be informed by his office for they are the division that handles these types of threats. 3. I called on 4-4 East and informed him of my conversation with Agent and if the FBI wishes to speak with the patient they will get in touch with our office and we will make the arrangements. At this point informed me that is inquiring about writing an AMA I advised to be careful with this patient. 4. At 11:50A I received a call from Lt. of the Justic Department Police requesting information on Pt. . He spoke about his admission so I had the call transferred to the RN working the admission area when he was admitted. He also requested to speak with the ward physician . After speaking with these people Lt. called back and asked us to call the <u>Justic Department Police at 202-479-3340</u> any time if the patient leaves the hospital. He request that the police ID themselves and leave the message. 5. At 2:15 P Agent of the FBI called to inquire about the patient, when I informed him that the Justic Department is already on the case he thanked me and hung up.			
DIVISION OR SECTION V.A. Police		EXECUTED BY (Signature and title) Chief Security	

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 04/01/87

On March 17, 1987, [] was advised of the identity of the interviewing Agent and the nature of the inquiry. [] was interviewed in connection with his knowledge of any statements made by [] in which [] threatened the lives of Supreme Court Justices THURGOOD MARSHALL and HARRY BLACKMAN. [] has been employed in his current capacity as Head Nurse at the Veterans Administration (VA) Hospital, Highland Drive, Pittsburgh, Pennsylvania (PA), for seven years. He has been employed by the VA for a total of 15 years. He provided the following information:

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b7C

[] an individual with a long history of chronic paranoid schizophrenia, was admitted to the VA on February 25, 1987, under the advice of [] Staff Psychiatrist at the VA Hospital. [] voluntarily signed himself in as a patient and went to Room 446E, East Side, where he was then interviewed by [] Staff Physician, and [] Head Nurse.

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b7C

[] had seen a television program dealing with the topic of abortion broadcast on Pittsburgh television station Channel 40 the preceeding evening (February 24, 1987). [] mood was "angry," [] recalled. According to [] during the meeting between [] and himself, [] stated he was going to Washington, D.C. and kill Supreme Court Justices MARSHALL and BLACKMAN. [] stated he was certain [] had specifically said he was going to Washington, D.C. and kill Justices BLACKMAN and MARSHALL. [] was asked if [] could have said, "BLACKMAN should be arrested, impeached and executed for his (BLACKMAN'S) role in WADE VS. ROW (1973)." [] denied this statement was made by [] and he was certain [] had specifically stated he [] was going to Washington, D.C. and kill Supreme Court Justices MARSHALL and BLACKMAN. During his meeting with [] also said, "Some people should be killed and cast into hell. It's my good pleasure to do it." [] said he was aware of [] criminal record and past psychiatric problems through [] medical file at the VA. [] stated in view of [] past,

b6
b7Cb6
b7C

Investigation on 03/17/87 at Pittsburgh, PA File # PG 9A-3778 -16
by SA [] Date dictated 03/23/87

b6
b7C

PG 9A-3778

Continuation of FD-302 of [REDACTED]

03/17/87

2

, On [REDACTED], Page [REDACTED]

b6
b7C

he felt there might be a danger from [REDACTED] and, consequently, he notified [REDACTED] Chief of Security at the VA Hospital on Highland Drive in Pittsburgh. [REDACTED] in turn, notified the United States Secret Service (USSS) Field Office in Pittsburgh, PA.

b6
b7C

[REDACTED] was told by a VA Psychologist the Hospital was legally required to notify security about his threats. After learning of the move on the part of the VA Hospital, [REDACTED] became "angry, threatening and loud," according to [REDACTED]. On the following day, February 26, 1987, [REDACTED] recalled apologized for his behaviour on the preceeding day and told [REDACTED], "I have never spilled anyone's blood." [REDACTED] said [REDACTED] appeared to be trying to back away from his statement after seeing how much trouble he had gotten himself into. [REDACTED] stated he believed, in retrospect, [REDACTED] statements were "just alot of hot air."

b6
b7C

[REDACTED] made a number of "progress notes" on [REDACTED] as part of a continuing record of [REDACTED] treatment and behaviour in the VA Hospital. The first entry by [REDACTED] was made on February 25, 1987, at 3:30 PM. Other entries were made by [REDACTED] and various hospital staff members during [REDACTED] hospitalization between February 25, 1987, and March 12, 1987. [REDACTED] was released on March 12, 1987, after being detained because of his statements regarding the Supreme Court Justices.

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[REDACTED] reviewed the progress notes and said his notes are accurate, to the best of his knowledge. These notes are attached and made a part hereto:

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b7C

PG 9A-3778

[REDACTED]

1

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On April 2, 1987, Detective [REDACTED] Public Safety Department, University of Pittsburgh, Pittsburgh, Pennsylvania (PA), advised that a review of school records showed [REDACTED] graduated August 12, 1971, with a Bachelor of Science degree in Chemistry.

(S) [REDACTED]

b6
b7C

9A-3778-17

SEARCHED	GEN	FOIA
SERIALIZED	INDEXED	
FILED		
APR 14 1987		
FBI - PITTSBURGH		
[REDACTED]		

b6
b7C

In Reply, Please Refer to

File No. 9A-3778

FBI CASE STATUS FORM

Date: 4/21/87To: Honorable J. Alan Johnson, U.S. Attorney, U.S. Post Office & Courthouse
(Name and Address of USA) Bldg., Pittsburgh, PAFrom: [redacted] - Pittsburgh (Name of Official in Charge and Field Division) [redacted] (Signature of Official in Charge) b6 b7CRE: [redacted] (Name of Subject) 42 Age Male SexYou are hereby advised of action authorized by AUSA [redacted] (Name of AUSA or AUSA)on information submitted by Special Agent [redacted] (Name) on 3/23/87 (Date)

(Check One)

- ☐ Request further investigation
- ☒ Immediate declination
- ☐ Filing of complaint
- ☐ Presentation to Federal Grand Jury
- ☐ Filing of information
- ☐ Other

b6
b7CFor violation of Title 18, USC, Section(s) 875

Synopsis of case:

Subject [redacted] threatened to go to Washington, D.C. and shoot Supreme Court Justices Marshall and Blackman, according to information received by the FBI. The subject denied making this threat. The subject's VA Hospital record contained conflicting statements by hospital staff members regarding what [redacted] said. [redacted] statements appeared [redacted]

[redacted] VA staff members felt the subject did not pose a threat to the Justices. Subject was released from the VA on March 12, 1987, and currently resides at [redacted] No further investigation

b6
b7C

- Addressee
- Pittsburgh (9A-3778)

will be conducted by this office, and this case is considered closed.

closed
4/23/87



FBI/DOJ

RETURN ALL
REVIEWS AND
HANDLES
REQUIRED

XX AIRTEL

4/27/87

TO: SAC, WASHINGTON FIELD OFFICE
FROM: SAC, PITTSBURGH (9A-3778)(C)

[REDACTED]
ASSOCIATE SUPREME COURT JUSTICE
SURROGATE MARSHALL - VICTIM;
ASSOCIATE SUPREME COURT JUSTICE
HARRY BLACKMAN - VICTIM;
EXTORTION
OO: PITTSBURGH

b6
b7C

Re teletype to Director, FBI and Washington Field,
on 3/25/87.

Enclosed for WFO are one copy each of five FD-302s
from interviews in captioned matter.

b6
b7C

For the information of WFO, enclosed are FD-302s
from interviews with the subject and with hospital staff
officials at the Veterans Administration in Pittsburgh,
PA. The U.S. Attorney for the WDPA has declined prosecution
in the captioned matter. In view of this, Pittsburgh will
conduct no further investigation.

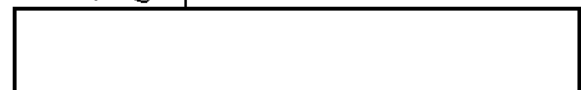
1*

2 - WFO (Encs. 5)
① - Pittsburgh



9A-3778-19^{b6}_{b7C}

Search _____
Filing _____
Serialized _____
Indexed _____
Filed _____



FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ AIRTEL

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 6/15/87

TO: ACTING DIRECTOR, FBI
(ATTN: PERSONAL CRIMES UNIT)

FROM: SAC, WASHINGTON FIELD (9A-5546) (C-4) (RUC)

SUBJECT: 67-0-14208

ASSOCIATE SUPREME COURT JUSTICE
SURROGATE MARSHALL-VICTIM;
ASSOCIATE SUPREME COURT JUSTICE
HARRY BLACKMAN-VICTIM;
EXTORTION
OO: PITTSBURGH

Re Pittsburgh airtel to Washington Field, dated 4/27/87.

The United States Supreme Court Police have been apprised of the results of this investigation.

WFO considers this matter RUC'd.

2-Bureau
②-Pittsburgh
2-Washington Field

(6)

9A-3778-20

Approved: _____ Transmitted _____
(Number) (Time)

Per

(INPO)

b6
b7c

b6
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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1507337-001

Total Deleted Page(s) = 1
Page 5 ~ Duplicate;

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WFF (91-6341) - 4P

Q1 letter

100-1557
2/11

US No.	6-86433
Serial No.	9-070009 27
Date of Report	7-14-84
Examiner	[Redacted]
Noted by	[Redacted]
No. of photos	1 dup ref

b6
b7C



U.S. SUPREME COURT JUSTICE
THURGOOD MARSHALL
EXHIBIT

5 lat. photos

b6
b7C

Photos of lat. photos



RECEIVED

neg env combined of photo env.

10/05/2009



b6
b7C

I.

Sept 9, 1987

May your soul burn in hell you sonofibitch all you damn ultra liberals.

Thurgood,

i will come to the point without delay. as you have blasted about every thing that almighty god stands for. upheld the devil in all his filth.

i will blast you in every damn way possible.

you were on the damn liberal news this A.M.

blasted bork. well he is as good or better than any sonofibitch who has dominated the white house in years. the damn fucking democrats has destroyed every thing. gods laws outlawed by corruption in the heart as well as sould of this evil bunch of misfit dogs.

if you want to send the damn F.B.I. to investigate me do so.

i do not have one damn thing to hide from damn fools in power.

do i love my country hell no not as long as dogs dominate it.

damn the damn plural society. for even it should have guide lines. hell

no this bunch of sonofibitches has allowed such damn idiots as the damn N.E.A.

A.C.L.U. American Way. Gays in which god forbids. Abortions. the damn

bitches called feminesm rule or dominate out society.

would i if i were able leave my country. hell yes/ and destroy it to the

last damn splinter. there would not be a peace of wood left to make a match.

no thanks to the goddam democratic party. of sheer barbarian idiots.

its this goddam bench sorry i will not call it a court for it is not.

that has caused corruption nation wide with out restraint in the damn benches

one thing for certain you have your reward coming. and my prayers is for your

damn death as soon as possible. as well as the sonofibitch who placed you the

re. not would i love to whip you damn ass. you bet.

keep talking perhaps someone someplace will shut you up forever.

i hope so.

C-68655
70923016 D WN 01

Complaint Form
FD-71 (Rev. 7-21-67)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

Indices: ☐ Negative ☐ See below

Subject's name and aliases

INSUB; Possible Theft of
Portrait of U.S. Supreme Court
Justice ^{THURGOOD} MARSHALL & Chief
Justice ^{WARREN} painted by
[redacted] TGP(00:WPS)

Character of case

TGP(A)

Complainant

Complaint received

☐ Personal

☒ Telephonic

Date 7/12/79 Time 1:10 PM

Address of subject

Complainant's address and telephone number

Subject's Description	Race	Sex ☐ Male ☐ Female	Height	Hair	Build	Birth date and Birthplace
	Age	Weight	Eyes	Complexion		
Scars, marks or other date						

Facts of complaint

[redacted] stated that he purchased the two
above paintings, this date, for \$20 each. The
Canvas appeared to have been removed from
frames and the quality was excellent. One
was painted by the artist in 1969, the other in 1970.
He was of opinion that the ART works were
stolen. MPD WAS NOTIFIED.
Contact Nat. Fed. of ART, FPS & GSO for
Reported Theft. 52-17766-1
[redacted] 7/12/79 [redacted]

Action Recommended

(Agent)

Memorandum

TO : SAC, WFO (52-17766) (C)

DATE: 8/10/79

FROM : SA [REDACTED]

b6
b7c

SUBJECT: UNSUB;
POSSIBLE THEFT OF
PORTRAIT OF U.S. SUPREME
COURT JUSTICE THURGOOD MARSHALL
AND CHIEF JUSTICE WARREN E. BURGER,
PAINTED BY [REDACTED]
TGP (A)
(OO:WFO)

The following investigation was conducted
in this case on 7/12/79 at Washington, D. C. (WDC),
by writer:

WFO indices negative regarding paintings
and [REDACTED] No identifiable numbers on
paintings, so National Crime Information Center (NCIC)
could not be queried.

b6
b7c

[REDACTED] Administrator, National Gallery
of Art, WDC, contacted with negative results concerning
captioned portraits possibly being stolen.

[REDACTED] Portrait Gallery, WDC, also
contacted with negative results.

b6
b7c

Detective [REDACTED] Burglary and Pawn Unit,
Metropolitan Police Department (MPD), WDC, contacted
with negative results.

FILE STRIPPED

Date: 8-13-79

[REDACTED] Supreme Court, WDC, contacted
and had never heard of artist [REDACTED] and
had no record of any of the portraits there being missing
or stolen.

Initials: [REDACTED]

In view of the above, it is recommended this
case be closed administratively due to a lack of federal
violation.

1 - WFO



STROY

YRS

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

52-17766-2

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 10 1979	
FBI - WASH. FIELD	

b6
b7c

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Page 117 ~ b3; b7E;

Page 118 ~ b3; b6; b7C; b7E;

Page 119 ~ b3; b7E;

Page 120 ~ b3; b6; b7C; b7E;

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X For this Page X
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Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.
January 10, 1947

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: COMPLAINT BY THURGOOD MARSHALL
REGARDING CIVIL RIGHTS INVESTIGATIONS

I am returning herewith the letter addressed to you under date of December 27, 1946 by Mr. Thurgood Marshall, Special Counsel of the National Association for the Advancement of Colored People Legal Defense and Educational Fund, in which Mr. Marshall is critical of the work of the FBI in investigating cases involving negroes.

In order that you may be fully advised concerning the facts with reference to individual cases referred to in Mr. Marshall's letter, I am setting out hereafter information concerning these situations and I am, in addition, attaching hereto a suggested reply to Mr. Marshall's letter. I must state, however, that I frankly do not expect Marshall to accept any factual explanation of the situations about which he has complained, because I have found from previous dealings with him that he is most careless as to the truth and facts in the charges which he makes against the FBI. Indicative of his attitude, I might point out that under date of May 10, 1946, Mr. Marshall addressed to me a letter in which he charged misconduct on the part of Special Agents of the Bureau in conducting cases involving negroes and in interviewing negroes. The charges made by Mr. Marshall were, if true, serious.

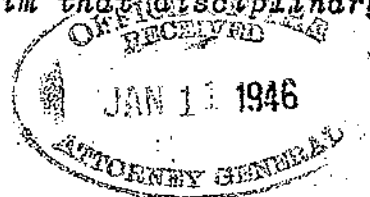
By letter dated May 14, 1946 addressed to Mr. Marshall, I assured him that I would not tolerate any acts of misconduct on the part of Bureau agents and explained to him that I would conduct an immediate administrative inquiry into the charges made by him if he would furnish the names of the persons making the complaints against the Bureau agents, in order that I could determine the identity of the agents allegedly indulging in misconduct. I went to some length in my letter of May 14th to explain to Mr. Marshall that "stringent disciplinary action is taken against any special agent who, by any act, prejudices the Bureau's program of conducting thorough, impartial and entirely ethical and legal investigations of all cases". Despite my request for identifying data which would permit me to make investigation into Mr. Marshall's charges against Bureau agents and despite my assurance to him that disciplinary



KEEP IN F. B. I. FILES

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44 NOV 20 1964



Memorandum for the Attorney General

action would be taken where justified, Mr. Marshall has never answered my letter of May 14th or furnished any information which would permit me to investigate the charges made.

I believe that Mr. Marshall's obvious hostility to the Bureau dominates the thinking of his associates in the legal operations of the National Association for the Advancement of Colored People. I might point out that when the Bureau was endeavoring to conduct an investigation into the case involving an assault upon Isaac Woodard, Jr., by the chief of police at Batesburg, South Carolina, the victim, Woodard, a negro, when interviewed by Bureau agents, declined to furnish any information to us on the grounds that Franklin H. Williams, Counsel of the National Association for the Advancement of Colored People, had instructed him not to talk to the FBI except in Williams' presence and with the permission of Williams. According to Woodard, Williams had stated, in referring to the FBI, that "They are not on your side-- they are on the side of the government". It might be noted in this situation that Woodard was the victim of an assault and the key witness in the Bureau's efforts to conduct an investigation to determine whether there had been a violation of Federal Civil Rights Statutes. The restrictions placed upon Woodard by the N.A.A.C.P. representative resulted in considerable needless delay in the investigation of this case.

Marshall cites the Roger Malcolm lynching case near Monroe, Georgia, as an example of the one-sided investigations conducted in this type of case. I believe that it should be pointed out to Marshall in connection with that case that a thorough and exhaustive investigation has been conducted, in the course of which nearly 2,800 people have been interviewed, and that the testimony of approximately 106 witnesses was heard by a Federal Grand Jury at Athens, Georgia, which Grand Jury did not return any indictments.

Marshall refers also to the Columbia, Tennessee, race riot on February 25 and 26, 1946, an investigation of which was conducted by this Bureau and reports submitted to the Criminal Division under the caption "Racial Violence Columbia, Tennessee; Civil Rights and Domestic Violence". You will recall that at the conclusion of the investigation in that case all of the facts were presented to a Federal Grand Jury and that at the conclusion of the testimony, the jury expressed the opinion that there had been no violation of any Federal statute and further commended the law enforcement officers for their manner in handling the situation.

Memorandum for the Attorney General

Later on in his letter, Marshall points out that you have called for a strengthening of the Federal Civil Rights Statutes, but questions the effectiveness of any such statutes when prosecutions and convictions do not result from the investigations under the statutes already in force. I believe it can be pointed out to Marshall that the two cases referred to above tend to show the need for specific civil rights statutes with clearly defined violations, rather than the failure of the Bureau or the Department which are operating under the present highly controversial statutes.

Marshall makes the further statement that the N.A.A.C.P. has used inexperienced investigators who have been able to produce the names of the members of mobs and refers specifically to the recent Minden, Louisiana, lynching. Reports of investigation in that case have been forwarded to the Criminal Division under the caption "Deputy Sheriff Oscar Henry Haynes, Jr., et al.; John Cecil Jones and Albert Harris, Jr. - Victims; Civil Rights and Domestic Violence". You will recall that that case involved the release of two negroes by Deputy Sheriff Haynes to a mob of men who took them out and severely beat them, as a result of which Jones died but Harris survived. Indictments have already been handed down against Deputy Sheriff Haynes, Deputy Sheriff Edwards, and three private individuals who were members of the mob. A number of eye witnesses, some of whom were negroes, have identified some of the members of the mob and one negro informant reported what he believed to be a list of the individuals involved but had no evidence to substantiate his belief. I believe it should be pointed out to Marshall that although information as to suspects in some cases has been furnished by the N.A.A.C.P. or some of its representatives, the furnishing of such names of suspects does not constitute a solution to a particular case although it does lend invaluable assistance. Actually, the real problem in these cases is to obtain definite and concrete evidence admissible in court to prove the identity of the individuals responsible.

In referring to the Isaac Woodard case which, you will recall, involved the beating of Woodard by Chief of Police Shull at Batesburg, South Carolina, which resulted in Woodard's subsequent blindness, Marshall states that the N.A.A.C.P. was able to produce eye witnesses and the name of the police officer. In this connection, it is to be noted that the original complaint received from the N.A.A.C.P. and from victim Woodard stated that the beating occurred at Aiken, South Carolina, and it was not until the investigation by this Bureau had been instituted that it was learned that the offense had actually occurred at Batesburg. Marshall's statement that eye witnesses were produced is misleading but the Bureau agents inter-

Memorandum for the Attorney General

viewed all persons suggested by the N.A.A.C.P. and furnished their information to government attorneys.

To refute Marshall's charges that the FBI has exhibited bias and prejudice in conducting investigations involving negroes, I believe that a few cases where successful prosecutions have been had in civil rights cases should be cited and that Marshall should be informed in no uncertain terms that all investigations conducted by the Bureau are conducted impartially and without regard to the race or color of any persons involved.

Respectfully,

J. E. Hoover
John Edgar Hoover
Director

Attachments

Get up letter and this

N. A. A. C. P. LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

20 WEST 40TH STREET, NEW YORK 18, N. Y.

LONGACRE 3-6890

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Office of the
PROSECUTOR

DEC 30 1946

ATTORNEY GENERAL

December 27, 1946

Hon. Tom C. Clark
Attorney General
U. S. Department of Justice
Washington 25, D. C.

Dear Mr. Clark:

You will remember that sometime ago, I agreed to bring to your personal attention matters which affect Negroes in connection with the Department of Justice. The Federal Bureau of Investigation has done a good job on peonage in the South. With the exception of peonage, the record of the F.B.I. in investigating cases involving Negroes has been notably one-sided. The inability of the F.B.I. to identify any members of the lynch mob in the Monroe, Georgia, lynchings is the latest example of this. In the disturbance at Columbia, Tennessee, on February 25th and 26th of this year, it is reported that F.B.I. agents were sent in almost immediately and were supposed to have made a thorough and complete investigation, yet, they were unable to produce the name of a single individual responsible for the acts of violence and the destruction of the property of the Negroes in that town.

In the past, the N.A.A.C.P. and other organizations have used inexperienced investigators who have usually been able to produce the names of the members of the mobs. In the recent Minden, Louisiana, lynching, the President of our New Orleans Branch, with no experience as an investigator, was able to produce the names of members of that mob. In the beating of Isaac Woodard by Officer Shull, in Batesburg, S. C., we were able to produce eyewitnesses and the name of the police officer.

The F.B.I. has established for itself an incomparable record for ferreting out persons violating

62-86660-1

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44 NOV 20 1984

"COMMITTEE OF 100"

William Allan Neilson, *Chairman*
 William Agar
 Mrs. Ernest R. Alexander
 Joseph Clark Baldwin
 Roger N. Baldwin
 Robbins W. Barstow
 Jacob Billikopf
 Justice Jane M. Bolin
 Abbott Book
 Bishop James A. Bray
 Van Wyck Brooks
 T. T. Brumbaugh
 Mrs. Samuel McCrea/Cavert
 Allan Knight Chalmers
 Mrs. Richard S. Childs
 Bernard C. Clausen
 W. M. Cleaveland
 Rufus E. Clement
 Fanny Travis Cochran
 William F. Cochran
 Henry S. Coffin
 James Bryant Conant
 Albert Sprague Coolidge
 Mrs. Elizabeth S. Coolidge
 George S. Counts
 Henry Hitt Crane
 John Warren Davis
 Albert Edward Day
 John Dewey
 Albert C. Dieffenbach
 Stephen Duggan
 Samuel A. Eliot
 Edwin R. Embree
 Dorothy Canfield Fisher

Harry Emerson Fosdick
 Leo M. Franklin
 Christian Gauss
 Harry D. Gideouse
 Perry M. Gillilan
 Joseph F. Gaffey
 Herman Halperin
 S. Ralph Harlow
 Hornell Hart
 James G. Heller
 Harrison Hites
 Bishop Henry W. Hobson
 John Haynes Holmes
 Sidney Hook
 Charles H. Houston
 Paul Hutchinson
 Mrs. Raymond V. Ingersoll
 Mrs. Henry A. Ingraham
 D. V. Jemison
 Charles S. Johnson
 Mordecai W. Johnson
 Rufus M. Jones
 Horace M. Kallen
 Helen Keller
 Paul Kellogg
 Frank Kingdon
 Freda Kirchwey
 Fiorello H. LaGuardia
 John Howland Lathrop
 Bishop W. Appleton Lawrence
 W. Earl Ledden
 Henry Smith Leiper
 Alfred Baker Lewis
 Ira F. Lewis

Alain Locke
 Bishop Francis J. McConnell
 Karl Menninger
 Annie Nathan Meyer
 Carl Murphy
 Harold E. Nicely
 Reinhold Niebuhr
 Robert Lincoln O'Brien
 Bishop G. Bromley Oxnam
 George L. Paine
 Bishop Edward L. Parsons
 Palfrey Perkins
 Ralph Barton Perry
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 Mrs. Gifford Pinchot
 Edwin McNeill Potest
 A. Philip Randolph
 Frederick E. Reissig
 Alson H. Robinson
 J. J. Runyan
 Guy Emery Shipler
 James T. Shotwell
 George N. Shuster
 Bishop David H. Sims
 Arthur B. Spingarn
 Norman Thomas
 Ernest Fremont Tittle
 Carl Van Doren
 Oswald Garrison Villard
 Carter Wesley
 Justice James H. Wolfe
 Mary E. Woolley
 Bradford Young

The "Committee of 100", a voluntary cooperative group of individuals headed by William A. Neilson, has sponsored the appeal of the N.A.A.C.P. Legal Defense and Educational Fund, Inc. since 1943, and has called for public subscription of \$100,000 during 1946 to enable the Fund to meet urgent problems arising out of the post-war emergency.

Hon. Tom C. Clark

December 27, 1946

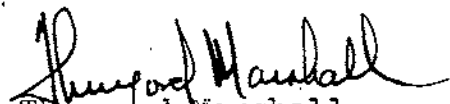
our federal laws. This great record extends from the prosecution of vicious spies and saboteurs, who are trained in the methods of evading identification and arrest, to nondescript hoodlums who steal cheap automobiles and drive them across the state lines. On the other hand, the F.B.I. has been unable to identify or bring to trial persons charged with violations of federal statutes where Negroes are the victims. Such a record demonstrates the uneven administration of federal criminal statutes, which should not be tolerated.

You have called for a strengthening of the Federal Civil Rights Statutes, yet, I am sure it is apparent that there would be very little use to strengthen these Civil Rights Statutes if the F.B.I. continues its policy of being unable to produce the names of persons guilty of such crimes.

You will remember that Section 49 of Title 8 provides that you and other officials of the Federal Government are specifically required, at the expense of the United States, "to institute prosecution against all persons violating any of the provisions of Chapter 3 of Title 18 ... and to cause such persons to be arrested and imprisoned, or bailed, for trial before the Court of the United States or the territorial court having cognizance of the offense." This statute places an additional burden upon you and other law enforcement officials of the Federal Government over and above other duties included in the oath of office. For this reason, I believe that you, as Attorney General of the United States, have the clear duty and responsibility of making a complete investigation of one of your departments, namely, the F.B.I., to determine why it is impossible for this department to maintain a record as to crimes in which Negroes are victims comparable to its record as to other crimes.

This letter is being sent to you without being released to the press, and no publicity whatsoever is being given to it other than possible discussion with members of our staff. I expect to be in Washington during the early part of January and would appreciate an opportunity to discuss this matter further with you if you so desire.

Very truly yours,


Thurgood Marshall
Special Counsel

TM:GS
uopwa-19-CIO

P.S. In connection with the failure to identify members of the mob in the Monroe, Ga., lynchings, I imagine you have noticed the editorial in the NEW YORK TIMES for Saturday, December 21st, captioned "The Silent Indictment".

Official indicated below by check mark

Solicitor General

Assistant to the Attorney General

Assistant Attorney General, Anti-Trust.

Assistant Attorney General, Tax

Assistant Attorney General, Claims.

 Alien Enemy Control Section

 Alien Property Section.

Assistant Attorney General, Lands

Assistant Attorney General, Criminal.

Assistant Solicitor General

Director, FBI

Director of Prisons

Director, Office of Alien Property.

Commissioner, Immigration and Naturalization.

 Liaison Officer, Immigration and Naturalization

Administrative Assistant.

 Division of Accounts

 Division of Communications and Records.

 Division of Supplies.

Pardon Attorney

Parole Board.

Board of Immigration Appeals.

Librarian

Director of Public Information.

Mr. Morison

Mr. Darsey.

Mr. Ford.

Mrs. Stewart.

Miss O'Donnell.

Miss McCarron

Miss Healy.

Mrs. Kroll.

Miss Adams.

Miss Doyle.

Miss Moore.

Miss Dennis

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

January 16, 1947

It is noted the Thurgood Marshall letter has been signed as prepared by the Bureau.

hcb

Mr. Tolson ☒
Mr. E. A. Tamm ☒
Mr. Clegg ☒
Mr. Glavin ☒
Mr. Ladd ☒
Mr. Nichols ☒
Mr. Rosen ☒
Mr. Tracy ☒
Mr. Carson ☒
Mr. Egan ☒
Mr. Gurnea ☒
Mr. Harbo ☒
Mr. Hendon ☒
Mr. Jones ☒
Mr. Pennington ☒
Tele. Room ☒
Mr. Nease ☒
Miss Beahm ☒
Miss Gandy ☒

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INDEXED

JAN 16 5 01 PM '47

178

RECORDED
JAN 16 1 45 PM '47
EX-11

62-86660-2

JAN 16 1947

57 MAR 19 1947
57

Mr. Tolson ☒
 Mr. E. A. Tamm ☒
 Mr. Clegg ☒
 Mr. Glavin ☒
 Mr. Ladd ☒
 Mr. Nichols ☒
 Mr. Rosen ☒
 Mr. Tracy ☒
 Mr. Egan ☒
 Mr. Gurnea ☒
 Mr. Harbo ☒
 Mr. Mohr ☒
 Mr. Pennington ☒
 Mr. Quinn Tamm ☒
 Mr. Nease ☒
 Miss Gandy ☒

October 18, 1947

MEMORANDUM FOR MR. TOLSON

I am attaching hereto a summary of our relationships with Thurgood Marshall. As you suggested, we have not included our entire relationships with the National Association for the Advancement of Colored People, as such a memorandum would be exceedingly voluminous; however, the pertinent data on Marshall are incorporated.

Respectfully,

W. B. Nichols

Attachment
 Index back of memo

LBN:MP

RECORDED
 &
 INDEXED

162-86660-3
 F B I
 15 FEB 28 1948

316
56 MAR 13 1948

THIS MEMORANDUM IS FOR ADMINISTRATIVE PURPOSES
 TO BE DESTROYED AFTER ACTION IS TAKEN AND NOT SENT TO FILES

October 18, 1947

Re: THURGOOD MARSHALL

I. BIOGRAPHICAL DATA

According to a letter from the NAACP dated September 19, 1947, Thurgood Marshall appears on a list of executive officers of the Association as Special Counsel.

He was listed as a sponsor of the American Civil Liberties Union, (Southern California Branch,) according to the Annual Report of the organization for 1939.

According to information received in 1942, Marshall was on the Board of Directors of the American Civil Liberties Union.

On February 10, 1944, there was an announcement of the results of a nationwide poll by the Schomburg Collection of Negro Literature of the New York Public Library to determine the six white individuals or organizations and the twelve Negro individuals or organizations which had done the most outstanding work during the preceding year for the improvement of race-relations. Among the Negroes nominated was Thurgood Marshall.

The Daily Worker on July 1, 1946, indicated that Marshall received the Spingarn Medal, the NAACP's highest award, for his work in defense of Negroes, at the 37th Conference of the organization in Cincinnati.

WCUA A report of the Special Committee on Un-American Activities lists Thurgood Marshall as being an officer of the International Juridical Association. This same report on page 809 lists him as a member of the National Committee of this association from Maryland.

Identification records reflect that one Thurgood Marshall, Negro, born July 2, 1908, at Baltimore, Maryland, was fingerprinted in the Virgin Islands on October 1, 1946, when he applied for a passport. These prints were searched against the criminal files of the Identification Division on October 15, 1947, and no record was found.

II. IDEOLOGICAL SYMPATHIES

The NAACP had a two-day conference in Florence, South Carolina, on June 13 and 14, 1943, at which Thurgood Marshall was the principal speaker. Gerard Anderson, who was then principal of the Wilson colored school in Florence, South Carolina, stated that he had met Marshall and believed him to be a loyal American who would go as far as he could to further the aims of his organization but would not permit anything radical to be done to accomplish the desired end.

~~CONFIDENTIAL~~

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62-86660-3
ENCLOSURE

He advised that Marshall, as a private individual, believed much as he did regarding the methods used by the organization (NAACP) in appealing to the mass of Negroes. The informant stated, however, that Marshall had remarked in private to him that although he does not believe in some of the things he advocates from the speaker's platform, the best way to secure the mass support of the colored people was through advocacy of an active militant attitude toward the betterment of the colored race.

Reverend J. W. Taylor, colored minister of Florence, South Carolina, who belonged to the NAACP, stated that Marshall was a loyal American and that although he would be militant in helping his organization achieve its aims he would not allow the use of force or un-American or illegal means.

The Florence, South Carolina, morning paper on June 18, 1943, quoted Marshall as stating that the recent race riots in Detroit were attributed to subversive groups. He discussed Army treatment of Negroes and was very praiseworthy of the way in which the Army and entire Federal government treated Negro people. He stated this was not true of very many local agencies. Marshall added that the colored people had more to lose should the Axis nations be victorious than did the white people. In general terms he condemned subversive organizations of all kinds and warned the Negroes against them. He said that they should be ever alert to advance the cause of the colored people but that they should be Americans first and strive for their own betterment secondly. He added that Communists were not as active among the colored people today as they were fifteen years ago for the colored people have found that Communism does not give them what they expect to get. Marshall advised a Bureau informant that it was not the policy of NAACP to be belligerent in any way but hinted that the organization would sponsor a group which would be belligerent if the association believed in the aims of the organization.

Berlinda Davison, a Negress who was formerly President of San Francisco Chapter of the NAACP, advised that it was necessary in 1943 to hold two meetings before officers could be elected. She admitted that early in 1943 and during the year 1942 she had attempted to work with Communist Party members in the Association in harmony. After they could not agree on the new officers at the first meeting, they held another meeting on December 3, 1943. Davison attempted to turn the chair over to one Wesley Peoples and immediately the Communist Party members objected and recommended another person as Chairman. After much argument, it was finally decided to draft Thurgood Marshall as Chairman. He happened to be in the city on other business.

Marshall consented and was given two ballots - one prepared by Davison's supporters and the other by the Communist-dominated group. Marshall proposed that instead of using either that both be used as a guide and that the members vote on a blank sheet of paper, which was done. Davison alleged that the Communists attempted to influence the Negroes to vote against her. She stated that she had a discussion with Marshall about a week before the election, at which time she explained to him the trouble they were having with Communists. He allegedly told her he knew the Communists were trying to move into the various chapters of the NAACP and especially on the Pacific Coast. He reportedly urged Davison to have a show-down fight with the Communists. He appeared quite sympathetic and interested in the problem. Davison advised she later learned that Marshall also had a conference with her opponents, with whom Marshall was quite friendly. She was of the opinion that these Communists swayed the opinion of Marshall against her.

The January 2, 1944, issue of the Daily Worker contained the first of a series of articles by Eugene Gordon on what had been done about the causes of the August race riots in Harlem the preceding year. A number of people were listed as having been interviewed to get material for the articles and Marshall's name was included among them. The gist of the articles was that the causes of the race riots were still present.

The New York Amsterdam News, a Negro newspaper, indicated on January 20, 1945, that Attorney Donald Crichton, former deputy in charge of the OPA area rent office in Harlem, had been removed from his post the preceding week. An informant said that Crichton was definitely a fellow traveler and quite possibly a member of the Communist Party. An article in this paper quoted Thurgood Marshall as stating in a letter to Chester Bowles, then national OPA administrator, "The removal of the only Negro serving as a rent director in Region 2, or so far as we know the only one in the country, raises a serious question as to the real reason for his removal." Marshall was further quoted as stating in the letter that Mr. Crichton "possesses to a high degree the qualifications generally regarded as desirable for such an administrative office. Mr. Crichton is a Negro. It is obvious that any governmental action in an area which includes Harlem has a direct effect upon race relations, not only in the area involved but throughout the country."

The weekly intelligence summary of the Army Service Forces, Headquarters First Service Command, Boston, Massachusetts, for the week ending February 15, 1946, contains an item from a source described as "completely reliable" that Thurgood Marshall, as legal representative of the New York NAACP Headquarters, held

a meeting with the Boston NAACP on February 4, 1946, as a result of a protest against election procedure. A Communist supported faction had been elected and the defeated conservative faction was protesting. Marshall explained that he had not come to Boston to settle the matter but simply to act as arbiter for the two factions and to report to the National NAACP, New York, concerning the dispute.

The Cleveland Press on March 13, 1946, stated that the Cleveland branch of the NAACP and a Citizens' Committee were sponsoring a protest mass meeting against the "ugly race situation" in Columbia, Tennessee. The meeting was to be held on March 15 and among the speakers was Thurgood Marshall, Jean M. Capers (reported Communist Party member), A. E. Stevenson (Communist Party sympathizer), Arnold Johnson, State Chairman of the Communist Party, and others.

On April 10, 1947, Marion C. Ladwig advised a Special Agent in Austin, Texas, that he was trying to set up a NAACP chapter at the University of Texas, and that certain individuals who followed the Communist Party line were trying to get control of it. Ladwig contacted Thurgood Marshall, who said that if any office of a NAACP chapter was held by a Communist the chapter would be withdrawn.

A confidential informant of the New York Office advised on August 22, 1947, that John Gates, the editor of the Daily Worker, sent the following telegram on August 21, 1947, to Thurgood Marshall and numerous other parties:

"Have you seen McCabe brief in Dennis case and will you comment for publication in our paper?"

A confidential informant of the New York Office reported that Marshall is a good friend of Max Yergan, Executive Director of the Council on African Affairs, President of the National Negro Congress, and a key figure in known Communist circles. The same informant termed Marshall as a "fellow traveler" and added that he may possibly be a member of the Communist Party.

III. CHARGES AGAINST THE BUREAU

Tip Hunter Case

Allegation:

The Department of Justice files contain a letter dated January 30, 1942, from Thurgood Marshall, lambasting the Department for failing to prosecute in this case. Marshall stated in his letter "the reason there is no evidence is

because of the type of investigation made by the Federal Bureau of Investigation. This case was reported to the Department of Justice in June of 1940. The FBI Agents sent to investigate the charge against Hunter talked to Hunter as soon as they reached Brownsville and took him with them on their rounds to question witnesses. Quite naturally the Negroes would not 'talk' in front of Tip Hunter, who had already killed at least one Negro and run several others out of town." This letter was acknowledged over Wendell Berge's signature on February 11, 1942, and stated in substance that facts did not justify prosecution. The letter did not make reference to the material quoted above nor was the letter called to the Bureau's attention.

Facts:

On the morning of June 23, 1940, the body of a Negro named Albert Williams was found floating in a river near Brownsville, Tennessee. It appeared that prior to finding the body certain Negroes had gone to the election officials to inquire about voting in the 1940 elections. Tip Hunter, then a night police officer who was later elected sheriff, was the principal subject, according to the allegations. On June 24, 1940, the Memphis office advised by teletype that the Assistant U. S. Attorney at Memphis had received Departmental instructions for an investigation at Brownsville. The SAC advised that he would proceed unless advised to the contrary. On June 29 a preliminary report was submitted and on July 11, 1940, the Department requested an active investigation. In November of 1940, the U. S. Attorney at Memphis stated that no additional inquiry was deemed necessary or practical. In December of that year the Department advised no further investigation was necessary. On January 23, 1942, the Attorney General's office advised the U. S. Attorney to close the case. All Agents working on the case denied that Tip Hunter accompanied them on the investigation and Tip Hunter, when recently interviewed, denied he accompanied the Agents.

On September 24, 1947, Marshall directed a letter to the Bureau on this same case making the following charges:

Allegation:

Special Agents took Tip Hunter, the sheriff, along with them while questioning Negro witnesses.

Facts:

This is emphatically denied by all Agents and Tip Hunter.

Allegation:

Victor Rotnem and Wendell Berge stated that the FBI could not locate a witness named Johnny Outlaw and that he, Marshall, located Outlaw without difficulty.

Facts:

It is true that we attempted to locate this individual with negative results but we could and would have located him had we not been told to hold the investigation in abeyance by the U. S. Attorney.

Allegation:

The FBI could not locate a witness named Jack Allen and that he, Marshall, went to Brownsville and ascertained that Jack Allen was actually Jack Adams, who was residing in Chicago. Marshall said he went to Chicago and found Adams without difficulty.

Facts:

A lead had been set out to obtain the address of Jack Allen but apparently due to the normal delinquency in the Memphis Office, the lead was not covered. It would have been had the investigation not been terminated by Department orders.

On October 6, 1947, the Director sent a letter to Marshall pointing out the matters noted above concerning the Tip Hunter case and defending our position and denying his allegations. In this letter the Director suggested that in the future, complaints received by Marshall concerning the FBI should be called to the Director's attention so that an appropriate inquiry can be made. The Director stated, "I believe this will be effective in getting results which I am sure both you and I desire."

Monroe, Georgia, Lynching

Allegation:

On December 27, 1946, Marshall wrote to the Attorney General pointing out that he, Marshall, agreed to bring to the Attorney General's personal attention matters which affect Negroes in connection with the Department of Justice. In this letter, Marshall stated, "the Federal Bureau of Investigation has done a good job on peonage in the South. With the exception of peonage, the record of the FBI in investigating cases involving Negroes has been notably one-sided. The inability of the FBI to

identify any members of the lynch mob in the Monroe, Georgia, lynching is the latest example of this."

Pointing out that the Attorney General had called for a strengthening of the Federal Civil Rights Statutes, Marshall claimed that there would be very little use to strengthen these statutes if the FBI continued its policy of being unable to produce the names of persons guilty of such crimes. He said that he believed it was the Attorney General's duty of making a complete investigation of the FBI to determine why it is impossible for the FBI to maintain a record as to crimes in which Negroes are victims comparable to its record as to other crimes.

Facts:

On January 10, 1947, the Director in a memorandum to the Attorney General answered the charges of Marshall. The Director pointed out that frankly he did not expect Marshall to accept any factual explanation of the situations about which Marshall had complained because the Director had found from previous dealings with Marshall that Marshall was most careless as to the truth and facts in the charges which he makes against the FBI.

The Director mentioned the Roger Malcolm lynching case near Monroe, Georgia, which Marshall cited. It was pointed out that a thorough and exhaustive investigation had been conducted in the course of which nearly 2,800 persons had been interviewed and that the testimony of approximately 106 witnesses was heard by a Federal Grand Jury in Athens, Georgia, which Grand Jury did not return any indictments.

Columbia, Tennessee, Race Riots

Allegation:

In his letter of December 27, 1946, to the Attorney General, Marshall stated, "In the disturbance at Columbia, Tennessee, on February 25 and 26 of this year, it is reported that FBI Agents were sent in almost immediately and were supposed to have made a thorough and complete investigation, yet, they were unable to produce the name of a single individual responsible for the acts of violence and the destruction of the property of the Negroes in that town."

Facts:

The Director, in his memorandum to the Attorney General dated January 10, 1947, referred to the Columbia, Tennessee, race riot on February 25 and 26, 1946, mentioned by

Marshall. It was pointed out that an investigation of this case was conducted and reports submitted to the Criminal Division under the caption, "Racial Violence, Columbia, Tennessee; Civil Rights and Domestic Violence." It was indicated that at the conclusion of this investigation all of the facts were presented to a Federal Grand Jury and at the conclusion of the testimony, the jury expressed the opinion that there had been no violation of any Federal statute and further commended the law enforcement officers for their manner of handling the situation.

Minden, Louisiana, Lynchings

Allegation:

Marshall, in his letter to the Attorney General on December 27, 1946, pointed out that his organization and other organizations have used inexperienced investigators who have usually been able to produce the names of the members of the mobs. In the Minden, Louisiana, lynchings, Marshall stated, "the President of our New Orleans Branch, with no experience as an investigator, was able to produce the names of members of that mob."

Facts:

It will be recalled that this is the case in which Congressman Overton Brooks of Louisiana took an interest. On the evening of March 3, 1947, the Bureau received inquiries from the press regarding a statement issued by the Congressman on the case in which he denounced the FBI as a result of the prosecutive action instituted in Louisiana, growing out of the killing of John Cecil Jones on August 8, 1946, and the beating of Albert Harris, Jr., near Minden, Louisiana.

With reference to Marshall's allegation, the Director advised the Attorney General that reports of the investigation in that case were forwarded to the Criminal Division under the caption, "Deputy Sheriff Oscar Henry Haynes, Jr., et al; John Cecil Jones and Albert Harris, Jr., - Victims; Civil Rights and Domestic Violence." This case involved the release of two Negroes by Deputy Sheriff Haynes to a mob of men who took them out and severely beat them, as a result of which Jones died but Harris survived. A number of eye witnesses, some of whom were Negroes, identified some of the members of the mob and one Negro informant reported what he believed to be a list of the individuals involved but had no evidence to substantiate his belief.

The Director suggested to the Attorney General that

Marshall might be advised that although information as to suspects in some cases had been furnished by the NAACP or some of its representatives, the furnishing of such names of suspects did not constitute a solution to a particular case, although it did lend invaluable assistance. The Director further pointed out that the real problem in these cases was to obtain definite and concrete evidence, admissible in court, to prove the identity of the individuals responsible.

It might be noted that all parties prosecuted in connection with this case were acquitted by a jury in the United States District Court at Shreveport.

Isaac Woodard Case

Allegation:

In his letter of December 27, 1946, to the Attorney General, Marshall commented as follows with regard to this case: "In the beating of Isaac Woodard by Officer Shull, in Batesburg, South Carolina, we were able to produce eye witnesses and the name of the police officer." Marshall was, of course, contrasting the alleged difficulty of the FBI in solving this and similar cases with the ease with which the NAACP located witnesses.

Facts:

Marshall's statement is misleading, to say the least, but the FBI did interview all persons suggested by the NAACP and gave their information to the government attorneys. It is to be noted that the original complaint from the NAACP and Woodard himself placed the incident in Aiken, South Carolina, and it was not until the Bureau investigation was started that it was learned the offense occurred in Batesburg.

Woodard, a discharged colored veteran, was en route from Georgia, where he had been discharged from the Army, to New York City. Investigation requested by the Department revealed that he was arrested on February 12, 1946, by Chief of Police Lynwood Lanier Shull at Batesburg, South Carolina, following a disturbance created by the victim on a bus traveling north from Augusta, Georgia. Woodard was drinking on the bus in violation of the state law and frequently demanded that the bus be stopped for his convenience. At the request of the bus driver, the chief of police took Woodard into custody and while en route to the police station at Batesburg, Woodard resisted arrest and attempted to take the chief's blackjack away from him. As a result, the chief of police struck Woodard over the head with the blackjack. The chief claimed that he struck him only once and subsequent medical reports did not indicate that the Negro had been severely beaten. He was lodged in jail over night and the next morning complained that his eyes bothered him. Some swelling was present around his eyes and after he was arraigned he was taken to the Veterans' Hospital at Columbia, South Carolina, where he remained for two months. He was then released as hopelessly blind in both eyes.

In his communication to the Attorney General, the

Director pointed out that the Bureau was endeavoring to conduct an investigation into the case involving the assault upon Isaac Woodard, Jr., by the chief of police at Batesburg, South Carolina, and that Woodard, a Negro, when interviewed by FBI Agents, declined to furnish any information to the FBI on the grounds that Franklin H. Williams, Counsel for the National Association for the Advancement of Colored People, had instructed Woodard not to talk to the FBI except in Williams' presence and with the permission of Williams. Woodard alleged that Williams, in referring to the FBI, stated, "They are not on your side - they are on the side of the government." The restrictions placed upon Woodard by the NAACP representative resulted in considerable needless delay in the investigation of this case.

It might be noted that the United States Attorney filed an information against Chief of Police Shull on September 26, 1946, and the chief was released under \$2,000 bond. He was tried in Federal Court and acquitted on November 5, 1946.

Misconduct of Agents in Cases Involving Negroes

Allegation:

Under date of May 10, 1946, Marshall wrote the Director charging misconduct on the part of Special Agents of the Bureau in conducting cases involving Negroes and interviewing Negroes.

Facts:

The Director wrote to Marshall on May 14, 1946, assuring him that he would not tolerate any acts of misconduct on the part of FBI Agents and that he would conduct an immediate administrative inquiry into the charges if Marshall would furnish the names of the persons making the complaints against the FBI Agents. The Director went to some length in his letter of May 14th to Marshall to explain that "stringent disciplinary action is taken against any Special Agent who, by any act, prejudices the Bureau's program of conducting thorough, impartial and entirely ethical and legal investigations of all cases." Despite the Director's request for identifying data which would permit him to make investigation into Marshall's charges, and despite the Director's assurance to Marshall that disciplinary action would be taken where justified, Marshall never answered the Director's letter of May 14th or furnished any information which would permit the Director to investigate the charges made.

In connection with charges made against the Bureau by Marshall, on January 13, 1947, the Director wrote to Walter White, Secretary of the NAACP, and pointed out to him the

repeated efforts on the part of Thurgood Marshall to embarrass the FBI and to discredit its investigations, particularly in cases involving civil rights of Negroes. The Director said that he was particularly concerned because the Attorney General had brought to his attention a letter dated December 27, 1946, in which Marshall criticized the work of the Bureau. The Director pointed out to White that he had endeavored through the years to administer the work of the FBI in a judicial and impartial manner. The Director pointed out that misconduct on the part of an individual agent would result in drastic administrative action and noted that Thurgood Marshall refuses to accept the fact that the Bureau tries to do a thorough job in its investigative work regardless of the identity of the persons involved. He noted that Thurgood Marshall and his associates in the Legal Branch of the NAACP had not rendered full cooperation and further that Thurgood Marshall's attitude did not measure up to the standards of cooperation which had been set by White.

On January 24, 1947, White acknowledged the Director's letter and stated that he discussed the matter with Thurgood Marshall. Thurgood Marshall had told White that the Attorney General had requested him to bring to his attention any matters which affect Negroes in connection with the Department of Justice. Further that Marshall had requested of Mr. Clark an appointment in order to discuss the criticisms face to face. White said that he believed that a great deal of good could be done if the Director and Marshall sat down and discussed the matter frankly.

IV. OTHER RECENT CASES IN WHICH MARSHALL HAS EXPRESSED INTEREST

Arrest of Marshall in Tennessee

On December 4, 1946, Marshall wrote the Assistant Attorney General, Theron L. Caudle, to the attention of Mr. Maceo Hubbard, concerning an incident in Columbia, Tennessee, on November 18, 1946. The letter indicated that Marshall was arrested on the charge of operating an automobile while intoxicated, and that he was subsequently discharged by a Justice of the Peace, J. J. Poague, of Columbia. Marshall stated that at the time of his arrest he was accompanied by Attorneys Z. Alexander Looby of Nashville, Tennessee, and Maurice Weaver of Chattanooga, Tennessee, and Harry Raymond, a reporter for the Daily Worker of New York.

Marshall's letter indicated that at the time his automobile was stopped, three other automobiles containing law enforcement officers were on the scene. It appeared that a Negro informant told a constable that Marshall, Weaver and

Looby were planning to transport liquor in their car on their trip to Nashville, Tennessee. Since Maury County, in which Columbia is located, is a dry county, such transportation would be in violation of the law.

Upon receipt of this information, Constable Butts secured a John Doe search warrant for the car which Marshall and the others were using and when the Marshall car came along the Nashville highway, it was stopped and a search was made. Assistant Attorney General Caudle, in a letter to the Bureau on January 7, 1947, stated that it further appeared that the Marshall automobile was stopped three times - once for the purpose of searching it, a second time to inspect Marshall's operator's license, and a third time to make the arrest; that after the arrest, Marshall's companions were told that they might proceed to Nashville; that, in supposedly proceeding to Columbia with Marshall, the officers turned off the main highway into a dirt road leading elsewhere; and that they returned to the main highway only after noticing that Marshall's companions were following them.

In January, 1947, our Memphis Office conducted an investigation into this matter and learned that Constable Butts had received information from a colored informant that Marshall and his companions were leaving Columbia, Tennessee, on the night of November 18, 1946, in an automobile in which there would be a quantity of whisky. On the basis of this information Butts swore out a John Doe warrant because he did not know who owned the automobile. Accompanied by a constable and two deputy sheriffs, he stopped the automobile driven by Marshall between 7 and 8 p.m. on the evening of November 18th. No whisky was found in the automobile. Deputy Sheriffs Lentz and Gray arrested Marshall after detecting that he had been drinking on the basis of Marshall's driving an automobile under the influence of liquor.

Marshall, according to the officers, was taken directly to the office of Magistrate Poague, who expressed the opinion that Marshall was not drinking, whereupon Marshall was released. The officers contended that they stopped the automobile only once and that the entire operation from the time of stopping the car until Marshall's release was within a thirty-minute period.

The Department, on March 11, 1947, requested that additional investigation be conducted in this case for the following reasons. During the interview with Constable Butts he stated that in the beginning he had obtained the information which caused him to secure the search warrant from a colored informant, whose identity he would not reveal. Butts then

changed his story and said he felt he was being the "fall guy" in the entire incident and that the original information was given to him by Sheriff Fleming and some of his deputies, who requested Butts to swear out the warrant. Butts expressed the belief that "Sheriff Fleming wanted to get a 'last crack' at Weaver, Looby and Marshall." The Department requested that Constable Butts be reinterviewed; that a signed statement be secured from him, if possible, and that he be asked to disclose fully the circumstances, evidence and conversations with Sheriff Fleming and his deputies in connection with their request that Butts swear out a warrant on the basis of information which they had received.

Butts executed a signed statement in which he stated that he received information from Sheriff Fleming upon which he based his affidavit for a search warrant. A signed statement secured from Sheriff Fleming and Deputies Gray and Lentz reflected that Butts informed them that he had information from an informant upon which Butts secured the search warrant. Magistrate Poague advised that the affidavit and search warrant were destroyed by him when nothing was found in the car in question and no record was kept.

On August 27, 1947, the Department advised that it was not believed that there was sufficient basis of prosecutive action in this case and, accordingly, no further investigation need be made by the Bureau.

Meron Long Case

On March 21, 1946, the Department referred to the Bureau a letter from Thurgood Marshall enclosing a copy of a complaint made by one Meron Long. Long stated that he was a soldier in the regular Army and after serving in the Southwest Pacific, was given a 90-day furlough to visit his parents. He stated that he and his brother, Kenneth, and a cousin, Causby Clay, went to a filling station in El Campo, Texas, operated by one Joe Tudiike, to get some cold drinks. While standing there a white man ordered the cousin to put his shirt tail in. The cousin replied that he did not know his shirt tail was out. The man became infuriated and began cursing, and Long claimed that they walked away. As they walked down the road, they met the sheriff and he told them to return to the filling station.

A fight ensued and Meron was slapped by the sheriff, who pulled out his pistol. Shots were fired and Kenneth was killed. The Department requested that we make a preliminary investigation into this matter and to furnish the U. S. Attorney at Houston with copies of the report. The facts developed that

the three Negroes had been involved in an argument with a white man at the filling station in question. The white man reported the matter to the sheriff and three peace officers were dispatched to the scene. The fight ensued and one of the three Negroes was killed.

A local grand jury failed to indict the three officers who took part in the affray. On June 27, 1946, the Department advised that the matter would be presented to a Federal Grand Jury and that no further investigation was desired. On January 13, 1947, the facts were presented in Federal Grand Jury in Galveston and a no true bill was returned.

Prentice McCann Case

One Prentice McCann, a Negro, died from gunshot wounds inflicted by Officer Melvin Porter of the Mobile, Alabama, Police Department on July 7, 1945, at Maysville, Alabama. Porter and another officer had stopped their patrol car alongside a Negro dice game. The officers stated that McCann was shot while advancing in a threatening manner, disregarding orders to halt and after Officer Porter had struck McCann with his fist in an effort to stop him.

In connection with this incident, Marshall forwarded to the Department of Justice a number of affidavits signed by Negro witnesses alleging that the shots were fired the instant the patrol car stopped and without provocation. Investigation by the Bureau developed conflicting testimony on this point and the Department advised that, in the absence of sufficient evidence to overcome the police officers' defense of self-defense, no prosecutive action was merited.

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October 13, 1947

Re: THURGOOD MARSHALL

I. BIOGRAPHICAL DATA

According to a letter from the NAACP dated September 19, 1947, Thurgood Marshall appears on a list of executive officers of the Association as Special Counsel.

He was listed as a sponsor of the American Civil Liberties Union, (Southern California Branch,) according to the Annual Report of the organization for 1939. (100-7057-22X)

According to information received in 1942, Marshall was on the Board of Directors of the American Civil Liberties Union. (61-190-252)

On February 10, 1944, there was an announcement of the results of a nationwide poll by the Schomburg Collection of Negro Literature of the New York Public Library to determine the six white individuals or organizations and the twelve Negro individuals or organizations which had done the most outstanding work during the preceding year for the improvement of race relations. Among the Negroes nominated was Thurgood Marshall. (100-7660-2758, p.10)

The Daily Worker on July 1, 1946, indicated that Marshall received the Spingarn Medal, the NAACP's highest award, for his work in defense of Negroes, at the 37th Conference of the organization in Cincinnati.

A report of the Special Committee on Un-American Activities lists Thurgood Marshall as being an officer of the International Juridical Association. This same report on page 809 lists him as a member of the National Committee of this association from Maryland. (61-7582-1298)

Identification records reflect that one Thurgood Marshall, Negro, born July 2, 1908, at Baltimore, Maryland, was fingerprinted in the Virgin Islands on October 1, 1946, when he applied for a passport. These prints were searched against the criminal files of the Identification Division on October 13, 1947, and no record was found.

II. IDEOLOGICAL SYMPATHIES

The NAACP had a two-day conference at Florence, South Carolina, on June 13 and 14, 1943, at which Thurgood Marshall was the principal speaker. Gerard Anderson, who was then principal of the Wilson colored school in Florence, South Carolina, stated that he had met Marshall and believed him to be a loyal American who would go as far as he could to further the aims of his organization but would not permit anything radical to be done to accomplish the desired end.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Egan _____
Mr. Gurnea _____
Mr. Harbo _____
Mr. Mohr _____
Mr. Pennington _____
Mr. Quinn Tamm _____
Tele. Room _____
Mr. Nease _____
Miss Gandy _____

He advised that Marshall, as a private individual, believed much as he did regarding the methods used by the organization (NAACP) in appealing to the mass of Negroes. The informant stated, however, that Marshall had remarked in private to him that although he does not believe in some of the things he advocates from the speaker's platform, the best way to secure the mass support of the colored people was through advocacy of an active militant attitude toward the betterment of the colored race. (61-3176-241, p.8)

Reverend J. E. Taylor, colored minister of Florence, South Carolina, who belonged to the NAACP, stated that Marshall was a loyal American and that although he would be militant in helping his organization achieve its aims he would not allow the use of force or un-American or illegal means.

The Florence, South Carolina, morning paper on June 18, 1943, quoted Marshall as stating that the recent race riots in Detroit were attributed to subversive groups. He discussed Army treatment of Negroes and was very praiseworthy of the way in which the Army and entire Federal government treated Negro people. He stated this was not true of very many local agencies. Marshall added that the colored people had more to lose should the Axis nations be victorious than did the white people. In general terms he condemned subversive organizations of all kinds and warned the Negroes against them. He said that they should be ever alert to advance the cause of the colored people but that they should be Americans first and strive for their own betterment secondly. He added that Communists were not as active among the colored people today as they were fifteen years ago for the colored people have found that Communism does not give them what they expect to get. Marshall advised a Bureau informant that it was not the policy of NAACP to be belligerent in any way but hinted that the organization would sponsor a group which would be belligerent if the association believed in the aims of the organization. (61-3176-146)

Berlinda Davison, a Negroess who was formerly President of San Francisco Chapter of the NAACP, advised that it was necessary in 1943 to hold two meetings before officers could be elected. She admitted that early in 1943 and during the year 1942 she had attempted to work with Communist Party members in the Association in harmony. After they could not agree on the new officers at the first meeting, they held another meeting on December 3, 1943. Davison attempted to turn the chair over to one Wesley Peoples and immediately the Communist Party members objected and recommended another person as chairman. After much argument, it was finally decided to draft Thurgood Marshall as Chairman. He happened to be in the city on other business.

Marshall consented and was given two ballots - one prepared by Davison's supporters and the other by the Communist-dominated group. Marshall proposed that instead of using either that both be used as a guide and that the members vote on a blank sheet of paper, which was done. Davison alleged that the Communists attempted to influence the Negroes to vote against her. She stated that she had a discussion with Marshall about a week before the election, at which time she explained to him the trouble they were having with Communists. He allegedly told her he knew the Communists were trying to move into the various chapters of the NAACP and especially on the Pacific Coast. He reportedly urged Davison to have a show-down fight with the Communists. He appeared quite sympathetic and interested in the problem. Davison advised she later learned that Marshall also had a conference with her opponents, with whom Marshall was quite friendly. She was of the opinion that these Communists swayed the opinion of Marshall against her. (100-135-47-35)

The January 2, 1944, issue of the Daily Worker contained the first of a series of articles by Eugene Jordan on what had been done about the causes of the August race riots in Harlem the preceding year. A number of people were listed as having been interviewed to get material for the articles and Marshall's name was included among them. The gist of the articles was that the causes of the race riots were still present. (100-135-34-A)

The New York Amsterdam News, a Negro newspaper, indicated on January 20, 1945, that Attorney Donald Crichton, former deputy in charge of the OPA area rent office in Harlem, had been removed from his post the preceding week. An informant said that Crichton was definitely a fellow traveler and quite possibly a member of the Communist Party. An article in this paper quoted Thurgood Marshall as stating in a letter to Chester Bowles, then national OPA administrator, "The removal of the only Negro serving as a rent director in Region 2, or so far as we know the only one in the country, raises a serious question as to the real reason for his removal." Marshall was further quoted as stating in the letter that Mr. Crichton "possesses to a high degree the qualifications generally regarded as desirable for such an administrative office. Mr. Crichton is a Negro. It is obvious that any governmental action in an area which includes Harlem has a direct effect upon race relations, not only in the area involved but throughout the country."

(100-187987-16)

The weekly intelligence summary of the Army Service Forces, Headquarters First Service Command, Boston, Massachusetts, for the week ending February 15, 1946, contains an item from a source described as "completely reliable" that Thurgood Marshall, as legal representative of the New York NAACP Headquarters, held

a meeting with the Boston NAACP on February 4, 1946, as a result of a protest against election procedure. A Communist supported faction had been elected and the defected conservative faction was protesting. Marshall explained that he had not come to Boston to settle the matter but simply to act as arbiter for the two factions and to report to the National NAACP, New York, concerning the dispute. (100-7660-3767)

The Cleveland Press on March 13, 1946, stated that the Cleveland branch of the NAACP and a Citizens' Committee were sponsoring a protest mass meeting against the "ugly race situation" in Columbia, Tennessee. The meeting was to be held on March 15 and among the speakers was Thurgood Marshall, Jean W. Capers (reported Communist Party member), A. E. Stevenson (Communist Party sympathizer), Arnold Johnson, State Chairman of the Communist Party, and others. (100-135-11-319; p.5)

On April 10, 1947, Varion C. Ludwig advised a Special Agent in Austin, Texas, that he was trying to set up a NAACP chapter at the University of Texas, and that certain individuals who followed the Communist Party line were trying to get control of it. Ludwig contacted Thurgood Marshall, who said that if any office of a NAACP chapter was held by a Communist the chapter would be withdrawn. (100-3-40-118)

A confidential informant of the New York Office advised on August 23, 1947, that John Gates, the editor of the Daily Worker, sent the following telegram on August 21, 1947, to Thurgood Marshall and numerous other parties:

"Have you seen McCabe brief in Dennis case and will you comment for publication in our paper?"

(97-401-230)
A confidential informant of the New York Office reported that Marshall is a good friend of Max Yergon, Executive Director of the Council on African Affairs, President of the National Negro Congress, and a key figure in known Communist circles. The same informant termed Marshall as a "fellow traveler" and added that he may possibly be a member of the Communist Party. (100-3-52-214)

III. CHARGES AGAINST THE BUREAU

Tip Hunter Case

Allegation:

The Department of Justice files contain a letter dated January 30, 1948, from Thurgood Marshall, lambasting the Department for failing to prosecute in this case. Marshall stated in his letter "the reason there is no evidence is

because of the type of investigation made by the Federal Bureau of Investigation. This case was reported to the Department of Justice in June of 1940. The FBI Agents sent to investigate the charge against Hunter talked to Hunter as soon as they reached Brownsville and took him with them on their rounds to question witnesses. Quite naturally the Negroes would not 'talk' in front of Tip Hunter, who had already killed at least one Negro and run several others out of town. This letter was acknowledged over Sandell Serne's signature on February 11, 1942, and stated in substance that facts did not justify prosecution. The letter did not make reference to the material quoted above nor was the letter called to the Bureau's attention.

Facts:

On the morning of June 23, 1940, the body of a Negro named Albert Williams was found floating in a river near Brownsville, Tennessee. It appeared that prior to finding the body certain Negroes had gone to the election officials to inquire about voting in the 1940 elections. Tip Hunter, then a night police officer who was later elected sheriff, was the principal subject, according to the allegations. On June 24, 1940, the Memphis office advised by teletype that the Assistant U. S. Attorney at Memphis had received Departmental instructions for an investigation at Brownsville. The SAC advised that he would proceed unless advised to the contrary. On June 29 a preliminary report was submitted and on July 11, 1940, the Department requested an active investigation. In November of 1940, the U. S. Attorney at Memphis stated that no additional inquiry was deemed necessary or practical. In December of that year the Department advised no further investigation was necessary. On January 23, 1942, the Attorney General's office advised the U. S. Attorney to close the case. All Agents working on the case denied that Tip Hunter accompanied them on the investigation and Tip Hunter, when recently interviewed, denied he accompanied the Agents. (62-8291-20)

On September 24, 1947, Marshall directed a letter to the Bureau on this same case making the following charges:

Allegation:

Special Agents took Tip Hunter, the sheriff, along with them while questioning Negro witnesses.

Facts:

This is emphatically denied by all Agents and Tip Hunter.

Allegation:

Victor Rothen and Wendell Berge stated that the FBI could not locate a witness named Johnny Outlaw and that he, Marshall, located Outlaw without difficulty.

Facts:

It is true that we attempted to locate this individual with negative results but we could and would have located him had we not been told to hold the investigation in obedience by the U. S. Attorney.

Allegation:

The FBI could not locate a witness named Jack Allen and that he, Marshall, went to Brownsville and ascertained that Jack Allen was actually Jack Adams, who was residing in Chicago. Marshall said he went to Chicago and found Adams without difficulty.

Facts:

A lead had been set out to obtain the address of Jack Allen but apparently due to the normal delinquency in the Memphis Office, the lead was not covered. It would have been had the investigation not been terminated by Department orders.

On October 6, 1947, the Director sent a letter to Marshall pointing out the matters noted above concerning the "Mr. Hunter case and defending our position and denying his allegations. In this letter the Director suggested that in the future, complaints received by Marshall concerning the FBI should be called to the Director's attention so that an appropriate inquiry can be made. The Director stated, "I believe this will be effective in getting results which I am sure both you and I desire."

Monroe, Georgia, Lynching

Allegation:

On December 27, 1948, Marshall wrote to the Attorney General pointing out that he, Marshall, agreed to bring to the Attorney General's personal attention matters which affect Negroes in connection with the Department of Justice. In this letter, Marshall stated, "The Federal Bureau of Investigation has done a good job on peonage in the South. With the exception of peonage, the record of the FBI in investigating cases involving Negroes has been notably one-sided. The inability of the FBI to

identify any members of the lynch mob in the Monroe, Georgia, lynching is the latest example of this."

Pointing out that the Attorney General had called for a strengthening of the Federal Civil Rights Statutes, Marshall claimed that there would be very little use to strengthen these statutes if the FBI continued its policy of being unable to produce the names of persons guilty of such crimes. He said that he believed it was the Attorney General's duty of making a complete investigation of the FBI to determine why it is impossible for the FBI to maintain a record as to crimes in which Negroes are victims comparable to its record as to other crimes.

Facts:

On January 10, 1947, the Director in a memorandum to the Attorney General answered the charges of Marshall. The Director pointed out that frankly he did not expect Marshall to accept any factual explanation of the situations about which Marshall had complained because the Director had found from previous dealings with Marshall that Marshall was most careless as to the truth and facts in the charges which he makes against the FBI.

The Director mentioned the Roger Malcolm lynching case near Monroe, Georgia, which Marshall cited. It was pointed out that a thorough and exhaustive investigation had been conducted in the course of which nearly 2,500 persons had been interviewed and that the testimony of approximately 100 witnesses was heard by a Federal Grand Jury in Athens, Georgia, which Grand Jury did not return any indictments.

Columbia, Tennessee, Race Riots

Allegation:

In his letter of December 27, 1946, to the Attorney General, Marshall stated, "In the disturbance at Columbia, Tennessee, on February 25 and 26 of this year, it is reported that FBI Agents were sent in almost immediately and were supposed to have made a thorough and complete investigation, yet, they were unable to produce the name of a single individual responsible for the acts of violence and the destruction of the property of the Negroes in that town."

Facts:

The Director, in his memorandum to the Attorney General dated January 10, 1947, referred to the Columbia, Tennessee, race riot on February 25 and 26, 1946, mentioned by

Marshall. It was pointed out that an investigation of this case was conducted and reports submitted to the Criminal Division under the caption, "Racial Violence, Columbia, Tennessee; Civil Rights and Domestic Violence." It was indicated that at the conclusion of this investigation all of the facts were presented to a Federal Grand Jury and at the conclusion of the testimony, the jury expressed the opinion that there had been no violation of any Federal statute and further commended the law enforcement officers for their manner of handling the situation.

Minden, Louisiana, Lynchings

Allegation:

Marshall, in his letter to the Attorney General on December 27, 1946, pointed out that his organization and other organizations have used inexperienced investigators who have usually been able to produce the names of the members of the mobs. In the Minden, Louisiana, lynchings, Marshall stated, "the President of our New Orleans Branch, with no experience as an investigator, was able to produce the names of members of that mob."

Facts:

It will be recalled that this is the case in which Congressman Overton Brooks of Louisiana took an interest. On the evening of March 3, 1947, the Bureau received inquiries from the press regarding a statement issued by the Congressman on the case in which he denounced the FBI as a result of the prosecutive action instituted in Louisiana, growing out of the killing of John Cecil Jones on August 8, 1946, and the beating of Albert Harris, Jr., near Minden, Louisiana.

With reference to Marshall's allegation, the Director advised the Attorney General that reports of the investigation in that case were forwarded to the Criminal Division under the caption, "Deputy Sheriff Oscar Henry Haynes, Jr., et al; John Cecil Jones and Albert Harris, Jr., - Victims; Civil Rights and Domestic Violence." This case involved the release of two Negroes by Deputy Sheriff Haynes to a mob of men who took them out and severely beat them, as a result of which Jones died but Harris survived. A number of eye witnesses, some of whom were Negroes, identified some of the members of the mob and one Negro informant reported that he believed to be a list of the individuals involved but had no evidence to substantiate his belief.

The Director suggested to the Attorney General that

Marshall might be advised that although information as to suspects in some cases had been furnished by the NAACP or some of its representatives, the furnishing of such names of suspects did not constitute a solution to a particular case, although it did lend invaluable assistance. The Director further pointed out that the real problem in these cases was to obtain definite and concrete evidence, admissible in court, to prove the identity of the individuals responsible.

It might be noted that all parties prosecuted in connection with this case were acquitted by a jury in the United States District Court at Shreveport.

Issac Woodard Case

Allegation:

In his letter of December 27, 1948, to the Attorney General, Marshall commented as follows with regard to this case: "In the beating of Issac Woodard by Officer Shull, in Batesburg, South Carolina, we were able to produce eye witnesses and the name of the police officer." Marshall was, of course, contrasting the alleged difficulty of the FBI in solving this and similar cases with the ease with which the NAACP located witnesses.

Facts:

Marshall's statement is misleading, to say the least, but the FBI did interview all persons suggested by the NAACP and gave their information to the government attorneys. It is to be noted that the original complaint from the NAACP and Woodard himself placed the incident in Aiken, South Carolina, and it was not until the Bureau investigation was started that it was learned the offense occurred in Batesburg.

Woodard, a discharged colored veteran, was en route from Georgia, where he had been discharged from the Army, to New York City. Investigation requested by the Department revealed that he was arrested on February 12, 1948, by Chief of Police Lynwood Lanier Shull at Batesburg, South Carolina, following a disturbance created by the victim on a bus traveling north from Augusta, Georgia. Woodard was drinking on the bus in violation of the state law and frequently demanded that the bus be stopped for his convenience. At the request of the bus driver, the chief of police took Woodard into custody and while en route to the police station at Batesburg, Woodard resisted arrest and attempted to take the chief's blackjack away from him. As a result, the chief of police struck Woodard over the head with the blackjack. The chief claimed that he struck him only once and subsequent medical reports did not indicate that the Negro had been severely beaten. He was lodged in jail over night and the next morning complained that his eyes bothered him. Some swelling was present around his eyes and after he was arraigned he was taken to the Veterans' Hospital at Columbia, South Carolina, where he remained for two months. He was then released as hopelessly blind in both eyes.

(Memo from Ladd to the Director, 9-3-46)

In his communication to the Attorney General, the

Director pointed out that the Bureau was endeavoring to conduct an investigation into the case involving the assault upon Isaac Woodard, Jr., by the chief of police at Batesburg, South Carolina, and that Woodard, a Negro, when interviewed by FBI Agents, declined to furnish any information to the FBI on the grounds that Franklin H. Williams, Counsel for the National Association for the Advancement of Colored People, had instructed Woodard not to talk to the FBI except in Williams' presence and with the permission of Williams. Woodard alleged that Williams, in referring to the FBI, stated, "They are not on your side - they are on the side of the government." The restrictions placed upon Woodard by the NAACP representative resulted in considerable needless delay in the investigation of this case.

It might be noted that the United States Attorney filed an information against Chief of Police Shull on September 26, 1946, and the chief was released under \$2,000 bond. He was tried in Federal Court and acquitted on November 5, 1946.

Misconduct of Agents in Cases Involving Negroes

Allegation:

Under date of May 10, 1946, Marshall wrote the Director charging misconduct on the part of Special Agents of the Bureau in conducting cases involving Negroes and interviewing Negroes.

Facts:

The Director wrote to Marshall on May 14, 1946, assuring him that he would not tolerate any acts of misconduct on the part of FBI Agents and that he would conduct an immediate administrative inquiry into the charges if Marshall would furnish the names of the persons making the complaints against the FBI Agents. The Director went to some length in his letter of May 14th to Marshall to explain that "stringent disciplinary action is taken against any Special Agent who, by any act, prejudices the Bureau's program of conducting thorough, impartial and entirely ethical and legal investigations of all cases." Despite the Director's request for identifying data which would permit him to make investigation into Marshall's charges, and despite the Director's assurance to Marshall that disciplinary action would be taken where justified, Marshall never answered the Director's letter of May 14th or furnished any information which would permit the Director to investigate the charges made.

In connection with charges made against the Bureau by Marshall, on January 13, 1947, the Director wrote to Walter White, Secretary of the NAACP, and pointed out to him the

repeated efforts on the part of Thurgood Marshall to embarrass the FBI and to discredit its investigations, particularly in cases involving civil rights of Negroes. The Director said that he was particularly concerned because the Attorney General had brought to his attention a letter dated December 27, 1946, in which Marshall criticized the work of the Bureau. The Director pointed out to White that he had endeavored through the years to administer the work of the FBI in a judicial and impartial manner. The Director pointed out that misconduct on the part of an individual agent would result in drastic administrative action and noted that Thurgood Marshall refuses to accept the fact that the Bureau tries to do a thorough job in its investigative work regardless of the identity of the persons involved. He noted that Thurgood Marshall and his associates in the Legal Branch of the NAACP had not rendered full cooperation and further that Thurgood Marshall's attitude did not measure up to the standards of cooperation which had been set by White.

On January 24, 1947, White acknowledged the Director's letter and stated that he discussed the matter with Thurgood Marshall. Thurgood Marshall had told White that the Attorney General had requested him to bring to his attention any matters which affect Negroes in connection with the Department of Justice. Further that Marshall had requested of Mr. Clark an appointment in order to discuss the criticisms face to face. White said that he believed that a great deal of good could be done if the Director and Marshall sat down and discussed the matter frankly. (61-3176-367; 44-1540)

IV. OTHER RECENT CASES IN WHICH MARSHALL HAS EXPRESSED INTEREST

Arrest of Marshall in Tennessee

On December 4, 1946, Marshall wrote the Assistant Attorney General, Theron L. Caudle, to the attention of Mr. Maceo Hubbard, concerning an incident in Columbia, Tennessee, on November 16, 1946. The letter indicated that Marshall was arrested on the charge of operating an automobile while intoxicated, and that he was subsequently discharged by a Justice of the Peace, J. J. Poague, of Columbia. Marshall stated that at the time of his arrest he was accompanied by Attorneys Z. Alexander Looby of Nashville, Tennessee, and Maurice Weaver of Chattanooga, Tennessee, and Harry Raymond, a reporter for the Daily Worker of New York.

Marshall's letter indicated that at the time his automobile was stopped, three other automobiles containing law enforcement officers were on the scene. It appeared that a Negro informant told a constable that Marshall, Weaver and

Looby were planning to transport liquor in their car on their trip to Nashville, Tennessee. Since Maury County, in which Columbia is located, is a dry county, such transportation would be in violation of the law.

Upon receipt of this information, Constable Butts secured a John Doe search warrant for the car which Marshall and the others were using and when the Marshall car came along the Nashville highway, it was stopped and a search was made. Assistant Attorney General Caudle, in a letter to the Bureau on January 7, 1947, stated that it further appeared that the Marshall automobile was stopped three times - once for the purpose of searching it, a second time to inspect Marshall's operator's license, and a third time to make the arrest; that after the arrest, Marshall's companions were told that they might proceed to Nashville; that, in supposedly proceeding to Columbia with Marshall, the officers turned off the main highway into a dirt road leading elsewhere; and that they returned to the main highway only after noticing that Marshall's companions were following them.

In January, 1947, our Memphis Office conducted an investigation into this matter and learned that Constable Butts had received information from a colored informant that Marshall and his companions were leaving Columbia, Tennessee, on the night of November 18, 1946, in an automobile in which there would be a quantity of whisky. On the basis of this information Butts swore out a John Doe warrant because he did not know who owned the automobile. Accompanied by a constable and two deputy sheriffs, he stopped the automobile driven by Marshall between 7 and 8 p.m. on the evening of November 18th. No whisky was found in the automobile. Deputy Sheriffs Lantz and Gray arrested Marshall after detecting that he had been drinking on the basis of Marshall's driving an automobile under the influence of liquor.

Marshall, according to the officers, was taken directly to the office of Magistrate Pogue, who expressed the opinion that Marshall was not drinking, whereupon Marshall was released. The officers contended that they stopped the automobile only once and that the entire operation from the time of stopping the car until Marshall's release was within a thirty-minute period. (44-1540-2)

The Department, on March 11, 1947, requested that additional investigation be conducted in this case for the following reasons. During the interview with Constable Butts he stated that in the beginning he had obtained the information which caused him to secure the search warrant from a colored informant, whose identity he would not reveal. Butts then

changed his story and said he felt he was being the "fall guy" in the entire incident and that the original information was given to him by Sheriff Fleming and some of his deputies, who requested Butts to swear out the warrant. Butts expressed the belief that "Sheriff Fleming wanted to get a 'last crack' at Weaver, Looby and Marshall." The Department requested that Constable Butts be reinterviewed; that a signed statement be secured from him, if possible, and that he be asked to disclose fully the circumstances, evidence and conversations with Sheriff Fleming and his deputies in connection with their request that Butts swear out a warrant on the basis of information which they had received. (44-1540-5)

Butts executed a signed statement in which he stated that he received information from Sheriff Fleming upon which he based his affidavit for a search warrant. A signed statement secured from Sheriff Fleming and Deputies Gray and Lantz reflected that Butts informed them that he had information from an informant upon which Butts secured the search warrant. Magistrate Poague advised that the affidavit and search warrant were destroyed by him when nothing was found in the car in question and no record was kept. (44-1540-6)

On August 27, 1947, the Department advised that it was not believed that there was sufficient basis of prosecutive action in this case and, accordingly, no further investigation need be made by the Bureau. (44-1540-9)

Meron Long Case

On March 21, 1946, the Department referred to the Bureau a letter from Thurgood Marshall enclosing a copy of a complaint made by one Meron Long. Long stated that he was a soldier in the regular Army and after serving in the Southwest Pacific, was given a 90-day furlough to visit his parents. He stated that he and his brother, Kenneth, and a cousin, Causby Clay, went to a filling station in El Campo, Texas, operated by one Joe Tudike, to get some cold drinks. While standing there a white man ordered the cousin to put his shirt tail in. The cousin replied that he did not know his shirt tail was out. The man became infuriated and began cursing, and Long claimed that they walked away. As they walked down the road, they met the sheriff and he told them to return to the filling station.

A fight ensued and Meron was slapped by the sheriff, who pulled out his pistol. Shots were fired and Kenneth was killed. The Department requested that we make a preliminary investigation into this matter and to furnish the U. S. Attorney at Houston with copies of the report. The facts developed that

the three Negroes had been involved in an argument with a white man at the filling station in question. The white man reported the matter to the sheriff and three peace officers were dispatched to the scene. The fight ensued and one of the three Negroes was killed.

A local grand jury failed to indict the three officers who took part in the affray. On June 27, 1946, the Department advised that the matter would be presented to a Federal Grand Jury and that no further investigation was desired. On January 13, 1947, the facts were presented in Federal Grand Jury in Galveston and a no true bill was returned. (44-13691)

Prentice McCann Case

One Prentice McCann, a Negro, died from gunshot wounds inflicted by Officer Melvin Porter of the Mobile, Alabama, Police Department on July 7, 1945, at Maysville, Alabama. Porter and another officer had stopped their patrol car alongside a Negro dice game. The officers stated that McCann was shot while advancing in a threatening manner, disregarding orders to halt and after Officer Porter had struck McCann with his fist in an effort to stop him.

In connection with this incident, Marshall forwarded to the Department of Justice a number of affidavits signed by Negro witnesses alleging that the shots were fired the instant the patrol car stopped and without provocation. Investigation by the Bureau developed conflicting testimony on this point and the Department advised that, in the absence of sufficient evidence to overcome the police officers' defense of self-defense, no prosecutive action was merited. (44-1267)

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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. NICHOLS

DATE: 12/8/50

FROM : M. A. Jones

SUBJECT: Thurgood Marshall

National Association for the Advancement
of Colored People

A phone call from the captioned individual this afternoon was referred to SA Carroll from the Director's Office.

Marshall states he is attempting to get his passport to go to Japan and that the military clearance permit has not as yet been issued. He wondered if the FBI had anything to do with this matter. He was advised that this was strictly a military matter.

Marshall's New York phone number is Longacre 36890.

ACTION:

RECORDED - 62

INDEXED - 62

EX-4

DEC 13 1950

14

Mr. Tolson _____
 Mr. E. A. Tamm _____
 Mr. Clegg _____
 Mr. Glavin _____
 Mr. Ladd _____
 Mr. Nichols _____
 Mr. Rosen _____
 Mr. Tracy _____
 Mr. Carson _____
 Mr. Egan _____
 Mr. Gurnea _____
 Mr. Harbo _____
 Mr. Hendon _____
 Mr. Pennington _____
 Mr. Quinn Tamm _____
 Tele. Room _____
 Mr. Nease _____
 Miss Beahm _____
 Miss Gandy _____

61 DEC 21 1950

GLC:ulg

No further action is necessary.

SERVICE UNIT

4-22a

SEARCH SLIP

Supervisor Martin Room 7633Subj: Thurgood Marshall

☒ Exact Spelling
☐ All References
☒ Subversive Ref.
☐ Main File

Searchers

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SEARCH SLIP

Supervisor Martin Room 7633Subj: Thurmond Marshall☒ Exact Spelling

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SEARCH SLIP

Supervisor

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7633Subj: thurgood Marshall☒ Exact Spelling☐ All References☒ Subversive Ref.☐ Main File☒ Restricted to Locality ofrel from 1947 to date

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~~44-1854-10~~100-7321-135, encl p11;61-7341-A- N. Y. Times2/25/49100-7321-516, encl 18;61-3176-503, 518,62-82915-20,Written

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SERVICE UNIT

4-22a

SEARCH SLIP

Supervisor Martin Room 7633Subj: thurgood Marshall

☒ Exact Spelling
☐ All References
☒ Subversive Ref.
☐ Main File

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FILE NUMBERSERIALS100-3-75-A-10.2A 5-11-4861-7341-34-A-10.2A 2-18-49100-7321-246, p17; 136,~~44-2004-1, 5~~~~44-1144-1,~~100-7321-481, p10; 230,~~66-8603-1-54-665~~

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100-363501-3,~~44-2545-4~~100-7321-233, p2C; (D)62-66493-5,62-83273-A-Hash. Stage
2-12-48W. Rutter
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SEARCH SLIP

Supervisor Martin Room 7633Subj: thurgood Marshall☒ Exact Spelling☐ All References☒ Subversive Ref.☐ Main File☒ Restricted to Locality ofref from 1947 to date

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Initial LogDate 12-11-50FILE NUMBERSERIALS44-154062-8666062-86660-37 summary
10-18-47~~100-360383-1~~100-3-40-118~~44-1601-1, 2~~61-3176-372X, 410, 372~~44-359-33, 34, 35~~94-3-4-873-84100-7321-9461-3176-A-ny PeoplesVoice 11-8-47W. Martin

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Martin

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Searchers

Initial LP

Date

12-11-50FILE NUMBERSERIALS61-3176-462~~121-3463-11, 10,~~100-135-53-258, p16;~~100-1321-78 encl p48;~~Mrs. thurgood Marshall61-3176-A - Peoplesshould 11-8-47.T. Marshall~~66-5521~~~~62-0-12165,~~~~61-277-25, 26~~

Initialed

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *MB*

DATE: December 15, 1950

FROM : V. P. KEAY *PK*

SUBJECT: THURGOOD MARSHALL

Tolson _____
 Ladd _____
 Clegg _____
 Glavin _____
 Nichols _____
 Rosen _____
 Tracy _____
 Harbo _____
 Belmont _____
 Mohr _____
 Tele. Room _____
 Nease _____
 Gandy _____

PURPOSE:

Attached for your approval is a blind memorandum for G-2, Department of the Army, concerning Thurgood Marshall, Special Counsel of the National Association for the Advancement of Colored People (NAACP).

BACKGROUND:

Reference is made to my memorandum to you dated December 11, 1950, concerning the application of Thurgood Marshall for a passport to go to Japan. Captain F. L. Greaves, G-2, has now advised that the name-check request on Marshall has been received and forwarded to the Bureau. He also confidentially advised S. W. Reynolds, Liaison Section, that the Army would probably refuse Marshall permission to go to Japan.

If you approve, the attached blind memorandum will be furnished to G-2. It reflects that Marshall was a member of the National Lawyers Guild and the International Judicial Committee, both of which have been cited as Communist fronts by the House Committee on Un-American Activities, and also information from public source that Marshall appeared on the same speakers' platform with the Ohio State Chairman of the Communist Party among others. There is also set forth the more pertinent information favorable to Marshall. Other information to the effect that, in connection with his NAACP activities, Marshall has supported or dealt with individuals described as fellow travelers, etc., is not included since the pertinency of such information may be debatable. Informant [] of New York, now discontinued, has advised that Marshall was a fellow traveler and possibly a Communist Party member; this is not included since it is not otherwise corroborated in the Bureau's files and appears to be merely the opinion of this informant unsupported by any evidence.

RECOMMENDATION: RECORDED - 40

DEC 16 1950

If you approve, the attached memorandum should be returned to the Liaison Section for transmittal to G-2. No investigation has been conducted by the FBI concerning Marshall. Attachment

LHM:hke

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/28/95 BY #369983

b6
 b7C

b7D

EX-113

51 DEC

super
no

pl

5-AM

December 15, 1950

THURGOOD MARSHALL - Summary

No investigation has been conducted by the FBI concerning Thurgood Marshall, but the files of this Bureau reflect the following information concerning him:

The National Association for the Advancement of Colored People (NAACP), for which Thurgood Marshall has for some time been Special Counsel, had a conference in Florence, South Carolina on June 13 and 14, 1943, at which Thurgood Marshall was the principal speaker. Gerard Anderson, who was the Principal of the Wilson School, Florence, South Carolina, commented that he had met Marshall and believed him to be a loyal American who would go as far as he could to further the aims of his organization, but would not permit anything radical to be done to accomplish the desired end.

(61-3176-241, page 8)

The Florence, South Carolina, morning newspaper, on June 18, 1943, quoted Marshall as stating that the recent race riots in Detroit were attributable to subversive groups. He discussed Army treatment of negroes and praised the way in which the Army and the entire Federal Government treated negro people. He stated that this was not true of very many local agencies. Marshall added that the colored people had more to lose should the Axis nations be victorious than did the white people. In general terms, he condemned subversive organizations of all kinds and warned the Negroes against them. He said that they should be ever alert to advance the cause of the colored people, but that they should be Americans first and strive for their own betterment secondly. He added that Communists were not as active

L.H. MARVIN:hke

ORIGINAL TO G-2

RECORDED - 40

INDEXED - 40

EX-118

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Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

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among the colored people then as they had been fifteen years previously for the colored people had found Communism did not give them what they expected to get. It was also reliably reported that at about the same time Marshall had commented that it was not the policy of the NAACP to be belligerent in any way, but he also indicated that the organization would sponsor a group which would be belligerent if the NAACP believed in the aims of such organization. (61-3176-146) —

The House Committee on Un-American Activities on pages 795 and 809 of its 1944 report, Appendix, - Part IX, listed Thurgood Marshall as a National Committeeman of the International Juridical Association. (61-7582-1298, pgs 795 and 809)

The International Juridical Association has been cited by the House Committee on Un-American Activities as a Communist front in its 1944 report, page 149.

The "Cleveland Press," daily newspaper of Cleveland, Ohio, on March 13, 1946, reported that the Cleveland Branch of the NAACP and a Citizens' Committee were sponsoring a protest mass meeting against the "ugly race situation" in Columbia, Tennessee, on March 15, 1946. Among the several speakers were Thurgood Marshall and Arnold Johnson, Ohio State Chairman of the Communist Party. (100-135-11-319, page 5)

The "Daily Worker," an East Coast Communist newspaper, on July 1, 1946, indicated that Marshall received the "Spingarn Medal," the NAACP highest award, for his work in defense of negroes at the Thirty-seventh Conference of the organization in Cincinnati, Ohio.

On April 10, 1947, Marion C. Ludwig, law student, University of Texas, advised that he had been trying

to organize an NAACP Chapter at the University of Texas and that certain individuals who followed the Communist Party line were trying to get control of it. Ludwig contacted Thurgood Marshall who said that if any office of an NAACP Chapter were held by a Communist, the charter of that Chapter would be withdrawn. (100-3-40-118)

The "Washington Evening Star," daily newspaper, Washington, D.C., on February 12, 1948, printed an article entitled, "Loyalty Program Hit By Rogge As Measure For 'Thought Control.'" This article reflected that a public forum had been held on February 11, 1948, under the auspices of the National Lawyers Guild in the National Press Building auditorium. Thurgood Marshall, Special Counsel of the National Association for the Advancement of Colored People, was one of the speakers. He was quoted as saying the "whole principle behind the Loyalty Order is bad and it should be attacked from that point." (62-82273-A, "Washington Star," 2/12/48)

The National Lawyers Guild has been cited as a Communist front by the House Committee on Un-American Activities in its 1944 report, page 149.

The Senate Judiciary Committee held public hearings on August 9, 10 and 11, 1949, on the nomination of Tom Clark to the Supreme Court. The Chairman of the Committee introduced into the record the following letter addressed to Robert J. Silberstein, Executive Secretary of the National Lawyers Guild, dated August 2, 1949:

"Dear Bob:

"I have received your memorandum of July 29, 1949, concerning the appointment of Tom Clark to the United States Supreme Court.

"I am opposed to an intensive Guild campaign to the rejection of the nomination of Tom Clark. On July 29, I sent the following telegram to Attorney General Clark: 'Our sincerest congratulations, etc.'

/s/ Thurgood Marshall
General Counsel for the
NAACP"

part
c
The House Committee on Un-American Activities
in its report dated September 17, 1950, listed
Thurgood Marshall as Executive Board member of the
National Lawyers Guild as of December, 1949.

(100-7321-516, page 18)

The foregoing information is furnished as the
result of a request for an FBI file check only and is not
to be considered as a clearance or nonclearance of the
individual involved. It is for your confidential use
only and is not to be disseminated outside of your
agency.

FEDERAL BUREAU OF INVESTIGATION

Room 5744 _____, 1951
Extension 351

To: ☒ Director ☐ Mr. Tolson ☐ Mr. Ladd ☐ Mr. Clegg ☐ Mr. Glavin ☐ Mr. Harbo ☐ Mr. Nichols ☐ Mr. Rosen ☐ Mr. Tracy ☐ Mr. Belmont ☐ Mr. Laughlin ☐ Mr. N. P. Callahan ☐ Mr. H. L. Edwards ☐ Mr. Gearty ☐ Mr. M. A. Jones ☐ Mr. Nease ☐ Miss Gandy ☐ Reading Room ☐ Personnel Records Section ☐ Records Section ☐ Mrs. Skillman ☐ Mrs. Brown ☐ Miss Weber	Mr. Tolson..... Mr. Ladd..... Mr. Clegg..... Mr. Glavin..... Mr. Nichols..... Mr. Rosen..... Mr. Tracy..... Mr. Harbo..... Mr. Alden..... Mr. Belmont..... Mr. Laughlin..... Mr. Mohr..... Tele. Room..... Mr. Nease..... Miss Gandy.....
---	--

See Me	For Appropriate Action
Send File	Note and Return

J. P. Mohr

SPECIAL MAIL

4-97

	Received		Forwarded	
	Date	Time	Date	Time
ROUTING	_____	_____	_____	_____
CLASSIFYING	_____	_____	_____	_____
SEARCHING	_____	_____	_____	_____
NUMBERING	_____	_____	_____	_____
RECORDING	_____	_____	_____	_____
EXAMINING	_____	_____	_____	_____
CONSOLIDATION	_____	_____	_____	_____

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON *Wm*

FROM : L. B. NICHOLS

SUBJECT:

DATE: September 12, 1951

Mr. Meiburger, National Institute of Municipal Law Officers, Washington, D. C., called Holloman and advised that he had received an inquiry from David M. Proctor, Corporation Counsel of the City of Kansas City, who had asked that inquiry be made to ascertain whether or not the FBI might have information regarding Thurgood Marshall, an attorney for a group of Negroes in Kansas City who are bringing a suit concerning racial discrimination in Kansas City.

Mr. Meiburger stated that Mr. Proctor had indicated that Marshall was a member of the National Association for the Advancement of Colored People and the International Juridical Association and that Proctor seemed to think that Marshall who is representing the Negroes' case might have some ulterior motives in bringing the suit. Mr. Meiburger advised that the National Institute of Municipal Law Officers was a service organization for various city attorneys and corporation counsels for cities throughout the country.

Holloman advised Mr. Meiburger of the Bureau's policy concerning the confidential nature of its files and Mr. Meiburger agreed that our policy was correct. He stated he thoroughly understood we cannot be of assistance to him in this matter and he would not presume that we did or did not have information in our files concerning Thurgood Marshall.

CC - Mr. Ladd

FCH:mb

Very properly handled.

G. I. R. 9

2401
52 SEP 21 1951

RECORDED - 60

INDEXED - 60

EX-130

162-86666
SEP 18 1951

DO-5

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Date Oct. 17, 19 51 Time 3:31 PM

Mr. Thurgood Marshall tele

thru Operator 309 New York City
(Associated with National Assoc. for the Advancement of Colored People)

Phone No. Oper. 309 NYC

Mr. Tolson ☒
Mr. Ladd ☒
Mr. Nichols ☒
Mr. Belmont ☒
Mr. Clegg ☒
Mr. Glavin ☒
Mr. Harbo ☒
Mr. Rosen ☒
Mr. Tracy ☒
Mr. Laughlin ☒
Mr. Jones ☒
Mr. Mohr ☒
Tele. Room ☒
Mr. Nease ☒
Miss Holmes ☒
Miss Gandy ☒

REMARKS

When advised of the Director's absence
Mr. Marshall declined to speak to an Assistant
and requested that the Director return the call.

Mr. Nichols has been advised and indicated that
he would return the call to Mr. Marshall if the
Director wanted him to do so.

jmy

RECORDED - 129

EX - 15

67-86600-17

CRIMINAL

10 OCT 22 1951

parade

OFFICE OF THE PRESIDENT
PARADE PUBLICATION, Inc.
405 LEXINGTON AVENUE
NEW YORK 17, N.Y.

Mr. Tolson	✓
Mr. Boardman	✓
Mr. Belmont	✓
Mr. Harbo	✓
Mr. Mohr	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Sizoo	✓
Mr. Winterrowd	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

[Handwritten signatures and initials over the routing slip]

June 24, 1955

Hi:

Reading the attached reminded me of the very long and pleasant association we had with your work when I was president of American Magazine and Courtney Riley Cooper was doing the writing.

Maybe Marshall was right but I understand the FBI in Washington was never closed.

Sincerely,

[Handwritten signature: Arthur H. Holey]
Arthur H. Holey

W
/ ENCL.,

41
Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

EX. - 113

RECORDED

62-86660-8
2 JUL 6 1955

EXP. PROC.

JUN 27 1955

CEM
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PROC.

[Handwritten notes:]
mail 7-1
ack. 6-20-55
GEM

INDEXED-41
RECORDED-41

July 1, 1955

Mr. Arthur H. ~~Motley~~
President
Parade Publication, Inc.
405 Lexington Avenue
New York 17, New York

Dear Mr. Motley:

Your kind note of June 24, 1955, with enclosure, has been received, and I appreciate your thoughtfulness in calling to my attention the statement which appeared in the June 13 issue of "Life," indicating that Thurgood Marshall called the FBI in Washington but found the office closed. You were certainly correct in believing that this was an error, for FBI Headquarters is open twenty-four hours a day.

With kindest regards,

Sincerely yours,

J. Edgar Hoover

RECEIVED FBI
JUL 1 5 21 PM '55
FBI
U.S. DEPT. OF JUSTICE

COMM — FBI
1955
MAILED 26

NOTE: Correspondent's enclosure was taken from the June 13, 1955, issue of "Life" magazine which contained an article entitled "Chief Counsel for Equality," concerns Thurgood Marshall, a Negro attorney. The only mention of the FBI appeared on page 150.

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Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

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FBI
U.S. DEPT. OF JUSTICE
GEH

THURGOOD MARSHALL CONTINUED

His New York staff never knows when Marshall is likely to start a fierce argument or pass something off with a joke. His boundless little-boy joviality amazes many of his friends even though they realize that without it he might have broken under the severe pressure of the last decade. In his office he occasionally takes over the switchboard while the operator is at lunch and takes great delight when callers are surprised at being able to reach him so suddenly. He loves to tease his secretaries. There is almost no cowboy picture extant which he has not seen and he has often left his chief secretary, Alice Stovall, standing in the middle of a railroad station while he has gone off to take in another Western. Last fall, when his Harlem neighbor, Ballplayer Willie Mays, won the National League batting championship, Marshall gave Willie an orange juice and milk "cocktail" party in the corner drugstore.

Able to relax with absolutely everyone, janitor or Supreme Court Justice, Marshall makes himself popular wherever he goes. "I've been all over the country with Thurgood," remarks Professor James Nabrit of Howard, "and I've never known any situation where after two or three days he was not liked by the very people he was opposing. I believe it is almost his most important contribution because everywhere he has gone he has made friends for us."

Marshall's winning personality never changes, but his accent does. His associate lawyers are always amused at how his way of talking loudly and boisterously and as much like a caricature of a Negro as possible becomes more and more pronounced the farther he goes below the Mason-Dixon Line. Before the Supreme Court he has no trace of a "Negro accent," but in his office and among friends he deliberately adopts the most vigorous, crudest jargon as a kind of reassertion of his own racial identity. Deliberately hiding his great respect for the Supreme Court, he has commented after successful appearances before the justices, "I ain't no fool when it comes to those boys."

Marshall's work takes him away from the safety and solemnity of the courtroom. Sometimes it brings him face to face with danger. In 1946 he went to Columbia, Tenn. to defend some Negroes accused of attempted murder during a riot. So hostile was the atmosphere that Marshall did not even stay in Columbia but camped 40 miles each day from Nashville.

The evening of the day the trial ended favorably for Marshall he was driving back to Nashville with his two assistant attorneys when several police cars drew up and forced him off the road. "Where's your driver's license?" they demanded, pistols bristling. Marshall produced his license and was released. A few minutes later the same men again stopped him. This time they charged him with being drunk and carrying liquor in the car. He assured them he had not had a drop, and a search of the car produced nothing, and so again he was allowed to proceed. A few minutes later he was stopped for a third time. Accusing Marshall of drunken driving, the officers ordered him to get out of the car and cross the street to the magistrate's office. Knowing that colored people often get shot "resisting arrest" in such cases, he refused to go except under police escort. This was ultimately agreed to and the entire throng entered the magistrate's office. The magistrate was a short man, remembers Marshall, "and I put my hands on his shoulders and rocked back and forth, breathing just as hard as I could into that man's face. This was enough to convince the magistrate of Marshall's sobriety. 'I really hadn't had anything to drink, but after leaving there we drove to Nashville and then, boy, I really wanted a drink.'"

A lynching averted

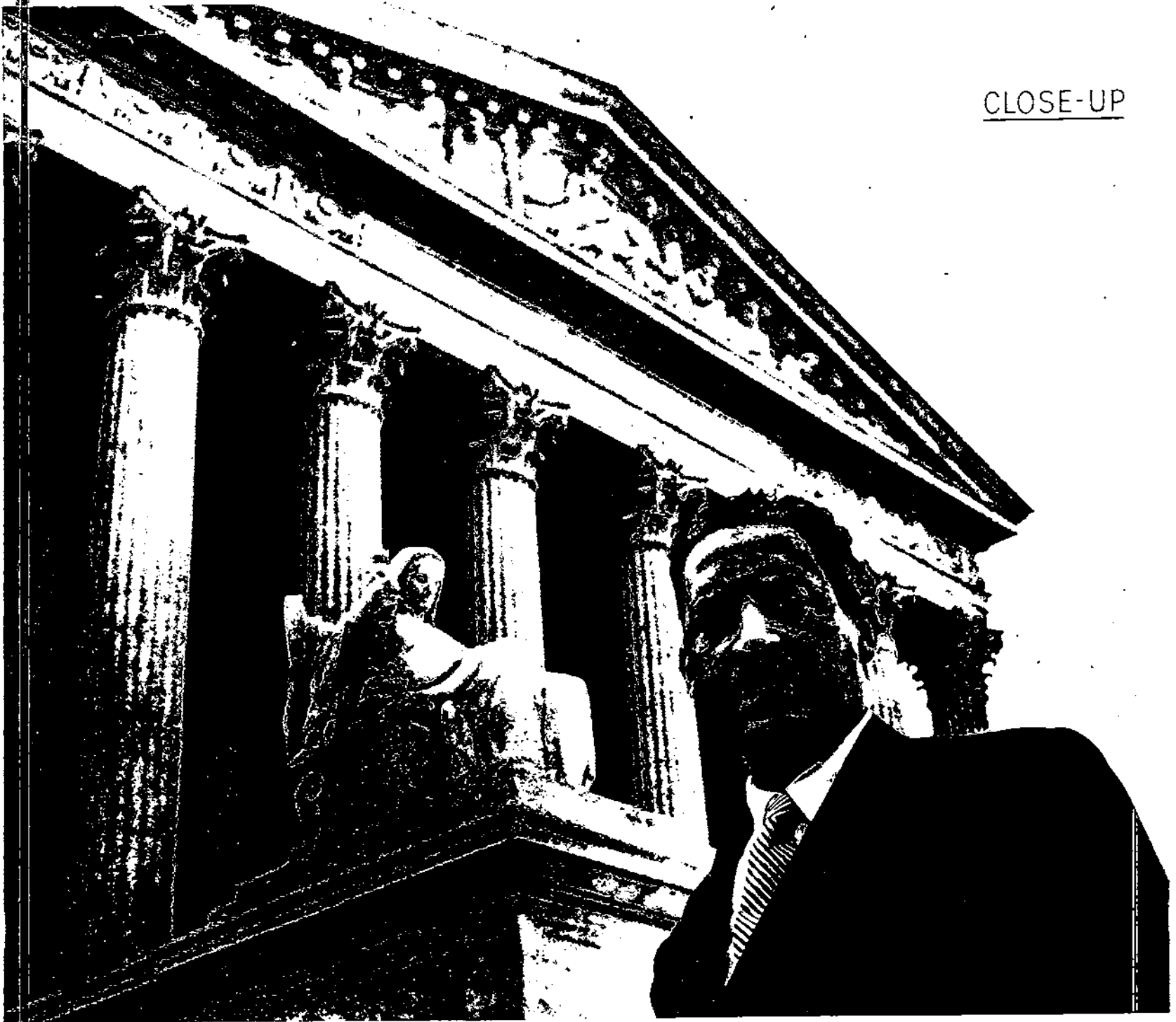
MARSHALL occasionally pulls other Negroes out of danger with the same quick thinking. One night while playing pinochle with some friends in New York, he received a long-distance phone call from a friend somewhere in the South advising Marshall that a lynching was about to get under way. Hastily Marshall put a call in to the FBI in Washington. ~~But the office had closed.~~ He tried the next best thing; he put in a person-to-person call to an important lawyer-politician of the state where the trouble was—a man with a strong anti-Negro bias. Marshall pointed out that with an election coming up, the politician could ill afford the notoriety of a lynching. The state police were called out and the lynching was narrowly averted.

After the Supreme Court hearings last April, Marshall's staff had been in a state of suspended animation, waiting for the implementing decision. Marshall himself kept going, but with a difference. His wife, to whom he had been married 26 years, died last February. The Marshalls had been devoted to each other, and

CONTINUED ON PAGE 152

[REDACTED]

ENCLOSURE



CHIEF COUNSEL FOR N.A.A.C.P. STOPS ON SUPREME COURT BUILDING STEPS BEFORE GOING IN TO HEAR OF HIS LATEST SUCCESS IN DRIVE FOR DESEGREGATION

CHIEF COUNSEL FOR EQUALITY

Thurgood Marshall, easy mannered but relentless, is the man who led winning fight on segregation

by OLIVER ALLEN

THURGOOD MARSHALL has fought and won more important legal battles for desegregation than any other man in the U.S. As chief counsel for the National Association for the Advancement of Colored People, he has harried defenders of segregation in courtroom after courtroom, from the hostile territory of the deep South to the marble chamber of the Supreme Court.

Last week in Washington, D.C., Marshall won his latest victory when the Supreme Court, while declining to set the deadline he had asked, ruled that the states "must make a prompt and reasonable start" toward desegregation in schools. In one of the touchiest legal issues of the day, Marshall came out on top, as he has in 12 out of his 14 Supreme Court cases.

Under the circumstances it would be reasonable to expect that opposition lawyers—most of them Southerners—would take an unkind view of Thurgood Marshall. But here are "unkind" words they have said about their Negro opponent:

Joseph Greenhill, who faced Marshall in the important Sweatt segregation case in Texas: "He was an excellent lawyer in the courtroom. He was courteous, he didn't rant or rave, and he asked good questions."

Robert Figg, who fought Marshall in the South Carolina school segregation case: "He is an able lawyer and a skillful advocate. His appeals gain power from his dedication to the cause which he presents."

Taggart Whipple, who opposed Marshall in last year's Supreme

Court case: "He was eminently fair. Certainly he is one of the top civil liberties lawyers in the country."

At 46, the leading civil rights lawyer of his time is a surprising man, full of contradictions. No solemn crusader, he is high-spirited, loud-talking and wisecracking. Profoundly devoted to a cause, he usually looks and sounds like a man who is mainly concerned with satisfying his zest for life.

This remarkable man has had a remarkable background and background. He has had 19 years of unmatched legal experience working for the N.A.A.C.P. He has had at his command the full resources of a university law school, Howard University's, whose faculty, graduates and undergraduates not only work tirelessly for him but provide him with a unique and invaluable "dry run" before every big case. Most of all, Marshall has had the inspiration of a special hero and a teacher with a far vision, Charlie Houston.

Though Houston died five years ago, Marshall still lives by his rules and vision. "Charlie Houston taught us all that we should be 'social engineers,'" Marshall remembers. One of the most gifted and polished advocates his race has known, Houston in 1929 took over the law school at Howard University, a Negro institution in Washington, D.C. His goal was to prepare for a vigorous civil rights drive for the American Negro. To do this he planned to convert Howard Law School, until then distinctly second rate, into a "West Point of Negro leadership" so that Negroes could win their own social gains

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WITH WIFE "BUSTER." Marshall lived in Harlem until her death last winter. They married while in college, just before Marshall entered law school.

THURGOOD MARSHALL CONTINUED

by fighting segregation in the courts. The difficulty had been, as the late Justice Louis Brandeis had confided in 1926 to Howard's president, that case after case involving Negro civil rights had been lost before an otherwise sympathetic Supreme Court because of shabby preparation and poor arguing.

To correct this Houston rebuilt Howard by hiring an able faculty (most, like him, Negro graduates of the best white schools) and making the studies brutally difficult. He picked the brightest boys in school to help him in his pioneering N.A.A.C.P. work, and gave them special training for the struggle ahead. Thurgood Marshall was one of the carefully chosen disciples who came to Houston for guidance and inspiration. These Houston gave without stint. But when Marshall came once complaining about the difficult work and looking for sympathy, Houston rebuffed him coldly, saying, "No tea for the feeble, no crape for the dead."

Marshall did not seem then like much of a man for a cause, any more than he does today. He had only had the desire to be a lawyer for a year or two, and the ambition came partly from the fact that he had recently gotten married. His wife was Vivien ("Buster") Burey, who had left the University of Pennsylvania to marry Thurgood, then a student at Lincoln University near Oxford, Pa. He had been christened Thoroughgood Marshall after his grandfather, a man named Marshall who had worked for the Thoroughgood family in Maryland and had taken his master's name for himself when he enlisted in the Civil War. Grandson Thurgood (his mother had never called him anything else and that is now his legal name) grew up and went to segregated schools on Baltimore's northwest side, a polite middle-class Negro residential area.

Born with a disputatious streak

BUT there was a disputatious streak in Thurgood's family. At home on Druid Hill Avenue, the Marshalls were locally noted for their violent nightly arguments. "The lady next door," says Thurgood, "could always tell when my brother Aubrey and I got home from college," and passers-by outside often had to be reassured that there wasn't any brawl taking place—just the Marshalls arguing.

During his law school years Marshall got up every day at 5 a.m. and commuted from Baltimore to Washington, spending his mornings in class, his afternoons and evenings studying or working in the law library to help pay his tuition. It was usually midnight when he got to bed. He became an exceptional student. William Hastie, a 1930 graduate of Harvard Law who taught him contracts, was so impressed by a brief Marshall wrote for his class that he has kept it ever since. "Now and then," adds Hastie, who is now a federal circuit court judge in Philadelphia, "I take it out and look at it again, and I still admire it."

Marshall graduated at the head of his class and joined a small law firm in Baltimore in the fall of 1933. Soon he found himself embroiled in civil rights cases.

Far from becoming a hero to his friends, Thurgood was considered a fool for taking on civil rights cases, which usually failed miserably in the courts. They paid him nothing and even scared away other business. "Word got around that I was a 'free' lawyer—that does you no good," he says. Thurgood sometimes had to borrow from his secretary to pay for lunch.

CONTINUED ON PAGE 144

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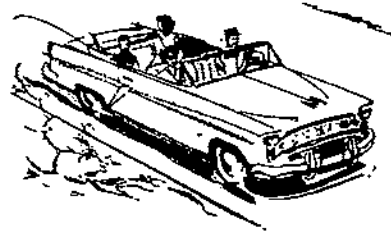
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FIRST VICTORY in the school segregation fight came in 1935 when Houston (left) and Marshall (right) got Donald Murray into U. of Maryland Law School.

THURGOOD MARSHALL CONTINUED

But he threw himself into the "free" work. His first major victory came in 1935 and was achieved with Charlie Houston's help. Prophetically, it involved getting a Negro, Donald Murray, admitted to the hitherto segregated University of Maryland law school. *Pearson vs. Murray* signalized the first "breakthrough" in educational segregation as envisioned by Houston. It was also one of Marshall's last cases in private practice. In 1935 Houston had left Howard to work full time as special counsel for the N.A.A.C.P. in New York, and in 1936 he asked his protégé to become his assistant. Marshall joined him immediately, and in 1938, when Houston retired to private practice, he took over the job as special counsel.

Marshall had only a small staff and limited funds, but every time a crucial case came up, he had—and still has—the enormous benefit of Howard University's dry runs. These are arduous, all-day rehearsals at the law school, where Marshall and his assistants try their arguments on a simulated Supreme Court made up of professors. Nine of them sit at a long table, and each one tries to act as much as possible like a specific Supreme Court justice, sticking the lawyers with tough questions that might crop up in the court itself. Law students form the audience and are encouraged to ask rough questions too.

An answer at 5 a.m.

THE value of such sessions has been proven repeatedly. During one dry run in preparation for a Supreme Court hearing on discrimination in housing, a student asked a question no one present could answer. At the end of the session a group of lawyers and professors met to seek the solution. Hour after hour they argued over it; finally at 5 a.m. they decided on the answer. Only a few minutes after the Supreme Court opened its hearing Justice Felix Frankfurter asked the very question posed by the student. The answer agreed on at Howard did the trick.

All through the '30s and early '40s Marshall and the N.A.A.C.P. kept re-examining their tactics. At the beginning their program was to bring suit every time a Negro was denied an education available to whites. Back in 1896 the Supreme Court had announced the "separate but equal" doctrine under which segregation was permissible provided that facilities for Negroes were just as good as those for whites. By bringing suit after suit, the N.A.A.C.P. hoped the states concerned would get so burdened with the expense and trouble of providing "separate but equal" facilities that they would give up the struggle and admit colored students to white schools.

There were a few victories to show for this attack, notably the Gaines case in 1938, which resulted in the admission of a Negro to the University of Missouri law school because there was no comparable state law school for Negroes. By 1945 Marshall and his cohorts decided their program was too slow and costly. They decided to shift to the boldest course: to attack the principle of segregation itself. They would begin with the graduate schools.

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First, good cases had to be found. The plaintiffs had to be willing to become public guinea pigs and to remain guinea pigs while their cases were brought painstakingly up through the judicial system to the top. After five years of preparation and lower court hearings, Marshall in 1950 won two vital victories. One was *Sweatt vs. Painter*. Here the Supreme Court ruled that, even though the University of Texas had hurriedly set up a separate law school for Negroes, this school could not be expected to equal the university's white school, and Marshall's plaintiff, Herman Sweatt, must be admitted to the white school. The other case was *McLaurin vs. Oklahoma State Regents*. Here the court decreed that, even though McLaurin had been admitted to Oklahoma's white graduate school, he had been allowed to study and live only on an unequal basis, with separate chairs and tables reserved for him, and henceforth he must be treated like any other student.

Emboldened, Marshall that same month called a conference at Howard University and N.A.A.C.P. gave him the go-ahead to widen the attack: henceforth they would fight school segregation not just in graduate schools but on all levels.

In preparing for the famous school segregation cases before the Supreme Court, Marshall eventually found that the normal resources of Howard's law school and law graduates were not enough. The five cases had first come up for argument together before the court in December 1952. Marshall himself had fought the South Carolina case, which was considered the crucial one, from its inception in 1951; other N.A.A.C.P. and Howard University lawyers handled the other cases, with Marshall masterminding them.

In June 1953 the court asked that the cases be reargued, and in so doing handed to both sides a list of questions concerning the historical background of the 14th Amendment, which forbids the states to "abridge the privileges" of citizens of the U.S., and the probable effects if the court might happen to outlaw segregation. This called for deeply perceptive sociological and historical thinking. Marshall met the challenge by organizing one of the most remarkable cooperative ventures in legal history. He called together more than 75 white and Negro historians, economists, psychologists, sociologists and other experts from colleges and universities all over the U.S. At their own expense they gathered in New York in September 1953 to help Marshall and his cause.

The other N.A.A.C.P. lawyers by now were used to Marshall's ability to command the Howard dry runs effortlessly, but they were surprised to find him equally at home in this court of eminent scholars. Much of the time he merely sat by, absorbing what the others said, although the frequent loudmouthed wisecracks he interjected came close to offending some of the experts. Yet whenever the proceedings seemed in danger of bogging down, Marshall would take over, summarize matters concisely and get the professors back on the subject.

The cases that could not be lost

A SKELETON force of experts and volunteer lawyers, commanded by Marshall, boiled down the conference results into the N.A.A.C.P.'s thoughtful and thorough but sharply worded 235-page brief which was filed with the Supreme Court that November. Still the conferences continued. Then came the dry runs at Howard and some last-minute hotel-room conferences in Washington, which lasted 18 to 20 hours a day. Finally came the hearings themselves, whereby the court would make up its mind about the most vital series of cases the N.A.A.C.P. had ever handled—the cases Marshall could not afford to lose.

In the Supreme Court chamber, waiting to go on, Marshall was extremely nervous. His co-lawyers say he is on edge before each one of his Supreme Court presentations, but few others have ever known about it: Once on his feet, however, he was relaxed and confident. The nine justices of the Supreme Court sat with their eyes fixed on him. Spectators overflowing the august chamber strained to catch every word as it came from loudspeakers among the red velvet curtains and echoed around the marble halls. Marshall was completely at ease. Sometimes clasping the sides of the lectern, sometimes gesturing with his glasses, he seemed not so much to be arguing as to be holding a conversation with some men he knew well. He spoke not in legal technicalities but in clear, simple language that summed up his innermost thoughts on segregation:

"Those same kids in Virginia and South Carolina—and I have seen them do it—they play in the streets together, they play on their farms together, they go down the road together, they separate to go to school, they come out of school and play ball together. They have to be separated in school. . . .

CONTINUED ON NEXT PAGE



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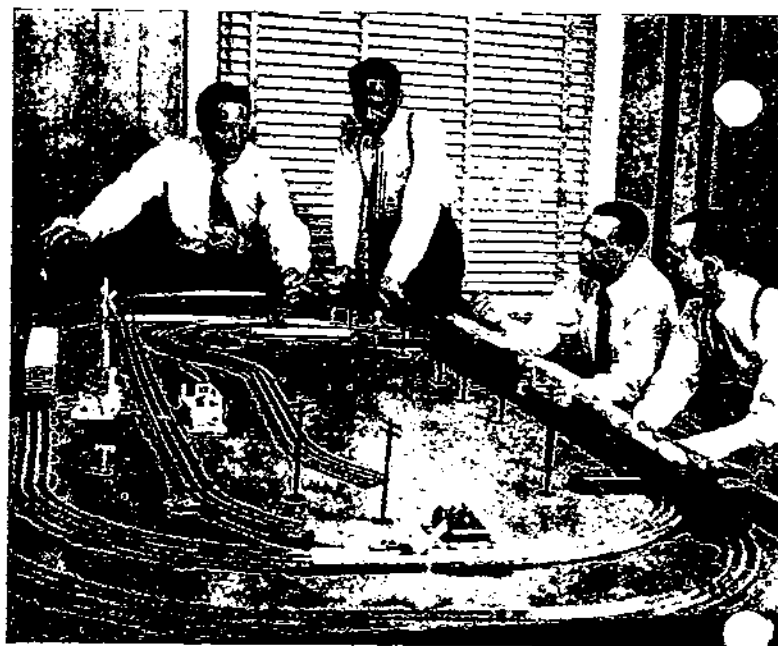
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NOT-SO-SECRET PASSION of Marshall's for electric trains led friends to give him set for Christmas. Marshall (left) operates train for fellow lawyers.

THURGOOD MARSHALL CONTINUED

"It can't be because of slavery in the past because there are very few groups in this country that haven't had slavery some place back in the history of their groups. It can't be color because there are Negroes as white as the drifted snow, with blue eyes and they are just as segregated as the colored men.

"The only thing it can be is an inherent determination that the people who were formerly in slavery, regardless of anything else, shall be kept as near that stage as is possible, and now is the time, we submit, that this court should make it clear that that is not what our Constitution stands for."

The Supreme Court did indeed make it clear in its decision of May 17, 1954, that school segregation was contrary to the Constitution. This was the key victory, but there still remained the problem of implementing the decision with an opinion on how desegregation should be accomplished. This was the opinion delivered last week.

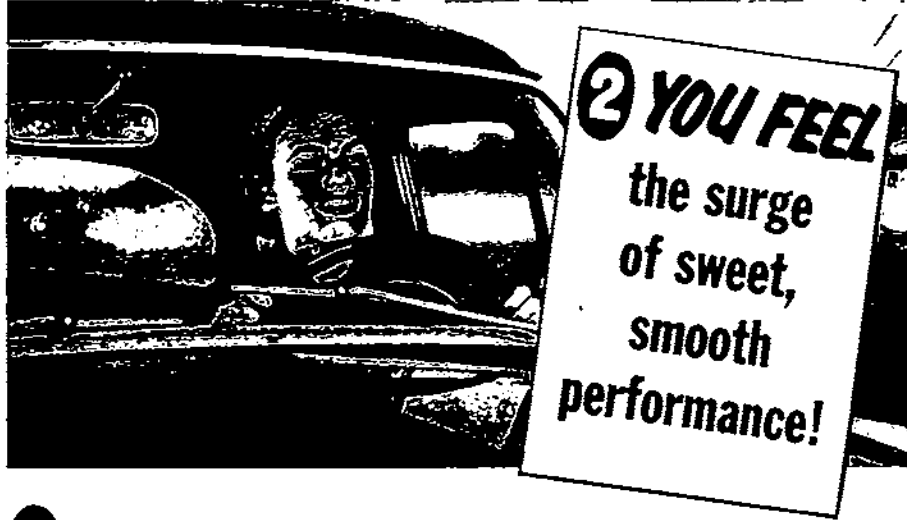
When he wins a case, Marshall normally blows off large quantities of steam. He once celebrated an important event by dancing a jig on the tables of a San Francisco restaurant. On another occasion he was so exuberant after a favorable Supreme Court decision that he gave his office staff explicit instructions that no phone calls were to come in for him without going through each one of seven assistant secretaries, whom he thereupon appointed. As a result Justice Frank Murphy was unable to get through the phalanx of secretaries to tender his congratulations. He had to write him a letter next day. And yet, when he won his greatest victory of all, the school segregation case last year, Marshall was strangely quiet. There was a big celebration party in his office, but somehow it never got off the ground. "I guess the news was just too big for us," says Marshall's secretary, Alice Stovall. Marshall walked around as if in daze. At one point he was heard to say, "You fools go ahead and have your fun. But we ain't begun to work yet."

Crab soup and chocolate cake

IN the last year Marshall has been as busy as ever. A demon for work who spends at least three fourths of his time traveling (he racks up more than 50,000 miles a year), he has passed out from hard work and lack of sleep three times in the past 10 years. A friend has called him "a teakettle about to explode." "This life is something," Marshall said one day on his way out of an elevator. "You never know when you're going to meet yourself coming around the corner." Still he has leftover energy. On long train trips when his staff loses sight of him they have learned to look in the diner where he will be regaling the waiters with loud jokes (he once had a summer job as a dining car waiter). Marshall has always had a not-so-secret passion for trains and a few years ago some friends of his gave him a fine toy train set for Christmas. Outfitted in a striped engineer's cap, he happily ran the train around the track for neighborhood kids.

An accomplished cook, he specializes in crab soup. Also a profound sentimentalist, he once broke into tears when his wife told him his homemade chocolate cake was as good as she could bake.

CONTINUED ON PAGE 150



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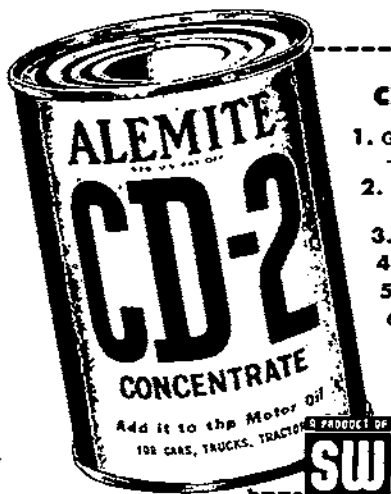
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His New York staff never knows when Marshall is likely to start a fierce argument or pass something off with a joke. His boundless little-boy joviality amazes many of his friends even though they realize that without it he might have broken under the pressure of the last decade. In his office he occasionally takes over the switchboard while the operator is at lunch and takes great delight when callers are surprised at being able to reach him so suddenly. He loves to tease his secretaries. There is almost no cowboy picture extant which he has not seen and he has often left his chief secretary, Alice Stovall, standing in the middle of a railroad station while he has gone off to take in another Western. Last fall, when his Harlem neighbor, Ballplayer Willie Mays, won the National League batting championship, Marshall gave Willie an orange juice and milk "cocktail" party in the corner drugstore.

Able to relax with absolutely everyone, janitor or Supreme Court Justice, Marshall makes himself popular wherever he goes. "I've been all over the country with Thurgood," remarks Professor James Nabrit of Howard, "and I've never known any situation where after two or three days he was not liked by the very people he was opposing. I believe it is almost his most important contribution because everywhere he has gone he has made friends for us."

Marshall's winning personality never changes, but his accent does. His associate lawyers are always amused at how his way of talking loudly and boisterously and as much like a caricature of a Negro as possible becomes more and more pronounced the farther he goes below the Mason-Dixon Line. Before the Supreme Court he has no trace of a "Negro accent," but in his office and among friends he deliberately adopts the most vigorous, crudest jargon as a kind of reassertion of his own racial identity. Deliberately hiding his great respect for the Supreme Court, he has commented after successful appearances before the justices, "I ain't no fool when it comes to those boys."

Marshall's work takes him away from the safety and solemnity of the courtroom. Sometimes it brings him face to face with danger. In 1946 he went to Columbia, Tenn. to defend some Negroes accused of attempted murder during a riot. So hostile was the atmosphere that Marshall did not even stay in Columbia but commuted 40 miles each day from Nashville.

The evening of the day the trial ended favorably for Marshall he was driving back to Nashville with his two assistant attorneys when several police cars drew up and forced him off the road. "Where's your driver's license?" they demanded, pistols bristling. Marshall produced his license and was released. A few minutes later the same men again stopped him. This time they charged him with being drunk and carrying liquor in the car. He assured them he had not had a drop, and a search of the car produced nothing, and so again he was allowed to proceed. A few minutes later he was stopped for a third time. Accusing Marshall of drunken driving, the officers ordered him to get out of the car and cross the street to the magistrate's office. Knowing that colored people often get shot "resisting arrest" in such cases, he refused to go except under police escort. This was ultimately agreed to and the entire throng entered the magistrate's office. "The magistrate was a short man," remembers Marshall, "and I put my hands on his shoulders and rocked back and forth, breathing just as hard as I could into that man's face." This was enough to convince the magistrate of Marshall's sobriety. "I really hadn't had anything to drink, but after leaving there we drove to Nashville and then, boy, I really wanted a drink."

A lynching averted

MARSHALL occasionally pulls other Negroes out of danger with the same quick thinking. One night while playing pinochle with some friends in New York, he received a long-distance phone call from a friend somewhere in the South advising Marshall that a lynching was about to get under way. Hastily Marshall put a call in to the FBI in Washington. But the office had closed. He tried the next best thing; he put in a person-to-person call to an important lawyer-politician of the state where the trouble was — a man with a strong anti-Negro bias. Marshall pointed out that with an election coming up, the politician could ill afford the notoriety of a lynching. The state police were called out and the lynching was narrowly averted.

After the Supreme Court hearings last April, Marshall's state had been in a state of suspended animation, waiting for the implementing decision. Marshall himself kept going, but with a difference. His wife, to whom he had been married 26 years, died last February. The Marshalls had been devoted to each other, and



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THURGOOD MARSHALL CONTINUED

because he has always been away so much, their home life in the apartment in Harlem meant a lot to him. For months the doctor kept his wife's illness a secret from Marshall. When he learned of it he was so shocked that he almost collapsed. The last six weeks before she died he stayed with her continuously, rarely leaving the apartment and refusing to see his closest friends.

After the funeral Marshall drove himself harder than ever. In spite of his occasional bragging and his flip manner, he is humble about his work. "I'm convinced someone else could do this job better," he says. When Negro parents in Clarendon County, S.C. came up to him during the first school trial and thanked him profusely for taking on their troubles, he seemed embarrassed and would only say, "It's just a job, it's just a job." He could earn in private practice much more than the \$15,000 he gets from N.A.A.C.P., but his friends would be surprised if he quit. Several years back a Southern judge who had presided over several cases argued by Marshall asked him if, when he started out, he had thought he would get so far so soon in his war against segregation. Marshall said no, he had not. Under the circumstances, the judge went on, didn't Marshall think that maybe this might be a good time to pause for a while?

"Of course not," was the reply.

"If we stop now, we're lost," says Marshall today. "They're going to try everything in the book to get out from under. Our job is to stay ahead of them." The N.A.A.C.P. has a full docket of plans ready for the campaign ahead.

Ready to go county by county

WHEN he was told last week that some Southerners intended to fight the new Supreme Court decision with every rule in or out of the books, Marshall was undismayed. "We would have no recourse but to take them to court," he said. "We are prepared to go county by county and we will do so. Our counsel is ready, willing and able."

The task of deciding whether or not the decision is being obeyed will be in the hands of the federal district courts, right where Charlie Houston and Thurgood Marshall always wanted it to be. This means that wherever there is continued segregation in schools Marshall and the N.A.A.C.P. will be there to sue for redress. Some of these cases certainly will be appealed, and so will have to go on to the highest tribunal. As Thurgood Marshall left the Supreme Court building last week, he squared his shoulders and said, "We're gonna be back."



READY TO JUMP wherever next segregation case calls him, Marshall perches on table in New York office and goes over plans with N.A.A.C.P. experts.

62-86600-A

ENCLOSURE



THE LAW

The Tension of Change

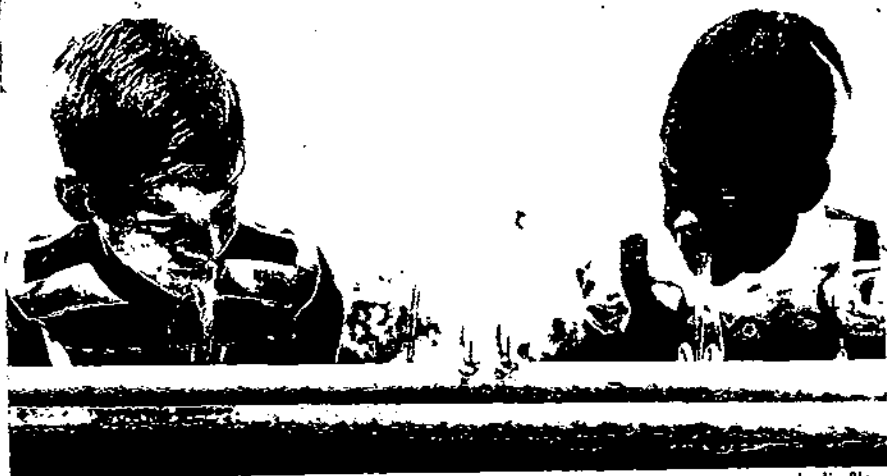
(See Cover)

One midnight in the bitter year 1932, two journalists—one white, one Negro—walked south along Philadelphia's Broad Street in a sleety drizzle. They were talking of the Negro problem, the white man with a vehement impatience for justice, his companion more calmly and out of a deeper feeling for the scope and depth of the subject. Before parting, they stood a while under the marquee of the old Broad Street Station. Across the square under the arcade of city hall, dozens of men, wrapped in newspapers, slept. Panhandlers and a few night-shift apple-sellers stood on corners. A bus from upstate unloaded job-seekers; a bus for upstate loaded job-seekers. Soggy streetwalkers drifted to and fro in a depressed market. The Negro concluded the conversation: "After all, the very most we can hope for is complete political, economic and social equality with the white man." Then, gazing at the Hogarthian scene, he added, not derisively but with compassion: "And look at the white man."

In the bright, lush September of 1955, in a day of confidence—as in a time of despair—the central problems of U.S. whites and Negroes again blended into one: how to shape law, government, customs, practices, schools, factories, unions and farms in ways more consistent with man's nature and man's hopes. How, within the enduring framework of U.S. society, to let one change call forth another in some reasonably harmonious order.

One of the most important changes on the U.S. scene in September 1955, as the nation's children trooped back to school, was the astounding progress of racial desegregation. In Kansas City, Mo. and Oklahoma City, in Oak Ridge, and Charleston, W. Va., white and Negro children for the first time sat together in classrooms. This simple fact, part of a vast and complex social revolution, resulted from a legal victory: the U.S. Supreme Court's decisions of May 17, 1954 and May 31, 1955, holding segregated schools contrary to the 14th Amendment.

For Conscience & Repute. The name indelibly stamped on this victory is that of Thurgood Marshall, 47, counsel for the National Association for the Advancement of Colored People. He is at his sincerest and loudest (and that is very sincere and quite loud) in declaring that he is only one of the millions, white and Negro, whose courage, sweat, skill, imagination and common sense made the victory possible. Like all great victories, the school-desegregation decision opened up terrifying vistas of future obstacles and perils for all Americans. Most centrally and immediately, Marshall must deal with the future course of desegregation and the intertwined issues of the social revolution of which he is a leading figure. He cannot set the course, not even for the N.A.A.C.P. But what he decides to do about a thou-



SCHOOLMATES IN SAN ANTONIO*

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Leslie Blond

sand practical legal questions will interact powerfully with the decisions and attitudes of other men of similar and quite different and opposite views. The resultant of these forces will determine the pace, the style and the success of an effort to remove from U.S. life a paralyzing sting in its conscience and the ugliest blot upon its good name in the world.

Failure to achieve an orderly solution of the Negro problem would be—and this Thurgood Marshall feels deeply—much more than defeat for the Negro. It would be a failure at the very core of the American genius—its capacity for constructing forms strong and shrewd enough to withstand the tensions of change. From the nation's start, its three chief resources have been its fabulous mines of law, politics and social (including economic) organization. The abundance of material things—the bales of cotton, bushels of corn, ingots of steel—is a byproduct of these three primary riches, not the take from a geographic roulette wheel or the hoard of materialist greed.

Today's drive of the U.S. Negro toward equality is as strong as any social tide in Asia or Africa or Europe. At the centers of those other drives for change stand agitators, conspirators, men of violence. The strength and flexibility of the U.S. Constitution make possible the fact that the man at the vortex of the Negro issue in the U.S. is a constitutional lawyer.

The Sore Arm. His is a highly technical calling. The Constitution itself is a complex work of statecraft, put together by some of the most sophisticated political scientists who ever lived. Along with the document there is the constitutional residue of 168 years (this Saturday) of intense legal, political and social history—a coral-like cathedral of precedent, compromise, balance and bold interpretation. It takes scholars to move in this maze—and Thurgood Marshall is a sound, conscientious, imaginative legal scholar, although by no means the best of his day.

Technical skill is not all a U.S. constitutional lawyer needs. The job is to apply the Constitution to life, which will not sit still. For example, in the mid-20th century it became a fact of life that millions of

U.S. Negroes could not feel themselves clothed in the minimum dignity of men as long as they suffered under certain legal disabilities. And millions of Southern whites, with an intensity perhaps equal to that of the Negroes, resist the change the Negroes feel they must have. A constitutional lawyer involved in this conflict must understand men as well as the legal technicalities through which their raw emotions may, without violence, be composed into a more or less successful image of justice.

Thurgood Marshall's feeling of love and awe for the Constitution is exceeded only by his love and awe toward his clients: the Negroes, and especially the Negroes of the South and the border states, who, facing threats of firing, or beating or even death, continue to sign the legal petitions and complaints that must be the starting point of Marshall's cases from the slum and the cotton field to the high and technical levels of the Supreme Court.

Of these local N.A.A.C.P. leaders in the South, Marshall says: "There isn't a threat known to men that they do not receive. They're never out from under pressure. I don't think I could take it for a week. The possibility of violent death for them and their families is something they've learned to live with like a man learns to sleep with a sore arm."

The Big Stretch. Marshall must stretch all the way from an understanding of this simple horror to the labyrinthine subtleties and the well-yoked ambiguities that form the mind of Mr. Justice Felix Frankfurter. He must stretch from his hatred of inequality to a recognition that much of the opposition to Negro equality is just as honestly felt as his own convictions. ("Some of my best friends are Dixiecrats—but they're honest Dixiecrats.") He must stretch all the way from an idealist's demand for nothing less than justice ("On the racial issue, you can't be a little bit wrong any more than you can be a little bit pregnant or a little bit dead") to a practical lawyer's acceptance of what he

* Robert Fouga and Hazel Woodward, first-graders in San Antonio's desegregated Pauline Nelson elementary school.

can get when he knows he can get no more.

So stretched, his tense personality reflects the tensions of his job and his time and his nation. And somehow, also, his personality reflects the symmetry of the Constitution he serves and expounds. "Thurgood," says a psychologist friend, "is a delicate balance of turmoils."

He is a big (6 ft. 2 in., 210 lbs.), quick-footed man, with a voice that can be soft or raucous, manners that can be rude or gentle or courtly, and an emotional pattern that swings him like a pendulum from the serious to the absurd. His dignity can slide easily into arrogance and his humility into self-abasement, but not for long. Humor—his own humor—brings him back toward center. Marshall will listen so avidly to his colleagues' scholarship that he has been called a brain-picker, but he trades jokes

Out of the Congo. Thurgood Marshall says, "American Negroes have no ties with Africa. Their history begins right here." Nevertheless, like a Virginia gentleman recalling the ancestral manor in Gloucestershire, Marshall begins his family history in the old country with a great-grandfather on his mother's side. "Way back before the Civil War, this rich man from Maryland went to the Congo on a hunting expedition or something. The whole time he was there, this little black boy trailed him around. So when they got ready to come back to this country, they just picked him up and brought him along. The years passed and he grew up, and, boy, he grew up into one mean man. One day his owner came to him and said: 'You're so evil I got to get rid of you. But I haven't the heart to sell you or give you to another man. So I'll tell you what I'll

opened a grocery on Baltimore's Denmeade Street, and sired six children. The first was Avonia Delicia and the second Avon (both for the bard's river), the third was Denmedia Marketa (for the store), another was Norma Arica (he heard *Norma* in Arica, a Chilean port) and the remaining two, for reasons lost to history, were Fearless Mentor and Ravine Silestria.

Isaiah bought a house next to a white man who turned surly and mean. One day the neighbor repented because the party fence between their property needed fixing; he suggested that they do the job together. "After all," said the white man, "we belong to the same church and are going to the same heaven." But Isaiah, remembering the slights he had received, turned down the olive branch. "I'd rather go to hell," he snapped.

The chip-on-the-shoulder tradition was shared by Thurgood's father, Will, a dining-car worker on the B. & O. and later steward of Baltimore clubs, including the Gibson Island club, a yachtman's paradise with jellyfish for serpents. Will, light-skinned and blue-eyed, used to tell Thurgood and his brother Aubrey, "If anyone calls you nigger, you not only got my permission to fight him—you got my orders to fight him." Once, Thurgood followed orders. Delivery boy for a hat store, he was trying to board a trolley with a stack of hats so high he "couldn't see over or around them. I was climbing aboard when a white man yanked me backwards. 'Nigguh,' he said, 'don't you push in front of no white lady again.' I hadn't seen any white lady, so I tore into him. The hats scattered all over the street, and we both got arrested."

Scroonched Down. Will Marshall was always saying that he would "sleep in the streets" rather than betray his principles. Thurgood says it too. But Thurgood is no fanatic, and he has no martyr complex. He tells two stories to prove it.

When his father got him a summer dining-car job on the B. & O., lanky Thurgood Marshall complained to the chief steward that his white waiter's pants were too short. "Boy," said the steward, "we can get a man to fit the pants a lot easier than we can get pants to fit the man. Why don't you just kinda scroonch down in 'em a little more?" Says Thurgood: "I scroonched."

The other story happened years later when Lawyer Marshall was in a small Mississippi town, waiting for a train to Shreveport, La.

"I was out there on the platform, trying to look small, when this cold-eyed man with a gun on his hip comes up. 'Nigguh,' he said, 'I thought you ought to know the sun ain't nevuh set on a live nigguh in this town.' So I wrapped my constitutional rights in Cellophane, tucked 'em in my hip pocket and got out of sight. And, believe me, I caught the next train out of there."

Whence this caution, moderation and restraint? Thurgood's mother, Norma Arica, has been for 28 years a Baltimore schoolteacher and numbers six other



Francis DiGennaro

MOTHER MARSHALL AT WORK (IN BALTIMORE)

Aristocracy means a chance to serve.

with no man. Around him, the ceaseless flow of anecdotes is all outward. Buffoonery relaxes his tense spiritual muscles. Buffoonery and work. After the long, argumentative conferences, after the horseplay and the backslapping, when he goes home to his lonely Harlem apartment, he becomes Thurgood Marshall the scholar, reading, noting, thinking, remembering—late into the night almost every night.

He walks into a cheap Harlem bar and is greeted by friendly smiles, not because of what he has done for his race (the barflies probably don't know who he is), but because they know him as a man who tells funny stories about cotton bands and baseball games and "that little ol' boy down in Texas." He walks into the Supreme Court and is greeted by respectful nods, not because he is a crusader, but because the Justices of the U.S. Supreme Court know they can speak to Thurgood Marshall as lawyer to lawyer, technician to technician.

do: if you'll get out of the town and county and state, I'll give you your freedom.' Well, my great-grandfather never said a word, just looked at him. And he walked off the place, settled down a couple miles away, raised his family and lived there till the day he died. And nobody ever laid a hand on him."

This most un-African parable of independence is succeeded in Marshall's repertory of family stories by his paternal grandfather, "a rough and tough sailor-man. He never knew what his first name was so he took two—Thoroughgood and Thornygood. He drew two sailor's pensions till the day he died—one in each name. I was named Thoroughgood after him, but by the time I was in the second grade, I got tired of spelling all that and shortened it."

His maternal grandfather, Isaiah O. B. (for Olive Branch, he said) Williams, also went to sea, came home with money and a taste for opera and Shakespeare. He

schoolteachers among her own and her husband's close relatives. As a teacher, she was among the aristocrats of Negro Baltimore, and her feeling about white-Negro relationships is balanced and moderated by her sense of service and leadership among her own people.

Up from the Basement. In all-Negro Douglas High School, one of Marshall's uncles gave him an A in algebra, but in grammar school he was repeatedly punished for breaking rules. Day after day, the principal sentenced Marshall to the basement, and allowed him to leave only when he had learned a section of the U.S. Constitution. "Before I left that school," he says, "I knew the whole thing by heart." He does not contend that the seeds of his career sprouted in the basement, but such discipline did reinforce a respect for authority, which he retains in uneasy balance with the strongly rebellious elements in his makeup.

He went off to Lincoln University, near Chester, Pa., an institution then with an all-Negro student body and an all-white faculty. The important event of his undergraduate years occurred at the Cherry Street Memorial Church in Philadelphia: "We went in there because we learned that's where all the cute chicks went." The one he met was Buster Burey. "First we decided to get married five years after I graduated, then three, then one, and we

finally did just before I started my last semester." (Buster died of lung cancer last February. They had no children.)

Marshall decided to try law school. The University of Maryland was barred to him, so he commuted to Howard University in Washington. Within a week Marshall knew that "this was it. This was what I wanted to do for as long as I lived." Only a fair college student, he had to meet very tough standards at Howard. "I got through simply by overwhelming the job. I was at it 20 hours a day, seven days a week."

On to the N.A.A.C.P. Out of Howard, he hopefully hung out a shingle in Baltimore (his mother took the rug off her living-room floor to put in his office). Nothing happened. It was 1933, and hardly anybody was worth suing. Marshall's practice lost him \$1,000 the first year.

The next year he did better, building up a well-to-do clientele and a reputation, but he was increasingly involved in low-fee, hard-work cases on civil rights. In a Maryland court, he won separate-but-equal status for a client, Donald Murray, at the University of Maryland School of Law, a right about which he felt strongly. To the N.A.A.C.P. leaders, this victory tagged him as a really effective attorney in the N.A.A.C.P.'s kind of case.

In 1936 he went to work for the N.A.A.C.P. "temporarily" under his old

law-school mentor, Charles Houston, but by 1938 admitted it was a permanent, double-time job. His salary then was \$2,600 a year. (Present salary: \$15,000.)

The N.A.A.C.P. was winning graduate-school cases in the courts, but the defendant states complied merely by setting separate "schools" for one or two students. "It was beginning to look as though every time we won a lawsuit we were working our way deeper into the separate-but-equal hole. The fact was we just weren't ready to tackle segregation as an evil *per se*. We didn't know enough."

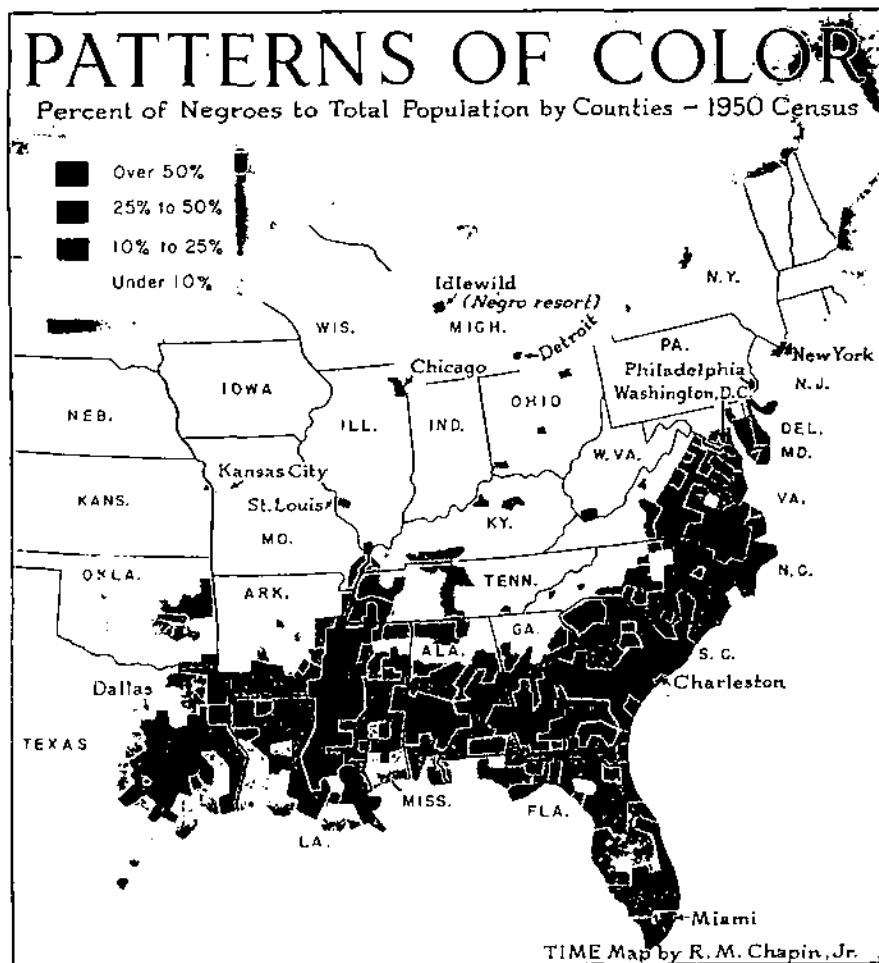
Before World War II Marshall had succeeded Houston as chief counsel of N.A.A.C.P. He won some key victories: against a union which had closed-shop contracts but discriminated against Negroes; against discrimination in the U.S. Air Corps, a long step toward the present desegregation of the armed forces; against the Democratic Party of Texas, which claimed that it was a private organization and could make its own rules barring Negroes from voting in primary elections.

The River Pilots. Toward the end of the war, N.A.A.C.P. leaders began to face the failure concealed in the success of its separate-but-equal victories. In 1945 a group of 100 N.A.A.C.P. leaders, mostly lawyers, met in Manhattan. Marshall recalls: "Like somebody at the meeting said, while it was true a lot of us might die without ever seeing the goal realized, we were going to have to change directions if our children weren't going to die as black bastards too. So we decided to make segregation itself our target."

"Segregation itself" had long been a target of Negro spokesmen. But Thurgood Marshall is not primarily a Negro spokesman; he is a constitutional lawyer. The problem facing him and his colleagues was how to attack segregation itself on legal grounds. The weight of the precedents ran against them. Where would they find evidence to turn the balance?

The answer was peculiarly contemporary and peculiarly American. Just as U.S. military staffs swim—and sometimes drown—in rivers of expert reports, just as U.S. business turns more and more to specialized organizers of facts, so Marshall & Co. mobilized a small army of psychologists, psychiatrists, sociologists and anthropologists to prove what every Negro among them believed to be obvious: that segregated education could not be "equal."

The night before a Supreme Court school-segregation argument, Marshall & Co. went through an interesting exercise at Howard University. Dean Houston years before had started moot courts, with lawyers on the bench and students in the courtroom all trying to anticipate hard questions that the Supreme Court Justices might ask. A student threw the N.A.A.C.P. men into a nose dive by asking how they would get around an old Supreme Court decision upholding a Louisiana law which said nobody could be a Mississippi River pilot whose father hadn't been. Marshall & Co. worked far into the night on that



one. Next day, it turned out to be one of the first questions Justice Frankfurter asked. Marshall took evasive action and Frankfurter, the record indicates, was diverted if not satisfied.

"I Was So Happy." In the Supreme Court arguments, Marshall was facing the man who for 30 years had been the most prestigious U.S. constitutional lawyer: John W. Davis. For weeks Marshall had been overworked, nervous, irritable. In court he was, as always, calm, polite, quick to grasp the inferences of a question, never loud, never oratorical. At one point he managed to get into a few potent sentences his analysis of the South's attitude:

"I got the feeling on hearing the discussion yesterday," he said, "that when you put a white child in a school with a whole lot of colored children, the child would fall apart or something. Everybody knows that is not true. Those same kids in Virginia and South Carolina—and I have seen them do it—they play in the streets together, they play on their farms together, they go down the road together, they separate to go to school, they come out of school and play ball together. They have to be separated in school . . . Why, of all the multitudinous groups of people in this country, [do] you have to single out the Negroes and give them this separate treatment? It can't be because of slavery in the past, because there are very few groups in this country that haven't had slavery some place back in the history of their groups. It can't be color, because there are Negroes as white as the drifted snow, with blue eyes, and they are just as segregated as the colored men. The only thing it can be is an inherent determination that the people who were formerly in slavery, regardless of anything else, shall be kept as near that stage as is possible. And now is the time, we submit, that this court should make it clear that that is not what our Constitution stands for."

This, and Marshall's social-scientist approach, paid off. In his opinion for the whole court, Chief Justice Earl Warren in sentence after sentence reflected the conviction that under present conditions of U.S. life, education could not be separate and equal. When he heard the decision read, says Thurgood Marshall: "I was so happy. I was numb."

Unchanging Instrument. He has a profound respect for the federal judiciary. He has tried case after case before Southern federal judges, whose convictions on the subject of segregation he knows to be diametrically opposed to his own. "And they believe what they believe just as hard as I believe what I believe." In all those cases, before all those judges, Marshall remembers only one judge who was, in his opinion, unfair and discourteous.

Marshall knows that he and the Southern federal judges he respects are checked by the same steely framework of the Anglo-American legal tradition and, especially, the U.S. Constitution. He says: "The difference between the Constitution and the law is something a lot of people

don't seem to appreciate. The law can fluctuate because of the changing whims of the people and their legislators. But the whole purpose of the Constitution is to serve as an instrument which cannot be changed overnight, which does not change when mores and customs change."

Southerners charge that Marshall was instrumental in "changing the Constitution" in the Supreme Court's desegregation decision. But from his point of view—and from the court's—he merely produced new evidence to show that the old rule of separate-but-equal (*Plessy v. Fer-*

Where it approaches or exceeds 50%, the end can hardly be imagined. Yet Marshall will not accept a theoretical solution that the only chance for desegregation in Mississippi and other parts of the Deep South is a mass migration of Negroes that will drastically change population percentages (see map). Perhaps he remembers his ancestor from the Congo, who would not leave the state even for his manumission.

Last week, after vacation, Thurgood Marshall was back in Manhattan, dealing briskly with scores of tactical decisions in



C. A. 52

APPOINTMENT IN HAVANA
A delicate balance of turmoils.

guson, 1896) did not really give the equality before the law which the 14th Amendment guarantees.

Hard to Procrastinate. Achieving desegregation, county by county, school district by school district, throws upon Marshall a tremendous load of responsibility and decision. The present picture from state to state varies over a wide range (see Report Card). Oklahoma is, from N.A.A.C.P.'s standpoint, surprisingly good. North Carolina surprisingly bad. In some areas, Marshall may not want, for tactical reasons, to bring suit now—but when local N.A.A.C.P. people urge him, he finds it bitterly hard to procrastinate, lest those men and women who sign the petitions feel that the N.A.A.C.P. has let them down. In other areas, he might want to proceed more vigorously, but clients, because of fear, do not come forward. Marshall does not blame them. He remembers the time when he scrouched down in his B. & O. pants, and the time on the Mississippi railroad platform when he wrapped his constitutional rights in Cellophane.

Generally speaking, segregation is ending in areas where Negro population is less than 15%. Where it ranges between 15% and 25%, the fight may not be too hard.

the desegregation fight. Across the land, he guided and coordinated the work of scores of lawyers in one of the biggest legal operations in U.S. history. He seemed fresh and rested, though the vacation, his first in eight years, had been a mockery.

Work caught up with him at Miami, and at the end of the job his nerve ends were raw. He was in a mood of acute awareness of how far he and his cause had come, and at the same time, he felt a strong sense of how hard and long was the road ahead. He did not want merely to win, but to win in the way that would cause least pain to Negro and white and reflect the most credit on the U.S. Constitution.

Stretched on the rack of one of the tensest and most exciting careers in the U.S. today, Thurgood Marshall in Miami said: "I'm gonna take a two-day vacation to rest from my vacation. I'm going to Havana. Never been there: hear they treat a man fine." The ghost of an anticipatory smile blitted over his face; then the pained look came back. "Don't know why I'm going to Havana," he said slowly. "Trouble is when I get there, you know who I'm gonna find there, too."

"Me."

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen *AR*DATE:
November 4, 1955FROM : Mr. F. L. Price *FLP*Time of Call:
3:54 P.M.SUBJECT: THURGOOD MARSHALL
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE

Tolson	_____
Boardman	_____
Nichols	_____
Belmont	_____
Harbo	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Sizoo	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

This is to advise you that on instant date Mr. A. B. Caldwell, Chief, Civil Rights Section, Criminal Division, Department of Justice, advised Special Agent W. M. Alexander of the Civil Right Unit that he, Caldwell, had received a telephone call from Marshall to the effect that Marshall was flying to Jackson, Mississippi, on November 5, 1955, where he was to address a meeting of the National Association For The Advancement of Colored People there. Mr. Caldwell stated that Mr. Marshall had said that this information was being furnished to the Department of Justice for its information.

Mr. Caldwell was advised that this Bureau could not furnish Mr. Marshall any protection. Mr. Caldwell stated he realized that and he was asking for no action on the part of this Bureau but was merely passing this information along.

ACTION:

This information was made available to Mr. Wick in Mr. Nichols' office and to Mr. Miniter of the Domestic Intelligence Division.

No further action is believed to be necessary inasmuch as the field is under specific instructions to bring to the attention of this Bureau promptly any information concerning racial incidents.

cc: 1 - Mr. Nichols
1 - Mr. Belmont

WMA:bsw *bsw*

RECORDED-38

62-86660-9

21 NOV 8 1955

EX - 107

62 NOV 15 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 2-8-56

FROM : L. B. Nichols

SUBJECT:

Tolson ✓
Boardman ✓
Nichols ✓
Belmont ✓
Harbo ✓
Mohr ✓
Parsons ✓
Rosen ✓
Tamm ✓
 Sizoo ✓
Winterrowd ✓
Tele. Room ✓
Holloman ✓
Gandy ✓

In connection with the visit of Thurgood Marshall to the Bureau shortly after his arrival in Washington at 12:30 p. m., Thursday noon, there is attached a summary concerning communist infiltration of the NAACP prepared by the Domestic Intelligence Division.

Depending upon how the conference develops, if Marshall is seeking information he will be referred to public source material, if he indicates an honest desire to take steps to combat the communists, I think we can tell him about the National Negro Commission set up under Edward E. Strong and point out to him that he might start making inquiries as to who of his people have been contacted by Strong, that he might make an effort to ascertain if Dr. Wilkerson has been holding secret conferences with any of the NAACP leaders and that he should carefully study the demands of the "Daily Worker" and deliberately try to present resolutions which would differ from these demands to observe where the opposition will come from.

Enclosure

cc - Mr. Belmont

LBN:nl
(3)

I think OK if we stick to public source material

We must be most circumspect

219 ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/3/82 BY [redacted]

RECORDED-20

62-86660-10

EX - 107

18 FEB 10 1956

64 FEB 13 1956

UNRECORDED & FILED IN 61-3196-1

b6
b7c

(A 61-2516)

CRIMINAL

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *RW*

FROM : Mr. Price *JVP*

SUBJECT: THURGOOD MARSHALL
INFORMATION CONCERNING

DATE: 2/9/56

Tolson _____

Boardman ☒

Nichols ☒

Belmont _____

Harbo _____

Mohr _____

Parsons ☒

Rosen ☒

Tamm _____

Sizoo _____

Winterrowd _____

Tele. Room _____

Holloman _____

Gandy _____

Dept. of Justice

This is to record that on the afternoon of 2/9/56 Supervisor McGowan of the Civil Rights Unit went to the Palace Restaurant for lunch. Upon entering the restaurant he was observed by Mr. A. B. Caldwell, Chief of the Civil Rights Section, Criminal Division, who called for McGowan to join him which he did. After they had been eating for some time Caldwell observed Mr. Thurgood Marshall of the National Association for the Advancement of Colored People who had entered the restaurant. Caldwell, being acquainted with Marshall, invited him to the table and Marshall accepted the invitation. Marshall partook of a cup of coffee while McGowan and Caldwell finished their meals. Caldwell introduced McGowan as being with the FBI and in charge of the Civil Rights Unit.

D.C.

During the course of the conversation Mr. Marshall advised Caldwell that a conference would be held in Washington on the 4th and 5th of March by the National Association for the Advancement of Colored People. He stated that a resolution would probably be proposed which would be critical to the Department of Justice. Marshall indicated that he suspected Dr. Howard (probably Dr. T. R. M. Howard) would be at the conference. He stated he did not know what outfit Howard would represent but that he, Howard, probably would be able to find some branch of the National Association for the Advancement of Colored People to list him as a delegate. He stated that Howard is very outspoken and would undoubtedly bring up some resolution criticizing the Department of Justice. Caldwell advised Marshall that he believed there would be some action by the Department prior to March 4, 1956. In his remarks, Mr. Marshall indicated that he was not sympathetic to Dr. Howard.

CLM:ecb/bob *ecb*
(5)

cc - 1 - Mr. Nichols *7401*

63 FEB 24 1956

RECORDED-107

20 FEB 14 1956

INDEXED-107

RECEIVED

Memorandum to Mr. Rosen

ACTION:

The above is for your information. Caldwell undoubtedly was referring to the fact that the Department plans to make a release regarding the filing of a criminal information in the Bolivar County (Mound Bayou) vote case in which a criminal information will be filed against 11 members of the County Democratic Executive Committee for alleged discrimination against Negro voters.

adm

Ellis
Bo
Ad
gman

✓

✓

Com. gman

Tolson _____
 Nichols _____
 Boardman _____
 Belmont _____
 Mason _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Nease _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

GOP Bars Negro from State Regents Board

By MICHAEL SINGER

ALBANY, Feb. 7.—Republican majorities in both Houses of the Legislature today rejected Democratic bids to name a Negro for the first time in state history to the Board of Regents. By straight-party votes in Assembly and Senate the GOP defeated the minority nomination of Thurgood Marshall, NAACP counsel, as regent-at-large.

Assemblyman Kenneth Phipps and Sen. L. Watson, Negro Democrats from Manhattan, appealed to Republicans in the "name of real non-partisan Americanism" to approve Marshall.

Republicans, who had been boasting of how "well known" their nominees are, were told by Phipps that Marshall is "more known" than any of them, that the Negro attorney is "famed for his knowledge of the problems of education" and "universally respected and admired for his untiring battles in behalf of the people."

Citing headlines in today's press that told of Alabama University students stoning a Negro co-ed, Phipps pleaded: "Now is your opportunity to show how much we resent it."

"Leave partisanship aside, vote with your head, your sense of responsibility," he urged.

But his appeal, like Watson's in the Senate, went unheard. Republicans sat in silence as the roll call beat back the first Negro name ever to be proposed for the State's highest board of learning.

The Legislature elected John F. Rosnan, Manhattan Democrat, to succeed himself, and two new members to fill vacancies

NOT RECORDED
 126 FEB 15 1956

Wash. Post and Times Herald _____
 Wash. News _____
 Wash. Star _____
 N. Y. Herald Tribune _____
 N. Y. Mirror _____
 N. Y. Daily News _____
 Daily Worker _____
 The Worker _____
 New Leader _____

Date FEB 8, 1956

397
 71 FEB 15 1956

62-86660

51

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON *Viper*

DATE: Feb. 8, 1956

FROM : L. B. NICHOLS *LBN*

SUBJECT:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/3/82 BY [redacted]
#90,589

Tolson _____
Boardman _____
Belmont _____
Harbo _____ b6
Mohr _____ b7C
Parsons _____
Rosen _____
Tamm _____
 Sizoo _____
 Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

By reference from the Director's office, I talked to Thurgood Marshall, the National Association for the Advancement of Colored People. He stated that there were several matters which are worrying him and he would like very much to come down on Thursday or Friday to discuss them with the Director and me.

I told him that the Director had been tied up on several high level matters including appropriations and has been pretty much unavailable but I knew that Thursday and Friday were going to be particularly difficult days for him, that I would nevertheless check with the Director, that I would be here and glad to see him on either Thursday or Friday at his convenience. He then stated he would come on down tomorrow, would arrive in Washington at 12:30 p.m. and would come directly to the Bureau. I told him this would be agreeable.

He then stated that while he has been concerned about the Alabama situation and about Dr. ^{IR.M} ~~Howard~~ ^{DC}, the matter which is worrying him more than anything else right at the moment is the Communist Party's effort to get into the NAACP and to forge out to the forefront. I told him he really had a serious situation here, that I knew he was well aware of the dangers and would do everything to keep his guard up. He stated this was exactly why he wanted to come in and see us.

I told him if the Director were here, I knew that he would be glad to say hello to him.

It is suggested that I see Marshall and then if the situation develops where it would be desirable for the Director to say hello to him, I can then make inquiry as to the Director's availability.

I have asked Mr. Belmont to get up a quick summary on Communist activities in connection with the infiltration of the NAACP.

LBN:FML

(5)

CC - Mr. Holloman
Mr. Boardman
Mr. Belmont

INDEXED - 8

EX - 124

RECORDED - 8 62-86660-12

FEB 23 1956

51 FEB 24 1956

UNRECORDED COPY FILED IN 62-86660-12

*main - Baumgardner
to Belmont
2/8/56
MIM*

*OK
K*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *fw*

DATE: 2/13/56

FROM : Mr. Price *JP*

SUBJECT: THURGOOD MARSHALL
GENERAL COUNSEL
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE (NAACP)

Tolson ☒
Boardman ☒
Nichols ☒
Belmont ☒
Harbo ☒
Mohr ☒
Parsons ☒
Rosen ☒
Tamm ☒
 Sizoo ☒
Winterrowd ☒
Tele. Room ☒
Holloman ☒
Gandy ☒

The Director had inquired if we could identify the case which had been mentioned by Mr. Thurgood Marshall while he was talking to Mr. Nichols and Mr. Rosen at the Bureau on February 9, 1956. Marshall had stated that Ruby Hurley, a staff employee for the National Association for the Advancement of Colored People in Birmingham, Alabama, had made some complaints which Marshall thought were unjustified but mentioned that the case had occurred in Florida, south of Miami, and a Negro woman had been beaten up by the police. An Agent reportedly went to find the witness and asked a police officer if he knew the witness and the officer offered to point out where the witness lived. According to Marshall this officer was in the minds of the colored people a bad police officer and the colored people clammed up.

ACTION:

#260,148
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/87 BY [redacted]

Supervisor Albaugh of the Miami Office was telephonically contacted by Mr. Rosen at 12:34 p.m., on February 13, 1956, and asked to identify, if possible, such a case. Supervisor Albaugh of the Miami Office telephonically advised on the afternoon of February 13, 1956, that he had talked with the Agents handling Civil Rights matters* and had reviewed files but had been unable to identify such case in the Miami area during the past year. SA Albaugh advised that SA John Bills is presently on extended sick leave and that he would check with SA Bills in a further effort to identify the matter. Supervisors in the Civil Rights Unit are unable to recall personally any case in the Miami area such as mentioned by Mr. Marshall.

*And all other Agents.

cc: 1 - Mr. Nichols

CLM:ecb (7)

53 MAR 5 1956 *JP*EX-108 DIA DIA
REC'D - FBI

FEB 27 1956

62-86660-14
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Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: February 8, 1956

FROM : F. J. Baumgardner

cc - Mr. Nichols
Mr. Belmont
Mr. Winter

SUBJECT: COMMUNIST INFILTRATION OF THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE (NAACP)

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

This memorandum concerning the NAACP is being prepared at the request of Mr. Nichols who has an appointment with Thurgood Marshall, special counsel of the NAACP on February 9, 1956.

Thurgood Marshall

A summary memorandum regarding Marshall was prepared on December 15, 1950. Marshall has been special counsel of the NAACP since at least 1946. Marshall, according to House Committee on Un-American Activities (HCUA) and public source records, was associated with Communist front organizations in the 1940's, e. g., National Lawyers Guild and International Juridical Association. Both organizations have been cited as Communist fronts by the HCUA, although neither has been cited by the Attorney General pursuant to Executive Order 10450.

The HCUA in a 1944 report listed Marshall as a national committeeman of the International Juridical Association. The HCUA in a report dated September 17, 1950, listed Marshall as Executive Board member of the National Lawyers Guild as of December 19, 1949. (62-86660)

Background of NAACP

The NAACP was incorporated in the State of New York in 1911 and the stated aim of the organization has been to secure full citizenship rights for the Negroes by legal and other recognized ethical methods and frequently by vigorous protestation of alleged discrimination.

The current paid membership of the NAACP on a nationwide basis is slightly over 250,000. There is a delinquent membership of approximately the same figure which is not included in the membership rolls because of arrears in fees and dues.

There are approximately 1,200 branches throughout 44 states and Alaska. There are in addition approximately 250 youth councils and college chapters. (6-3176-1161 Pretext call to secretary, Membership Committee, NAACP, 11-23-55.)

INDEXED

NOT RECORDED

46 FEB 24 1956

MAILED ON ORIGINAL

ORIGINAL COPY FILED IN 11-3176

Memorandum for Mr. Belmont

Position of NAACP Re Communism

The NAACP at its Forty-first National Convention held in Boston, June, 1950, went on record as opposing Communism and empowered its Board of Directors to revoke the charter of any chapter found to be Communist controlled. (61-3176597)

At the Forty-sixth Annual Convention of the NAACP held in Atlantic City, New Jersey, in June, 1955, the NAACP reaffirmed its rejection of Communism as an antidemocratic way of life and form of Government. (61-31761161)

Communist Party Penetration Into NAACP

There is listed below a number of examples of the relentlessness of the Communist Party in attempting to infiltrate and influence the NAACP as extracted from the official line of the Communist Party appearing in "Political Affairs," the monthly theoretical organ of the Communist Party. On page 42 of the December, 1955, edition of "Political Affairs," an article appeared in regard to the Till case.

This article referred to the arrogant attacks now being made against the NAACP throughout the South. The article stated, "Southern reaction is in deadly earnest. Therefore, nothing short of the most resolute fight to defend and safeguard the NAACP will be sufficient to stay the hand of reaction on this front."

In the same article it is stated, "The first task of Marxists in respect to the Till movement is to exert our maximum influence in furthering the fighting unity of the Negro people. But in order to play a leading role in this connection, Marxists and Left forces must be in this movement, a part of the mass organizations that are leading it and strengthen their ties with it in all possible ways."

This article was written by Edward E. Strong, a member of the Steering Committee of the National Negro Commission of the Communist Party.

The January, 1956, issue of "Political Affairs," on page 17, contains a statement that, "It is time, Comrades, that we ... salute the heroic leadership which the NAACP is giving to this far-flung struggle in the heart-land of Dixiecrat racism. The NAACP in the South is leading a struggle against an implacable and ruthless enemy which is in rebellion against the Constitution and which does not hesitate to kidnap, lynch, cripple and assassinate. We must support the NAACP in the struggle with every ounce of energy at our disposal."

Memorandum for Mr. Belmont

This statement appeared in an article written by Max Weiss, who is presently a member of the National Leadership of the Communist Party, USA.

In regard to Negro workers in the labor movement, a statement also appears on page 58 of this issue of "Political Affairs" that the influence of the NAACP can be brought to bear on the problems facing the trade-union movement. It is pointed out that the significance of the programs adopted by the NAACP have been the subject of close scrutiny by the Communist Party. This is established by the analysis of the NAACP Convention of June, 1953, which was analyzed in the November, 1953, issue of "Political Affairs."

In this article it was stated that "the NAACP is increasingly becoming a co-ordinating center for all major organizations among the Negro people" Also, "... the National Association for the Advancement of Colored People remains the most important Negro organization dedicated to the fight for Negro equality."

In view of the concentrated effort by the Communist Party to infiltrate the NAACP, the Bureau, since February, 1954, has been investigating the Communist infiltration into this organization.

Our investigation has shown that the Communist Party, while having some success in infiltrating local branches of the organization, has been unable to control or dominate the NAACP on a national or state level.

Memorandum to Mr. Belmont

Listed below are some specific examples of actions taken by CP leaders and/or members to infiltrate or influence state and local branches of the NAACP.

These examples do not constitute the total penetration made by the CP into the NAACP (to obtain same would necessitate lengthy file review) but merely serve to portray the emphasis that the CP has placed on a successful infiltration of the NAACP.

[redacted], a top level informant of the Chicago Office, advised on 12/8/55 that during the National CP Conference held in New York City 12/3 through 5/55 and attended by CP delegations from 32 states a commission was established to discuss preparations for what the CP terms the "March on Washington."

b7D

The "March on Washington" actually refers to the leadership conference on civil rights which will be held in Washington on March 4 through 6, 1956, under the sponsorship of the NAACP and a number of supporting organizations.

[redacted] advised that Ed Strong, the chairman of the National Negro Commission of the CP, USA, delivered the main report at the meeting of the commission. Strong said that the CP must sustain the main demands of the supporters of the "March on Washington" and the CP should mobilize its forces up to and during the time set for the "March on Washington."

b7D

National functionaries of the CP will make a series of trips into various CP districts to check on the mobilization and every district board commission and department of the CP must place this mobilization on its agenda.

The CP will attempt to find out which organizations are assisting the NAACP and the United Automobile, Aircraft and Agricultural Implement Workers of America, a participating group in the "March on Washington" and influence these organizations to send their own delegates on a local scale. All trade-unions, the NAACP, other mass Negro organizations and some larger white groups will be considered as organizations of concentration by the CP.

Memorandum for Mr. Belmont

This informant also advised on 1/3/56 that the CP in connection with its exploitation of the Negro question, the Till case, et cetera, as well as its work within the NAACP attempted to expand the original purpose of the conference or "March on Washington" and to give it a new and broader character by bringing into sponsorship or endorsement other "mass organizations" thus generally guiding and expanding the original purposes of the conference. Accordingly it succeeded through CP people in NAACP and other sponsoring organizations in adding to the original demands of the conference e. g. civil rights legislation, support of the proposal of Congressman Charles Diggs of Michigan to unseat the Mississippi delegation in the current Congress, et cetera. In short, according to this informant what is being done now in reference to the conference is being done to a great extent by CP people in NAACP and non-Party people in NAACP who knowingly or unknowingly are carrying the flag for the Civil Rights Program of the CP under the name of the NAACP.

A reliable confidential informant of the Dallas Office advised on 1/22/55 that Ed Strong previously mentioned had been in contact with Mrs. Juanita Craft, Texas State Organizer for the NAACP. Strong said he checked with Craft regarding integration problems and indicated he would write an article for "Political Affairs" on the information he received concerning integration in the South.

Strong also indicated he had been in contact with a Dr. Flemming head of the NAACP in Fort Worth, Texas. (100-3-75-1093)

On 1/16/56 a reliable informant in Houston, Texas, advised that Strong had been in that city and had proceeded to McNair, Texas, to contact Cephus Debose who according to the informant is a current member of the CP of Texas and is also secretary of the McNair Branch of the NAACP.

Informant further advised Strong indicated to him that he, Strong, planned to contact Lulu White at Houston who is Director of Branches for the NAACP in Texas. In line with Strong's desire to contact NAACP leaders informant advised Strong indicated that after leaving Houston he would proceed to Dallas where he intended to contact 2 individuals who allegedly are NAACP leaders in Dallas. (100-3-75-1087)

Memorandum for Mr. Belmont

Paul S. Rosenkrantz, [★]a source of information who holds an official position in the Communist Party in Boston and who has furnished reliable information, stated on December 15, 1955, the main concentration point for the Communist Party in Negro matters is the NAACP. The Communist Party has urged support of the Washington demonstrations of the NAACP and is urging trade-union support for the NAACP. Further, the Communist Party line now is to farget "left" Negro organizations which has caused considerable differences of opinion among Communist Party members in New York and leaves "left" Negro leaders isolated as they will not be accepted into organizations such as the NAACP.

(100-3-75-1070)

An anonymous source of the Seattle Office on December 2, 1955, furnished a document captioned "Current Concentration Mass Issues in the Field of Struggle For Equal Rights For the Negro People," promulgated by the National Administrative Committee, Communist Party, USA.

This document states that the primary organizations through which concentration issues should be given maximum development are: Negro people's organizations, the NAACP, the Elks, et cetera.

(100-3-75-1063)

On December 6, 1955, a reliable informant of the Philadelphia Office in reporting on a meeting of a Communist Party club in Philadelphia stated that William Crawford, the chairman of the club, said the Communist Party must join in the program presently being carried on by the NAACP to collect food and money for the Negro people in the South.

(100-3-75-1059)

A confidential informant of the San Francisco Office who has furnished reliable information advised on November 10, 1955, that Harry Williams, a Negro Communist Party member who formerly was a functionary in the Fillmore Section of the Communist Party in San Francisco and who recently emerged from the Communist Party underground apparatus, stated that at present there are only three Communist Party members in the San Francisco Chapter of the NAACP, two of whom are white and one a Negro.

(100-3-75-1046)

★ Rosenkrantz's NAME should NOT be furnished to
MARSHALL

EP DO

6-27-55

6-24-55

Arthur H. Motley✓
Parade Publication, Inc.
New York, New York

Attaching article and states he understands the
FBI in Washington was never closed.

1-6

62-86660

Memorandum for Mr. Belmont

[redacted] previously mentioned and a top level informant, advised on September 19, 1955, that he learned from Claude Lightfoot, a member of the National Administrative Committee of the Communist Party, that the Communist Party, represented by Dezey Wilkerson, had a secret conference in New York City with NAACP leaders at which time an agreement was reached on a plan of work for a campaign on the Till case. Lightfoot stated the Communist Party has agreed to stay in the background on this case.

b7D

(100-3-75-1001)

A confidential informant of the Buffalo Office who has furnished reliable information advised that on January 10, 1956, Sylvia Tobin, an active Communist Party member and an officer on the NAACP Board in Buffalo, met with Evelyn Irsey, the organizational secretary of the Upstate County Communist Party, and discussed a NAACP board meeting which Tobin had just attended in Buffalo.

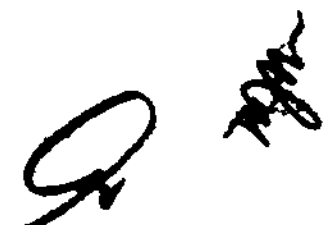
(Buffalo airtel January 11, 1956, captioned "Cominfil NAACP, Internal Security - C.")

On January 30, 1956, a reliable informant of the Chicago Office advised that Imogene Johnson, chairman of the NAACP - CP Club in Chicago, has been assigned by the Communist Party to work within the NAACP in Chicago.

(Chicago airtel January 31, 1956, captioned "Cominfil NAACP, Internal Security - C.")

RECOMMENDATION:

That this memorandum be referred to Mr. Nichols for his information.



Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nichols

DATE: 5-21-56

FROM : M. A. Jones

#260/148
ALL INFORMATION CONTAINED

HEREIN IS UNCLAS

DATE 10/24/87 BY [redacted]

SUBJECT: THURGOOD MARSHALL
SPECIAL COUNSEL, NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE (NAACP)
TELEVISION APPEARANCE, MAY 20, 1956

Tolson
 Boardman
 Nichols
 Belmont
 Harbo
 Mohr
 Parsons
 Rosen
 Tamm
 Sizoo
 Winterrowd
 Tele. Room
 Holloman
 Gandy

Thurgood Marshall, Special Counsel for the NAACP appeared on the television program, "Youth Wants to Know," over the National Broadcasting Network yesterday afternoon. Steve McCormick was the moderator.

In answer to questions put to him by the panel of youngsters, Marshall stated that he felt that the NAACP did represent the feelings of the Negro people although their membership was only 400,000. He added that he felt that all restrictions on segregation would be removed by law by 1963.

At the conclusion of the program, Marshall made reference to the Justice Department when he first answered a question regarding support received by the Justice Department in the present administration in connection with Civil Rights and integration. Marshall replied that the Attorney General in the present administration, like the Attorney General in preceding administrations, is tied down by the present Federal Civil Rights Statutes. He added that the Republican and Democratic administrations alike have moved as quickly as they could "under the existing statutes."

Another panel member stated that the House Committee on Un-American Activities (HCUA) had stated that half of the organizers of the NAACP appeared on lists held subversive by that Committee. Marshall replied that there was hardly any liberal not listed by the "Old Dies Committee" and that the only list which he considered authentic was the Attorney General's list.

Marshall advocated passive resistance as exemplified by the recent Montgomery, Alabama, bus situation as the best method of operation in the South because the NAACP absolutely refuses to utilize force regardless of the force applied against the Negro by the Whites in the South. He said that the NAACP was surprised by the development and conditions of the Montgomery

CC - Mr. Nichols
 CC - Mr. Boardman
 CC - Mr. Belmont
 CC - Mr. Rosen

14 MAY 25 1956

JTM:ivs
(7)

55 JUN 6 1956

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Jones to Nichols Memo

5-21-56

situation and he referred to it as a "grass roots upheaval" with which the NAACP had nothing to do. In regard to the present political campaign, Marshall denied that there was any such thing as a "Negro vote" but he said that the Negroes should support the party with the best Civil Rights platform. He stated that unless the Democrats produce more in the Civil Rights line, some Negroes might go Republican.

In regard to White Citizens Council, (WCC) he said that they represented a threat to the Government as a whole and that like the Ku Klux Klan, these Councils were a threat to the economic growth of the South and that in addition they controlled the state legislatures in Mississippi and Alabama and that their main reason for existence was to cut down the membership and the flow of funds to the NAACP.

RECOMMENDATION:

For information only.

[Handwritten signature] ✓ *[Handwritten mark]*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 6/15/56

FROM : L. B. Nichols *LBN*

SUBJECT:

Tolson _____
 Nichols _____
 Boardman _____
 Belmont _____
 Mason _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Nease _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

Thurgood Marshall called me from New York on 6/15/56. He is to make a keynote address at the Annual Convention of the NAACP on Tuesday, 9/25/56. He is leaving New York on Thursday, 9/20/56. He thinks that he could do some good if in the course of his remarks he could again make the point that the communists are seeking to capitalize through infiltrating Negro organizations and that they are attempting to make points out of discriminatory matters and he thought that if there were some general items as to what the communists are doing, their stepped up organization and their line, that this could be used to good advantage. He stated that no one would know where he got the information and he wondered if I could be of any help to him. I told him that I did not know; that I would look around and would call him next week.

I think that it might be to our advantage to give him a little guidance if we can on the basis of public source and well documented material. It is suggested that the Domestic Intelligence Division see what information is readily available which I will need by Tuesday, 6/19/56.

cc - Mr. Boardman
 Mr. Belmont

LBN:fc

(5)

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10/28/87 BY #269/1487

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EX-109

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UNRECORDED

271

JUN 26 1956

DEC 10 1956

National Conference of Bar Examiners

520 GUARANTY BANK BUILDING

DENVER 2, COLORADO

MISS MARJORIE MERRITT, DIRECTOR

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JOS. IRION WORSHAM

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Tele. Room
Mr. Holloman
Miss Gandy

December 4, 1956

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Mr. Hoover:

We are preparing a character report on
Thurgood Marshall, whose history is attached.

If your office has any information which can
be made available to the New York Character Committee
with the understanding that it will be for the confi-
dential use, we should like very much to have it.

Yours sincerely,

Marjorie Merritt
(Marjorie Merritt)
Director

MM MB

Attachment

ENCLOSURE

EX-108

RECORDED - 54

62-86660-17

14 DEC 28 1956

As of the morning of June 30, there have been no
further contacts with Marshall, but Mr. Nichols
advises Marshall will be furnished with public
source information.

52 JAN 3 1957

EXP. PROC.

L. Tolson

MARSHALL

Born: July 2, 1908 - Baltimore, Maryland
College: Lincoln University, Pa.
September 1925 - February 1930 A.B.
Law Study: Howard University
September 1930 - June 1933 LL.B.

Admitted to the bar of Maryland October 11, 1933

Law Practice and Employment: October 1933 - October 1935
Private general practice
4 E. Redwood St., Baltimore, Md.
October 1935 - October 1936
General practice; partnership with
Warner T. McGuinn
4 E. Redwood St., Baltimore, Md.
October 1936 - December 1939
Private practice from residence and
Special work for NAACP
1838 Druid Hill Ave., Baltimore, Md.
October 1936 - Present
Special counsel
National Assoc. for the Advancement of Colored
People
(gives residence in Baltimore at 1838 Druid
Hill Ave. to December 1939; since then at
409 Edgecombe Ave., New York, N. Y.)
Present office address--
107 West 43d St., New York, N. Y.

Present address: 409 Edgecombe Ave., New York, N. Y.

Applying for admission to the bar of New York

Office Memorandum • UNITED STATES GOVERNMENT

TO: Mr. Rosen *Re*

DATE: October 1, 1956

FROM: Mr. Price *JP*

SUBJECT: UNKNOWN SUBJECTS; JOHN BEN SHEPPERD
VICTIMS UNKNOWN; THURGOOD MARSHALL,
COMPLAINANT, DALLAS, TEXAS, 9/30/56
CIVIL RIGHTS

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

Sept 30, 1956
A. B. Caldwell of the Department at 3:45 P. M. ~~this date~~ telephoned Washington Field Office and requested limited investigation at Dallas, Texas, into allegations that Texas State Attorney General John Ben Shepperd, accompanied by group of armed Texas Rangers, on 9/29/56, at Tyler, Texas, picked up unknown number of Negroes and transported them to Dallas for questioning in connection with their knowledge regarding a pending civil action number 6165, in case of Bell vs. Ripy. SA James Huppert, Washington Field Office, referred Caldwell's information to the Bureau.

Caldwell stated Thurgood Marshall, counsel for National Association for the Advancement of Colored People (NAACP), called from Dallas today stating the Negroes were transported from Tyler to Dallas without subpoenas. Supervisor McGowan called Mr. Caldwell and determined the Negroes involved were students and according to Marshall the Rangers took and held them at a place unknown to their attorneys for questioning re the civil case.

Mr. Caldwell stated he had talked to Warren Olney of the Department who concurred with him, Caldwell, that limited investigation be conducted as soon as possible. He requested Bureau interview Marshall for identities of persons picked up and transported by Rangers and all other facts available, and that thereafter the individuals picked up be interviewed to determine whether they were intimidated or forced to accompany officers and other information available to them.

Following a discussion by Supervisor McGowan with Mr. Rosen, Duty Supervisor Carl W. Spillers talked to SA Paul Wulff of the Dallas Office and instructed that Thurgood Marshall be immediately contacted and interviewed for all facts and details re identity and number of Rangers

cc: Mr. Belmont
Mr. Nichols

CWS:fkf
(7)

ENCLOSURE

ENCLOSURE

5 OCT 9 1956

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Memorandum to Mr. Rosen

involved and students picked up and for information as to how this alleged action pertained to the pending civil case in question. Wulff was specifically instructed to submit teletype summary of information to Bureau tonight including any information in files re persons picked up, and that interview be conducted by two experienced Agents and no other investigation be conducted at this time.

RECOMMENDATION:

That this matter be further taken up with Civil Rights Unit of Department upon receipt of information from Dallas to determine what action is desired.

Newspaper clipping re "NAACP Loses First Round in Texas Injunction Fight" giving background is attached.

Enclosure

- 2 - orig & dup
- 1 - yellow
- 1 - Nichols
- 1 - Boardman
- 1 - Belmont
- 1 - Sect. tick.
- 1 - Young

SAC, Denver

December 19, 1956

Director, FBI (62-86660)

RECORDED - 54

THURGOOD MARSHALL

18

EX-108

The Bureau has received a letter dated 12/4/56 from Miss Marjorie Merritt, Director, National Conference of Bar Examiners, 520 Guaranty Bank Building, Denver, Colorado, who requested any available information concerning Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People (NAACP), in connection with his application for admission to the Bar of New York.

You are instructed to personally contact Miss Merritt, acknowledge the receipt of her letter, and advise her that the Bureau has conducted no investigation concerning Marshall.

PCY:uep
(18) nep

(Cover memo Belmont to Boardman, 12/18/56,
Re: Thurgood Marshall, PCY:uep)

DEC 18 4 04 PM '56
REC'D-TRAINING ROOM
FBI

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H. A. H.
G. M.
M. H.

MAILED 11
DEC 19 1956
COMM-FBI

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- Nichols _____
- Boardman _____
- Belmont _____
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V. J.
H. H.
M.

SEARCH SLIP

Subj: Marshall, HowardR# Date 12/10 Searcher Number 156FILE NUMBERSERIALNP ✓ 100-7321-989, 1732, 715; NP NPNP ✓ 100-7801-2203p.9, VINP ✓ 100-394596-1XNP ✓ 100-396631-12NP ✓ 105-26198-24

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NP ✓ 100-52504-38NP ✓ 44-9947-48NP ✓ 44-9947-55NP ✓ 61-3176-584p.9; 1777; NP NPSI ✓ 1697p.4, 18, 20, 26; 1777; NPNP ✓ 100-3-75-524, 540 NPNP ✓ 100-287374-12✓ 61-3176-773p.8 wrong numberNP ✓ 44-5056-1NP ✓ 44-4118-54p.11

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☐	Name Check Unit - Room 6523
☐	Service Unit - Room 6524
☐	Forward to File Review
☐	Attention _____
☐	Return to <u>Young</u> <u>7633</u>
	Supervisor Room Ext.

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☒ Buildup ☐ Variations
☐ Check for Alphabetical Loyalty Form

Subject MARSHALL, THURGOOD
 Birthdate & Place _____
 Address _____

Localities PA; MD; D.C.; NY;

R# _____ Date 12/10 Searcher _____
Initials ASG

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THURGOOD

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DW p. 124/13/55; The Worker 11/17/55

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Wash. C. & A. Co. 5/31/55

NY 62-61785 WASH. 61-23155



SEARCH SLIP

Subj: Marshall, HowardR# _____ Date 12/10 Searcher _____
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NP	100-415676-3 p. 30	
NP	100-362555-1544	(4)

SEARCH SLIP

Subj: Marshall, HowardR# _____ Date 12/10 Searcher _____
Number 556FILE NUMBERSERIAL

NP	✓	100-7660-5282	p. 14, 5476	NP
		NP	NP	NP
		p. 2, 10, 53	32 p. 9, 5330	NP
NP	✓	61-7582-2378	Encl. p. 4069, 4145	NP
NP	✓	44-4198-72	p. 36	NP
NP	✓	100-7660-5459	5-243 p. 12, 5145	NP
NP	✓	100-7801-1321	1338	NP
NP				b3
			00-39459	b7E
NP	✓	121-36261-5		
NP	✓	100-3-28-2132	p. 52	
NP	✓	100-37709-11		
NP	✓	9-0-1037		
NP	✓	9-21854-5		
NP	✓	44-3207-24		
NP	✓	44-4198-28		
NP	✓	44-5056-3		
NP	✓	44-7994-1		
NP	✓	44-8081-1		

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SEARCH SLIP

Subj: Marshall ThurmondR# _____ Date 12/10 Searcher Number 156FILE NUMBERSERIAL

NP	61-190-574	Encl, P.34	
NP	61-3176-605	769 Encl. p.9	NP
NP	1160	1202	764, 585
NP	61-3176-A	DW	6/6/52
ST	61-621-990	Encl. p.17	
NP	62-101087-35-A	DW	4/29/55
NP			b3 b7E
NP	66-6200-44-441		
NP	77-49095-22		
NP	100-135-34-596		
ST	100-7321-646	p.31	
NP	100-37709-76	p.24	
NP	100-338659-5		
NP	100-380248-1		
NP	100-387295-1		(6)
NP	100-387835-116		
NP	100-402682-A	DW	9/15/54

SEARCH SLIP

Subj: Marshall, HowardR# _____ Date 12/10 Searcher _____ Number 256FILE NUMBERSERIAL

NP

b3

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I ✓ 123-8534-9

NP

NP ✓ 105-40707-5

NP ✓ 100-7801-1551 p. 83

NP ✓ 100-135-11-326 p. 34, 35 NP

NP ✓ 100-16-38-174 p. 29

NP ✓ 100-3-40-184 p. 23

NP ✓ 62-101087-49-A work

Stars 10/24/56

NP ✓ 62-101087-46-A-DW 10/8/56; NP

NP ✓ 10/3/56 NP

NP ✓ 61-3176-1731, 1376, 1062 NP

NP ✓ 50-2314-1

NP ✓ 44-3363-11

NP ✓ Mrs. (SP)

NP ✓ 61-3176-A People's Voice 11/8/47

SEARCH SLIP

Subj: Marshall, ThurgoodR# _____ Date 12/10 Searcher _____ Number 56FILE NUMBERSERIALThurgood (var)NP 61-3176-A-DW 9/20/43NP 61-3176-1427 p.2Thurgood (var)SE 100-7321-481 p107SE 100-7321-6NP 100-3-4-6980 p.33NP 100-203268-1088Thurgood (var)NP 100-7660-2471Thurgood (var)NP 100-135-53-232 p12Thurgood (var)NP 100-135-3-159, 162 p.86^{NP}Thoroughgood (var)SI

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 18, 1956

FROM : A. H. BELMONT

SUBJECT: THURGOOD MARSHALL

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The Bureau has received a letter dated 12/4/56 from Miss Marjorie Merritt, Director, National Conference of Bar Examiners, Denver, Colorado, who requested any available information concerning Thurgood Marshall, Special Counsel, for the National Association for the Advancement of Colored People (NAACP) in connection with his application for admission to the Bar of New York.

The Bureau has not investigated Marshall. Our files contain public source information reflecting both derogatory and favorable data concerning him. Specifically, Marshall has been affiliated with the International Juridical Association, as national committeeman in 1944, and with the National Lawyers Guild as a speaker in 1948 and executive board member in 1949. Both organizations are cited by the House Committee on Un-American Activities. He was also a sponsor in 1944 of the National Federation for Constitutional Liberties, designated by the Attorney General. On October 28, 1943, Marshall received a check for \$247.75 from Benjamin J. Davis, Jr., to help fight "Jim Crow." Davis is one of the 11 national leaders of the Communist Party, USA, who were convicted in October, 1949, in New York of conspiracy for advocating the overthrow of the U.S. Government by force and violence. Other public source information indicated that since June, 1943, Marshall has publicly criticized and condemned all subversive organizations, the Communist Party and communism itself. He has warned the Negroes against communist infiltration into their groups. As recently as June, 1956, Marshall in his keynote address before the NAACP national convention at San Francisco, California, June 26 to July 2, 1956, warned the Association's membership against communism and the Communist Party. He urged the Association to adopt resolutions making it clear that the NAACP was strongly opposed to communism, which the Association did. Marshall has long advocated that no "known communists" will be a member of the NAACP. (62-86660-5; 61-3176-605; 6/28/56 issues "San Francisco Bulletin" and "San Francisco News," 61-3176-A)

In the past the Bureau has followed the policy (with the approval of the Attorney General) of cooperating with the National Conference of Bar Examiners by furnishing it public source and lead data for their aid.

PCY:vep (6) *ref*
 1 - Mr. Nichols

INDEXED - 54
 RECORDED - 54

1 - Mr. Boardman
 1 - Mr. Belmont
 1 - Section tickler
 1 - Mr. Young

Enclosure

62-86660

EX-108

14 DEC 28 1956

Memorandum for Mr. Boardman
Re: Thurgood Marshall

and assistance in passing upon the personal qualifications of applicants for admission to the Bar. However, in this particular case, although Bufiles reflect both favorable and unfavorable public source information concerning Marshall, it is believed advisable that in order to avoid possible future criticism and embarrassment, the Bureau should only advise Miss Merritt that we have not investigated Marshall. Mr. Nichols concurs with this. Accordingly, a letter is attached instructing the SAC in Denver to advise Miss Merritt that we have not investigated Marshall.

RECOMMENDATION:

If you approve, the attached letter will be sent to the SAC, Denver.

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Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (62-86660)

DATE: 1/4/57

FROM: SAC, DENVER (62-1277)

SUBJECT: THURGOOD MARSHALL

Re Bureau letter dated December 19, 1956.

In compliance therewith, Miss MARJORIE MERRITT, Director, National Conference of Bar Examiners, Denver, was personally contacted on December 31, 1956 and advised that the Bureau has conducted no investigation concerning MARSHALL.

- C -

2 - Bureau
1 - Denver
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62-86660-19
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52 JAN 10 1957

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SEARCH SLIP

Subj: Marshall, ThurgoodR# (238) Date 4-8 Searcher Number 855

FILE NUMBER

SERIAL

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with summary dated 12/15/50

I	62-86660	I
I	44-1540	APR 11 1958
I	44-10894	
I	62-86660-20	Sum 5/28/57 I
I	62-86660-13	Sum 2/8/56 I
I	62-86660-18	Sum 12/18/56 I
I	62-86660-3	Sum 10/18/47 I
I	62-86660-5	Sum 12/15/50 I

b3

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I	62-101087-49-A	Wash 2-21-58
I	62-101087-46-A	Dallas 2-21-58
I	62-21788-11	9-
I	62-31615-968	
I		
I	100-3-57-187	13
I	100-3-69-1918	8
I	100-7321-1732	

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED BY SP8BJS/

DATE 6/24

SEARCH SLIP

Subj: Thurston, J. D.R# Date 1-3-56 Searcher
Number FILE NUMBERSERIAL

100-17861-3503 1, 91

61-3176-1161 8, 9

61-3176-1161 14, 15, 16, 17, 18

61-3176-1161

61-3176-1161 9/20/56

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61-3176-1161 61, 62, 63, 64, 65, 66, 67, 68, 69, 70

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61-3176-1161 81, 82, 83, 84, 85, 86, 87, 88, 89, 90

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4-22b (11-23-55)

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4-22b * (11-23-55)

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NUMEROUS REFERENCE

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date 7/1/68 Searcher _____
Initial _____

FILE NUMBER

SERIAL

1000

1. The first group of people who are interested in the study of the history of the world are the historians. They are people who study the past and write about it. They are interested in the events that have shaped the world and the people who have lived through them. They are also interested in the changes that have taken place over time and the reasons for these changes.

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

17

— *Pharmaceuticals* — *Pharmaceuticals* — *Pharmaceuticals* —

1000 1000 1000

[illegible]

6. 12. 1942

61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

6. *Conclusions*

100

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Whistler (1973). The total protein concentration was determined by the method of Lowry (1956).

Journal of Management Education

11. *Chrysomelidae*

44-2112-1

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Table 1

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Subj: W. J. ...

Supervisor _____ Room _____

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Federal Bureau of Investigation
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1957

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☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☐ Return to 7-57 1005
 Supervisor Room Ext.

Type of References Requested:

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☒ All References (Subversive & Nonsubversive)
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Subject 24/10/16

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NP 1-312 F. William Jones

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~~CONFIDENTIAL~~

M 61-3176-437 p.3

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M 100-5-4-670 p33

NP 10-26332-1-2

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1304

4-22a

Subj: Division 2, 100-1000

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

SERIAL

[illegible]

APR 22 1958

NAME CHECK

~~CONFIDENTIAL~~

April 16, 1958

THURGOOD MARSHALL
Born: 1908
Baltimore, Maryland

Summary

No investigation pertinent to your inquiry has been conducted by the FBI concerning the captioned individual. However, the files of this Bureau reflect the following information which may relate to the subject of your name check request.

The confidential informants providing information appearing below have furnished reliable information in the past. The National Negro Congress and the National Federation for Constitutional Liberties, mentioned below, have both been designated by the Attorney General of the United States pursuant to Executive Order 10450.

A confidential informant advised in 1945 that minutes of a meeting of the Executive Committee of the National Negro Congress, held at New York, New York on March 28, 1945, reflected that Thurgood Marshall was among the sponsors of the meeting.

In a throwaway pamphlet issued by the National Federation for Constitutional Liberties announcing a dinner at the Hotel Roosevelt, New York City, on April 2, 1941, held under the auspices of that organization, Thurgood Marshall was listed as a sponsor.

According to the "Daily Worker," former east coast communist newspaper, page 2, October 29, 1943, Thurgood Marshall, special counsel of NAACP, had received a check of \$247.75 from Benjamin J. Davis, Jr., to help the fight against "Jim Crow." Davis is one of the eleven national leaders of the Communist Party who were convicted in October 1949, at New York City, for conspiracy for advocating the overthrow of the United States government by force and violence.

Tolson _____
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(123-8534-9)

Orig and one to USIA

Req. rec'd: 4/4/58

B. V. Gronquist/rlk

(4)

EX - 126

REC-1

62-86660-21
APR 22 1958

~~CONFIDENTIAL~~

NOTE: This memo contains information from a confidential informant, revelation of which may endanger the national security of the United States.

DECLASSIFIED BY
ON 6-25-96

b6
b7C

~~CONFIDENTIAL~~

Thurgood Marshall

In a report of the Special Committee on Un-American Activities, House of Representatives, 78th Congress, 2nd Session, Appendix, part 9, 1944, on pages 795 and 809, Thurgood Marshall is listed as a national committeeman of the International Juridical Association. The International Juridical Association has been cited as "a communist front and an upshoot of the International Labor Defense," by the Special Committee on Un-American Activities, House Report 1311 dated March 29, 1944.

A confidential informant advised that Thurgood Marshall of the National Association for the Advancement of Colored People (NAACP), 20 West 40th Street, New York, New York, was a member of the Committee on Civil Rights and Liberties of the National Lawyers' Guild, and was a member of the New York Chapter of that guild in 1948. The House Committee on Un-American Activities in its report dated September 17, 1950, listed Thurgood Marshall as Executive Board member of the National Lawyers' Guild as of December, 1949. The National Lawyers' Guild has been cited as a communist front by the Special Committee on Un-American Activities, House Report 1311, dated March 29, 1944.

Other information in our files indicates that since June, 1943, Marshall has publicly criticized and condemned all subversive organizations, the Communist Party and communism itself. He has warned the Negroes against communist infiltration into all groups. As recently as June, 1956, Marshall in his keynote address before the NAACP national convention at San Francisco, California, June 26 to July 2, 1956, warned the Association's membership against communism and the Communist Party. He urged the Association to adopt resolutions making it clear that the NAACP was strongly opposed to communism, which the Association did. Marshall has long advocated that no "known communists" will be accepted as members of the NAACP.

The foregoing information is furnished to you as a result of your request for an FBI file check and is not to be construed as a clearance or a nonclearance of the individual involved. This information is loaned for your use and is not to be disseminated outside of your agency.

- 2 -

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : F. J. Baumgardner *FBK*

DATE: June 30, 1958

FROM : J. J. O'Connor *JO*SUBJECT: THURGOOD MARSHALL
SM-C

Attached is a memorandum prepared by the New York Office concerning captioned individual, which does not include any information obtained as the result of a file review at Seat of Government. The attached was transmitted by New York letter dated June 6, 1958, captioned "Communist Infiltration of the National Association for the Advancement of Colored People (NAACP), Internal Security - C," the original of which is filed in Bufile 61-3176-2553.

EXTREME CAUTION SHOULD BE TAKEN IN UTILIZING THE INFORMATION IN THE ATTACHED AS INCLUDED THEREIN MAY BE INFORMATION, PARTICULARLY THAT FROM THE INDICES OF THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES (HCUA), WHICH HAS NOT BEEN DEFINITELY IDENTIFIED AS BEING IDENTICAL WITH CAPTIONED INDIVIDUAL. THE ATTACHED MEMORANDUM, OR ANY REPRODUCTION THEREOF, SHOULD NOT BE DISSEMINATED IN ITS ENTIRETY.

RECOMMENDATION:

It is recommended that instant memorandum and its attachment be routed to the Records Branch:

☒ To be filed in case file of captioned individual. *C*

☐ To have a new 100 main inactive file opened on captioned individual and for filing therein.

REC-85

JUL 2 1958

EX-117

Enclosure
BufileENCLOSURE
62-86660

REC-85

57 JUL 9 1958

JUN 6 1958

NY 102-7629 Sub C

THURGOOD MARSHALL
Executive Officer
and Director-Counsel
N.A.A.C.P. Legal
Defense and Educational
Fund, Inc.

The background information regarding Thurgood Marshall was obtained from "Who's Who In America", volume 29, 1956-1957.

The confidential informants utilized to conceal the sources of information in connection with Thurgood Marshall are as follows:

T-1

is a trash cover which was maintained at the residence of [redacted]

[redacted]
by the Philadelphia Field Division, per their letter to the New York Office dated July 16, 1945, New York file number 100-3633.

T-2

is former [redacted] by request.

T-3

is [redacted]

T-4

is former [redacted] by request.

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100-84440-22

NY 100-7629 Sub C

The "Daily Worker", issue of October 30, 1943, page three, column four, identifies Benjamin J. Davis, Jr. as the Communist Party candidate for the City Council of New York City in the 1943 elections.

The Communist Party has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

In a "throwaway" pamphlet distributed by the National Federation For Constitutional Liberties announcing a dinner at the Hotel Roosevelt, New York City, on April 2, 1944, to be held under the auspices of that organization, Thurgood Marshall was listed as an officer.

The National Federation For Constitutional Liberties has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

In 1945, T-1, who was in a position to furnish reliable information, made available a copy of the minutes of the Executive Committee meeting of the National Negro Congress held March 28, 1945, at 23 West 26th Street, New York City. These minutes reflected that Thurgood Marshall was listed among the sponsors for the establishment by the National Negro Congress of a "National Committee for Military Equality through circularization of Declaration on Military Equality".

The National Negro Congress has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-2, who has not furnished sufficient information for a determination as to reliability to be made, reported in February, 1946, that Thurgood Marshall was a good friend of Max Yergan, president of the National Negro Congress. T-2 termed Marshall a "fellow traveler" and added that Marshall may possibly have been a member of the Communist Party although he, T-2, could furnish no evidence in support of this statement.

JUN 6 1958

NY 100-7629 Sub C

THURGOOD MARSHALL
Executive Officer
and Director-Counsel
N.A.A.C.P. Legal
Defense and Educational
Fund, Inc.

Thurgood Marshall, a Negro, was born in Baltimore, Maryland, on July 2, 1908. He is a member of the National Bar Association, New York City, the New York County Lawyers Association and maintains his legal office at 107 43rd Street, New York 36, New York. He resides at 409 Edgecomb Avenue, New York 32, New York.

In a report of the Special Committee on Un-American Activities, House of Representatives, 78th Congress, Second Session, Appendix, Part Nine, 1944, on pages 795 and 800, Thurgood Marshall is listed as an officer of the International Juridical Association.

The records of the Office of Naval Intelligence, Third Naval District, New York, as furnished on July 2, 1942, reflected that Thurgood Marshall was a member of the International Juridical Association.

The "Daily Worker", issue of October 29, 1943, page two, column two, contains a photograph of Thurgood Marshall, Special Counsel for the National Association for the Advancement of Colored People, and Benjamin J. Davis, Jr. The caption appearing under this photograph relates that Davis presented a check for \$247.75 to Marshall "to help the fight against Jim Crow". The caption also states that the money had been contributed by "Daily Worker readers and friends".

The "Daily Worker" was an East Coast Communist daily newspaper which ceased publication as of its last issue on January 13, 1958.

62-86660-22

NY 100-7629 Sub C

The May, 1949, issue of the "New York Guild Lawyer", publication of the New York Chapter, National Lawyers Guild, related that Thurgood Marshall, a national officer of the National Lawyers Guild, was also, under the chapter constitution, an ex officio member of the New York Chapter's Board of Directors.

The spring, 1949, issue of "The Guild Lawyer", publication of the National Lawyers Guild, on page eight, lists the national officers of the National Lawyers Guild. Thurgood Marshall, New York City, is listed among the Executive Board members.

The January 3, 1948, issue of the "Peoples Voice", a New York City weekly newspaper, page nine, column two, contains an article which states that Thurgood Marshall spoke at a rally sponsored by the Progressive Citizens of America, exact date of the rally not indicated.

On December 11, 1952, T-3, who has furnished reliable information in the past, made available information reflecting that the name Thurgood Marshall, 409 Edgecomb Avenue, New York, appeared on a mailing list for free subscriptions to the USSR Information Bulletin, as of June, 1952.

The USSR Information Bulletin was a publication of the Soviet Embassy in Washington, D.C., and was distributed twice monthly. On July 15, 1952, the United States Department of State directed the USSR to suspend Soviet Embassy publications in the United States.

On May 15, 1952, Ralph C. Clontz, Jr., now residing at [redacted] a member of the Communist Party from 1948 to 1952, for the purpose of furnishing information to the Federal Bureau of Investigation, advised that Thurgood Marshall, according to information furnished to him on May 12, 1952, by Rosalie Berry, was not a Marxist.

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NY 100-7629 Sub C

Regarding Rosalie Berry, it is noted that T-4, who has furnished reliable information in the past, advised on November 15, 1954, that Rosalie Berry was then Press Director for the Harlem Region, Communist Party.

THURGOOD MARSHALL
EXECUTIVE OFFICER AND DIRECTOR
COUNSEL OF THE N.A.A.C.P.
LEGAL DEFENSE AND EDUCATIONAL FUND, INCORPORATED

A name check of the indices and/or printed hearings of the House Committee on Un-American Activities on the name THURGOOD MARSHALL on May 14, 1958, by Special Employee CARL H. PETERSON reflected the following references which were not checked against the original source:

1. The "Daily Worker" of December 15, 1947, page 4, reflects one THURGOOD MARSHALL, Counsel for N.A.A.C.P., of the Progressive Citizens of America, as a speaker at a "Free the Movies" rally December 15, 1947, at Manhattan Center.
2. The "Daily Worker" of December 10, 1947, page 7, reflects one THURGOOD MARSHALL, Counsel, N.A.A.C.P., was a speaker, on December 10, 1947, at the Manhattan Center for a Progressive Citizens of America "Free the Movies" rally.
3. The "Evening Star" of February 8, 1948, page A-22, reflects one THURGOOD MARSHALL as a speaker for the National Lawyers' Guild on a Forum on the President's Loyalty Program.
4. The "Evening Star" of February 12, 1948, page A-8, reflects one THURGOOD MARSHALL, Special Counsel, N.A.A.C.P., of the National Lawyers Guild Forum, Washington, D. C., was a speaker criticizing the loyalty program.
5. The Minutes of Hearing, Volume II, pages 292 and 293, of the testimony of CLIFFORD R. MOORE before the New York State Joint Legislative Committee on Charitable and Philanthropic Agencies and Organizations, February 24, 1955, reflects one THURGOOD MARSHALL of the N.A.A.C.P. filed a brief in the "Trenton Six" case.
6. The "Lawyers Guild Review" of May and June, 1948, page 422, reflects one THURGOOD MARSHALL as associate editor of the Lawyers Guild Review.
7. The "Daily Worker" of November 24, 1947, page 4, reflects one THURGOOD MARSHALL as a signer of a telegram to New York Congressmen asking them to oppose contempt citations in the case of the Hollywood writers.

8. "What is the I.J.A.?" reflects one THURGOOD MARSHALL as a member, National Committee of the International Juridical Association.
9. The "Daily People's World" of February 27, 1951, page 2, reflects one THURGOOD MARSHALL, San Francisco N.A.A.C.P., investigator, as a speaker on "sham trials" of Negro GIs in Korea.
10. "PM" of December 15, 1947, reflects one THURGOOD MARSHALL, Legal Counsel, N.A.A.C.P., as a speaker at the Progressive Citizens of America - Arts, Sciences, and Professional Council Rally to "Free the Movies," New York.
11. The "Daily Worker" of November 30, 1942, page 1, reflects one THURGOOD MARSHALL of the National Lawyers Guild submitted a report denouncing lynching and discrimination.
12. The "Daily Worker" of January 7, 1952, page 1, reflects one THURGOOD MARSHALL, N.A.A.C.P. Counsel, as a speaker at a memorial meeting at the Mount Olivet Baptist Church, New York City, on January 6, in protest of the bombing death of HARRY MOORE, Negro N.A.A.C.P. leader in Florida.
13. The "Daily Worker" of January 8, 1952, page 6, reflects one THURGOOD MARSHALL, N.A.A.C.P. Chief Council, as a member of a delegation to the Attorney General McGRATH protesting the death of HARRY MOORE, Negro N.A.A.C.P. leader in Florida.
14. The "Daily Worker" of February 18, 1954, page 7, reflects one THURGOOD MARSHALL, N.A.A.C.P. leader, of District 65, Distributive, Processing, and Office Workers, was to speak at a Negro History Week celebration at the union's headquarters, 13 Astor Place, on February 19.
15. Appendix IX - Page 795 reflects one THURGOOD MARSHALL as an official of The International Juridical Association.

Page 809 reflects one THURGOOD MARSHALL, Maryland, as a National Committee Member of the International Juridical Association.
16. The "Daily Worker" of August 13, 1940, page 3, Column 8, reflects one THURGOOD MARSHALL was a Special Counsel of the N.A.A.C.P.

17. Page 18 of House Report 3123, report on The National Lawyers Guild on September 17, 1950, reflects one THURGOOD MARSHALL, New York City, as a member of the Executive Board of The National Lawyers Guild as of December , 1949.
18. Page 4069 of the Investigation of Communist Activities in the Baltimore Area - Part 1, May 18, 1954, Hearing before the Committee on Un-American Activities, reflects a Dr. HUTCHINSON was asked if he knew one THURGOOD MARSHALL, to which he replied no.
19. Page 4145 of the Investigation of Communist Activities in the Baltimore Area - Part 3, at Hearings before the Committee on Un-American Activities on March 25-26, 1954, in the testimony of JOSEPH S. NOWAK wherein he stated he obtained the services of one Mr. THURGOOD MARSHALL, legal representative of the N.A.A.C.P., as the main speaker at a demonstration in Baltimore.

NY 100-7629 Sub C

The "Guide to Subversive Organizations and Publications", revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the 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.)"

NY 100-7629 Sub C

The "Guide to Subversive Organizations and Publications", revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the 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.'
(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 * * * 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.)"

NY 100-7629 Sub C

The "Guide to Subversive Organizations and Publications", revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the Progressive Citizens of America:

- "1. 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, and California Senate Fact-Finding Committee on Un-American Activities, Report, 1948, pp. 356 and 357.)"

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

3:43PM May 11, 1959

MR. THURGOOD MARSHALL of the National Association for the Advancement of Colored People telephoned for the Director through operator and secretary from New York City. When advised of the Director's absence from the office, he consented to speak to Mr. Edwards in Mr. DeLoach's office

Mr. Edwards has advised that Mr. Marshall was calling to advise the Director that he had been contacted for an appointment by a reporter of the New York Post concerning a story the Post is writing on the Bureau or on the Director. He wanted the Director to know that he planned to tell the reporter to either "put up or shut up" and he would demand to know specific cases and not generalities if they wanted his opinion of things. He stated he had learned this from the Director many years ago and he thought this was the best way to handle the New York Post.

Mr. Edwards told him that obviously we couldn't advise him but that it was still true in the Bureau that we needed specific information in order to resolve any allegations.

Mr. Edwards is preparing a memorandum.

rff

Mr. Tolson ✓
Mr. Belmont ✓
Mr. DeLoach ✓
Mr. McGuire ✓
Mr. Mohr ✓
Mr. Parsons ✓
Mr. Rosen ✓
Mr. Tamm ✓
Mr. Trotter ✓
Mr. Jones ✓
Mr. W.C. Sullivan ✓
Tele. Room ✓
Mr. Holloman ✓
Miss Holmes ✓
Miss Gandy ✓

Feb 7-1

UNRECORDED COPY FILED IN 94-4-173

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/3/84 BY [redacted]

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b7C

REC-93

62-86660-23

17 MAY 15 1959

52 MAY 22 1959

EX-115

CRIME
Perp. Files

Voice of the N.A.A.C.P. Thurgood Marshall

WHEN the Supreme Court hears arguments today on integration of public schools in Little Rock, Ark., Thurgood Marshall will be shooting for his nineteenth victory out of the twenty-one civil rights cases he has pleaded before the highest court. Because of his outstanding success in this field, he is known throughout the Negro press as "Mr. Civil Rights."

Man
in the
News

Mr. Marshall has been full-time counsel for the National Association for the Advancement of Colored People, spearhead of the Negro drive for racial equality, since 1938.

But most of his major triumphs in his long fight for equal rights in schools, politics, housing, employment, transportation and public places have been won since World War II. Recently he predicted that full integration would be achieved by 1964.

In the courts, Mr. Marshall pleads his cause in straightforward fashion, never with histrionics or bombast, self-righteousness or pedantry. The quiet, scholarly voice that set forth the winning argument in all the Supreme Court school segregation cases might have been that of a sociologist.



Associated Press
"Mr. Civil Rights"
(Mr. Marshall at Supreme Court in Washington)

CELEBRATED IN THE
N.Y. JUNE
N.Y. LATE CITY
EDITION
DATED AUG 20 1958
PAGE 2
FOURTH CITY DIVISION

RE: NAACP
IS-C

BUFILE 61-3176

Handwritten: R. H. D. NER
6

NOT RECORDED
167 SEP 12 1958

59 SEP 16 1958

Raucous Banter

Offstage, his deportment is markedly different. Among friends, he revels in raucous banter, spiced with what one reporter has called a "saloon-type humor." He tells funny stories loudly and with gusto, in a Negro dialect that never creeps into his public utterances. On his frequent train trips he is likely to wander into the diner and pass the time trading jokes with the cooks and waiters.

Mr. Marshall was born in Baltimore on July 2, 1908, son of a dining car steward and a school teacher. They named him Thoroughgood, but, he has explained, "by the time I reached the second grade, I got tired of spelling all that out and had shortened it to Thurgood."

It was in high school that he first became acquainted—and forcibly—with the United States Constitution. Although his academic work was excellent, his behavior was prankish. As punishment, he was repeatedly ordered to the basement to memorize a section of the document that was to underlay his future career. "In two years," he recalls, "I knew the whole thing by heart."

He later went to Lincoln University in Chester, Pa., and to Howard University Law School in Washington, where he graduated at the top of his class.

\$1,000 in the Red

Admitted to the Maryland bar in 1933, Mr. Marshall found himself \$1,000 in the red one year after hanging out his shingle. That was because he continually took on civil rights cases at no compensation.

In 1936 he accepted a "temporary" job as assistant counsel for the N. A. A. C. P. at an annual salary of \$2,600. He became chief counsel in 1938. He indicates no inclination to quit for greener pastures, although associates are sure that in private practice he could surpass his present salary of \$15,000.

Nor does he seem to have political ambitions. He turned down a request by the Democratic party to oppose Adam Clayton Powell Jr. for Repre-

sentative at the primaries this summer. With characteristic frankness, he explained, "Powell and I stand for the same things."

In more than a figurative sense, it might be said that Mr. Marshall is married to his job. In December, 1955, he wed Miss Cecile Suyat, a young secretary in the New York office of the N. A. A. C. P.

Mr. Marshall's first wife died of lung cancer in February, 1955. They had no children. By his second wife, he has two babies.

The family lives in Morningside Gardens, the cooperative apartment house near Columbia University. There, on most evenings, Mr. Marshall sits hunched over a table covered with briefs and law books, with a scowl of concentration on his face. With his hooked nose, mustache and constant frown, he looks like an angry Bedouin chief.

Mr. Marshall is a big, heavy man—210 pounds on a 6-foot-2-inch frame. At 50, he somehow maintains energetic health without exercise or vacations.

With all his legalistic interest in constitutional questions, Mr. Marshall never forgets his client, whom he refers to in private conversation as the "hard pressed little guy in Alabama."

"What he wants most is simply to get the local Sheriff, or judge or prosecutor off his neck. And he wants to take the burden off the white man's shoulders," Mr. Marshall says.

Man to Watch

Marshall: Civil-Rights Champion

THURGOOD MARSHALL, the constitutional lawyer who, for years now, has led the legal fight in this country against racial segregation, was originally given the name Thoroughgood by his father. "By the time I was in the second grade," he says, "I got tired of spelling all that and shortened it."

Be that as it may, Mr. Marshall's father had foresight. For observers—and opposing attorneys—agree that if one thing has marked his work as chief counsel for the National Association for the Advancement of Colored People, it is this thoroughness in preparing his case for the courtroom.

At present, the forty-nine-year-old veteran lawyer, who has lost only two of more than twenty cases involving civil rights that he has argued before the United States Supreme Court, is getting ready for his next battle: a plea to the 8th Circuit Court of Appeals in St. Louis, Mo., to set aside a recent order by a Federal judge suspending the integration of public schools in Little Rock. The court is expected to hear the case before the next school year begins in September.



Thurgood Marshall

IN THE courtroom, Mr. Marshall slumps his lanky, six-foot two-inch frame down into a chair, listens with an intent frown and speaks in moderate and measured tones. Outside, he is married and the father of a young son; an exuberant, ceaseless yarn-spinner with likes that run to

movies, symphonies, detective stories, poker with bourbon on the side, and electric trains (he wears an engineer's cap when he runs his models).

Mr. Marshall was born in Baltimore and tangled with the United States Constitution at an early age: every time he broke a rule in school, the principal made him memorize a section of the document. "Before I left that school," he says, "I knew the whole thing by heart."

HE WORKED his way through Lincoln University, and Howard University Law School as a dining-car waiter and postal worker, and after a brief spell in private practice, joined the N. A. A. C. P.'s legal staff in 1936. He has remained there through insults and honors, death threats and job offers (most recently rejected: a Democratic move to run him against Rep. Adam Clayton Powell for Harlem's Congressional seat).

Through it all, his philosophy has remained unchanged: "The doctrine of 'separate but equal' was created by the court and can be removed by the court. . . . We are only asking for what the Supreme Court said we are entitled to." **ARCH PARSONS Jr.**

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____
Gandy _____

Wash. Post and Times Herald _____
Wash. News _____
Wash. Star _____
N. Y. Herald Tribune _____
N. Y. Journal-American _____
N. Y. Mirror _____
N. Y. Daily News _____
N. Y. Times _____
Daily Worker _____
The Worker _____
New Leader _____

Date _____

REC-54

NOT
167 JUL 14 1958

AIR POUCH
PRIORITY

UNCLASSIFIED
(Security Classification)

DO NOT TYPE IN THIS SPACE

745a.03/1-1560

FOREIGN SERVICE DESPATCH

FROM: Amconsul NAIROBI

349
ESP. NO.

REC-81

THE DEPARTMENT OF STATE, WASHINGTON

January 15, 1960

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|-----------------------------|---------|------------|---------|----------|------|-------|
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For Dept.
Use Only | ACTION | DEPT. | | | | |
| | AF-5 | RM/R-2 | IRC-8 | EUR-5 | IO-4 | 54-21 |
| | REC'D | IN F OTHER | | | | |
| | 1-19-60 | CIA-10 | USIA-10 | London-1 | | |

SUBJECT: Visit of Thurgood Marshall, an American Citizen, to Kenya.

Mr. Thurgood Marshall, prominent American Negro Lawyer, arrived in Nairobi on January 10 for the purpose of orientation in the Colony before proceeding to London where he is to be a consultant to the African Elected Members at the London Constitutional Conference beginning January 18.

Mr. Marshall was met at the airport by Tom Mboya and Gikonyo Kiano, prominent African leaders and taken to Kiambu to attend a meeting called by the African Elected Members Organization. When Mr. Marshall arrived at Kiambu the Acting District Commissioner refused him permission to enter the meeting, saying that his name was not on the list of persons scheduled for attendance submitted at the time the license was granted for the meeting. Mr. Marshall returned to Nairobi. The African Elected Members have issued a statement condemning this action of the District Commissioner.

On January 14 Mr. Marshall, accompanied by Mr. Mboya and Dr. Kiano, talked to representatives of the press. During this conference Mr. Marshall is quoted as saying that independence and freedom for Kenya was due now. He added that he was in complete agreement with the constitutional proposals put forward by the African Elected Members. During the interview Mr. Marshall said that he had spent a whole afternoon in the White Highlands and was in complete agreement with the Africans in Kenya about this European area, i.e., that there was no reason for land to be restricted on the basis of race anywhere in the world. He added, however, that he would apply this principle to the African land areas of Kenya as well as the White Highlands. Five copies of a news report of Mr. Marshall's press interview from the East African Standard of January 15 are enclosed.

Mr. Marshall told me during a brief conversation on January 12 that the question of actual attendance at the London Conference was still to be decided by the British Government.

NOT RECORDED

JAN 25 1960

cc: Kampala
Dar-es-Salaam
Enclosure: att mm.
5 copies of East African Standard article.
Department: Please pass to Amembassy LONDON

Charles D. Withers
American Consul General

DEPARTMENT OF STATE

JAN 22 1960

OFFICE OF SECURITY

NOT TO BE FILED
W/O INITIALS

JAN 22 1960

CDWithers:jb

UNCLASSIFIED

INFORMATION COPY

Re: divisional files or destroy in accordance with security regulations.

SY - LIAISON

52 FEB 24 1960

62-86660

Federal Bureau of Investigation
Records Branch

19

| | | |
|--------------------------|---------------------------------|-----------|
| ☐ | Name Searching Unit - Room 6527 | |
| ☐ | Service Unit - Room 6524 | |
| ☐ | Forward to File Review | |
| ☐ | Attention | SHORT |
| ☐ | Return to | 6112 TB |
| | Supervisor | Room Ext. |

Type of References Requested:

- ☐ Regular Request (Analytical Search)
☐ All References (Subversive & Nonsubversive)
☒ Subversive References Only
☐ Nonsubversive References Only
☒ Main ~~files~~ References Only

Type of Search Requested:

- ☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Thurgood Marshall
 Birthdate & Place 7/2/08 Baltimore, Md.
 Address OCT 21 1960

Localities

R# R-319 Date 10/21 Searcher Initials 318
 Prod. 9 to minc

FILE NUMBER

SERIAL

44-1546

44-10894

62-86660

62-86660-20 Sum 5/38/57

13 Sum 5/8/56 21 Sum 7/16/58

18 Sum 2/18/56 23 Sum 10/18/47

5 Sum 12/15/56

repa - no invst

11/18/54

OCT 24 1960

349 Jan. 15, 1960
NAIROBI

East African Standard, Friday, January 15, 1960. 17

Members' plan supported

INDEPENDENCE DUE NOW, SAYS U.S. ADVISER

MR. THURGOOD MARSHALL, a United States lawyer who is travelling to London as consultant to the African Elected Members at the Kenya constitutional conference, said in Nairobi yesterday that independence and freedom for Kenya was due now. "I do not want to say it is overdue, because I do not believe in living in the past," he added.

Mr. Marshall was accompanied by Mr. T. J. Mboya (Nairobi Area) and Dr. J. G. Kioko (Central Province South). They said the question of Mr. Marshall's actual attendance at the conference was a detail that would have to be settled in London.

Mr. Marshall said he was in complete agreement with the constitutional proposals put forward by the African Elected Members.

Asked whether he thought the constitutional changes announced for Tanganyika formed any precedent for developments in Kenya, he said Kenya must be looked at as Kenya. Comparison with other places was difficult.

Origin unimportant

"I long, as that sooner or later we shall come up against this question, but at present I would rather just look at Kenya."

Referring to the position of members of immigrant races who wished to look upon themselves as Kenyans, Mr. Marshall said his idea of freedom and democracy was that anyone who lived in a country and agreed to its constitution and laws, was a citizen. His place of origin was about the most unimportant thing about him, and this should be true anywhere in the world.

Mr. Mboya said the important part was that the person should agree with a country's constitution and set-up. It was no good people saying they wanted to look upon themselves as Kenyans if they did not agree with what Kenya was.

Asked if he would advise the African Elected Members to accept anything less than one man, one vote, Mr. Marshall said it depended whether they asked him. He saw no reason to disagree with their proposals.

Complete agreement

He was in complete agreement with Africans in Kenya about the Highlands. He had spent a whole afternoon there, and saw no reason for land to be restricted on the basis of race anywhere in the world.

Asked if he would agree with the application of this principle to the African land areas of Kenya as well as to the Highlands, Mr. Marshall said he thought his statement was broad enough to cover any place.

"I do not believe in ownership of land being restricted one way or the other. I do not believe Africans have the right to restrict land from being sold to anyone else, or that anyone else has the right to restrict it from being sold to Africans."

Mr. Marshall added that he knew there were some places where land ownership was restricted to local residents. There might be some sense in that, but he did not think the Highlands or any other land should be restricted on the basis of race.

Mr. Marshall said that much had been learned about the need to protect minority rights in the United States could be considered in Kenya, with regard to how best to do it.

My object in life is to remove the word minority as a word having any meaning," he added.

Members' plan supported

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My object in life is to remove the word minority as a word having any meaning," he added.



Africa Isn't Marshall's Business

By ROBERT C. RUARK

NAIROBI — The intrusion of Thurgood Marshall, the chief counsel for our National Association for the Advancement of Colored People, into the muddled mess between Great Britain and its colony, Kenya, seems to me to be meddling of the highest order.

What happens between Kenya and England at the current constitutional conferences in London is none of America's official business, and it certainly is none of Dr. Marshall's business. But, nevertheless, he is an official adviser to the African group.

The situation is ridiculous. Dr. Marshall was out here for only a couple of days. He is not an African. He is an American, and a mostly white one, at that. If he knows anything about Africa or Africans he read it somewhere.

A LOUD 'BUT'

But here is this American Negro saying out loud that somebody else's government may be subject to revolt if his pressure group of irresponsibles doesn't get what it wants in the way of complete control of the country. I can understand the bel- wether, Tom Mboya, saying that in one of his usual threatening moods, but it sounds funny coming from a sophisticated American lawyer who wouldn't know a falla herdsman from a whistling thorn.

"The new group in Africa know exactly what they want," Dr. Marshall is quoted as saying in London. "They want independence now—tomorrow is too late."

This "new group" Dr. Marshall mentions is composed of Marshall, Mboya, and a handful of other self-seeking politicians, plus their captive voters in a few cities. They compose a fraction of the six million Kenyan population. A good two-thirds of this population never heard of Tom Mboya or "uhuru"—freedom—let alone Dr. Marshall or the NAACP.

I have just finished a back breaking 2500-mile round trip by jeep to Moga-

dishu in Somalia, up via Garissa in the northern frontier of Kenya, and I dare say I saw more actual Africans on that one trip than the glib Mr. Mboya has seen since he became a politician instead of a sewerage inspector.

I do not quarrel with the right of the African to try to overthrow the vested interests of the European, to quarrel and fight and kill and steal among themselves, or to attempt to enslave a majority by a political minority. It's their property.

But it jolly well is not Dr. Thurgood Marshall's land. An American isn't supposed to get mixed up in other peoples' revolutions as an active participant.

Tolson _____
Mohr _____
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Belmont ☒ _____
Callahan _____
DeLoach _____
Malone _____
McGuire _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Ingram _____
Gandy _____

The Washington Post and _____
Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
Date _____

NOT RECORDED

117 FEB 3 1960

Muhammad Hits Thurgood Marshall

CHICAGO — Regardless of how plain the truth may be given, especially when it comes to the so-called Negroes, there is always those who would not like to see the truth triumph over falsehood because of their selfish desires. Those who have love, honor and respect for their country more than they have for their own people are not fit to lead or counsel their people.

Leadership "Blind, Deaf and Dumb"

The Negro leadership is to be loved with the Negroes' enemies and would like being one of the enemies. I have often stated that the present leadership of the so-called Negroes, both political and spiritual, are blind, deaf and dumb to the knowledge of self, kind, and are more harmful to the love, unity, justice and freedom and equality of their own people. If the blind, deaf and dumb cannot see, hear and speak for themselves, how can they hope and speak for others? The Negroes are blind and dumb.

and dumb.

Muhammad's Speech Blasted

Take for example, the speech of Thurgood Marshall, made at Princeton University, dated on Oct. 21, which was published in the Nov. 1 issue of the magazine, The U. S. News and World Report and other news sources. One would think that Mr. Marshall would be in sympathy with freedom, justice and equality for the so-called Negroes, for equal justice, the same equal rights, equal education, good homes, and good friendship in all walks of life as a seeker of general advancement for the so-called Negroes. But the weight of his speech, slanderous remarks and false charges made indirectly against me and my followers, proved otherwise.

Mr. Marshall calls me "a bunch of thugs organized from prisons and jails, and financed by some Arab group, and that our movement presents a real threat to law enforcement agencies." These charges are completely false. I am ready to prove that they are false and will prove that Mr. Marshall is the most unfit and worst enemy of all to the real cause of freedom, justice and equality for the so-called Negroes in America. The intelligent Arab Nation would not finance a bunch of so-called Negro thugs. I have no knowledge of what other Muslims are doing in America and I am only speaking for my group (followers). We are not and have not received not so much as a penny from the Arab Nation, nor any other thing ourselves.

Not Opposed to NAACP

We have not been opposed to the NAACP's cause for the advancement of the so-called Negroes. Only we feel that the NAACP should have a head & talk & Man and that the organization should not at this time seek integration of the Negroes and the whites, but rather separation of the two races, which is

the only way to this 100 years old problem. Seeking closer relationship between the two races will only lead to the total destruction of the Negroes by the white old masters & children. So long love and equal recognition among this people is the most foolish and ignorant thing that a Negro leader could do in this time place. It would actually prove the total destruction of us as a people.

| | |
|-----------------|--|
| Mr. Tolson | |
| Mr. DeLoach | |
| Mr. McGuire | |
| Mr. Mohr | |
| Mr. Parsons | |
| Mr. Rosen | |
| Mr. Tamm | |
| Mr. Trotter | |
| Mr. W. Sullivan | |
| Tele. Room | |
| Mr. Holloman | |
| Miss Gandy | |

NEW JERSEY HERALD NEWS, NEWARK, N.J.
WEDNESDAY, ENDING SAT. OF 16, 1959

SEARCHED _____
SERIALIZED _____
INDEXED _____
FILED _____
DEC 16 1959
FBI - NEWARK

ORIGINAL COPY FILED

on May 1911. The White Race

Thurgood Marshall does not care for the recognition of my kind race Black Nation. He is in love with the White race. He hates the preaching of the uplifting of the Black Nation unless it is approved by the white race and he is totally against his brother Negro ever thinking of being the same as Mr. Marshall, we, the Black Nation of Islam, will be the supreme rulers in the hereafter. But I can move with the tenth you do not have to be numbered with us. The Negroes be so without justice under the slave masters for 400 years should be seeking love and friendship among their own kind and they would be recognized as a people who have some sense. I am by no means interested in what the White race is doing for their people.

it is my people that I am interested in. I think the White man is wise in trying to preserve his civilization and all nations should do the same. I want the same for my people. I want some earth for them and by the help of Allah I will get it as Moses got some for the Hebrews.

MAILED
OCT 2 5 1960
NAME CHECK

October 26, 1960

THURGOOD MARSHALL

In response to your specific request for the results of any investigation conducted concerning the captioned individual, wherein information of a subversive nature was developed, you are advised that no such investigation has been conducted by this Bureau. However, you are referred to a memorandum possibly relating to the subject of your inquiry which was furnished to the Department of State on November 18, 1954. (62-86660-5)

ORIGINAL AND ONE to STATE (SY/P)
Request received: 10/20/60
ADS:cl
(4)

NOTE: State Department requested urgent handling as subject member of group representing civil rights scheduled to visit Prime Minister of Malaya in New York City. State advised and concurred that inasmuch as very meager background data furnished, search could be limited to results of any Bureau investigation concerning captioned individual wherein information of a subversive nature was developed.

REC-25

EX-121

OCT 28 1960

52 NOV 2 1960

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI, and is loaned to your agency; it and its contents are not to be distributed outside your agency. This is in answer to your request for a check of FBI files.

MAIL ROOM ☐

TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 5/5/65

FROM : *[Signature]* SAC, NEW YORK

SUBJECT: JUDGE THURGOOD MARSHALL
SECOND CIRCUIT COURT OF APPEALS,
NEW YORK, NEW YORK

| | |
|--------------|---|
| Mr. Tolson | ✓ |
| Mr. Belmont | ✓ |
| Mr. Mohr | ✓ |
| Mr. DeLoach | ✓ |
| Mr. Casper | ✓ |
| Mr. Callahan | ✓ |
| Mr. Conrad | ✓ |
| Mr. Felt | ✓ |
| Mr. Gale | ✓ |
| Mr. Rosen | ✓ |
| Mr. Sullivan | ✓ |
| Mr. Tavel | ✓ |
| Mr. Trotter | ✓ |
| Tele. Room | ✓ |
| Miss Holmes | ✓ |
| Miss Gandy | ✓ |

RECEIVED-CITE

On 5/3/65 former Assistant to the Director, *[Redacted]* called the NYO and advised that he recently had a telephone call from Judge THURGOOD MARSHALL, of the Second Circuit Court of Appeals. He stated he knows Judge MARSHALL on a personal basis. Judge MARSHALL asked *[Redacted]* if it was not in fact that agents of the FBI advise subjects of FBI arrests of their constitutional rights in regard to whether or not they have to make a statement and their right to counsel. *[Redacted]* advised Judge MARSHALL that such was the case. Judge MARSHALL commented, "That's what I thought" and then added, "We have a couple of cases we are trying to decide here."

On 5/4/65 I called Judge IRVING KAUFMAN and advised him that I did not want to appear to be prying into the matters of the Circuit Court of Appeals, but I was desirous of protecting the interests of the Bureau in case there was any matter which could be the basis for criticism of Bureau personnel pending before the Circuit Court of Appeals. I then proceeded to tell Judge KAUFMAN about my conversation with *[Redacted]*. He stated he would discreetly find out from Judge THURGOOD MARSHALL whether or not there were cases involving the FBI pending before the Circuit Court.

Judge KAUFMAN called back shortly after and stated that he had talked with THURGOOD MARSHALL and although he was not at liberty to identify the matters pending before the court, he stated there was absolutely nothing to be concerned about. Judge KAUFMAN inquired as to the instructions to agents in regard to advising subjects of their constitutional rights in regard to making statements and of their right to attorneys. I read the pertinent portion of the handbook to Judge KAUFMAN. Judge KAUFMAN asked whether or not it would be possible for Judge MARSHALL to quote the Bureau's instructions in his opinion if necessary. I told Judge KAUFMAN that I thought it would be well if

2 - Bureau
1 - New York

PERS. REC. UNIT

5 MAY 6 1965

CRIME RECORDS

Letter to Director
RE: JUDGE THURGOOD MARSHALL

Judge MARSHALL felt he needed this information that he call me directly and I felt certain that it would be possible to quote our instructions to him.

Judge KAUFMAN again discussed the matter with Judge MARSHALL whereupon Judge KAUFMAN called back and stated that he had advised Judge MARSHALL of our instructions to agents in regard to signed statements and the right to counsel and Judge MARSHALL stated that this was all that he needed and there was no need for anything further.

Judge KAUFMAN advised that during the Annual Judicial Conference of the Second Circuit, which is meeting for three days beginning 5/11/65, he is scheduled to preside at a panel discussion on the question, "Have Recent Interpretations of the Individual's Constitutional Rights Unduly Hampered the Administration of Justice?". He inquired as to how long our procedure in instructions to agents in regard to signed statements and the right to counsel have been in effect and I told him they have been the rule as long as I have been in the Bureau. . He stated that in his opening remarks he plans to point out that the FBI has never had any problem in regard to the constitutional rights of the individual and then tell the conference of our procedures in regard to advising subjects of their constitutional rights.

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 9-4-62

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages 17275-17276. Senator Javits, (D-New York, spoke concerning the postponement of Judiciary Committee hearings on the nomination of Thurgood Marshall. Senator Javits included with his remarks an editorial published in the Durham Morning Herald of Durham, North Carolina, entitled "Delay Hurts Court, Not Marshall." The editorial states "His personal background has been thoroughly checked and approved by an FBI investigation."

Original filed in:

10 SEP 14 1962

In the original of a memorandum captioned and dated as above, the Congressional Record for 8-31-62 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

63 SEP 19 1962

Tolson ☒
 Parsons ☒
 Mohr ☒
 Belmont ☒
 Callahan ☒
 Conrad ☒
 DeLoach ☒
 Evans ☒
 Malone ☒
 Rosen ☒
 Tavel ☒
 Trotter ☒
 W.C. Sullivan ☒
 Tele. Room ☒
 Ingram ☒
 Gandy ☒

EN
 files Mossburg
 Donahoe

UPI-205

(AFRICA)

WASHINGTON--PRESIDENT KENNEDY TODAY NAMED THURGOOD MARSHALL, PROMINENT NEGRO ATTORNEY FROM NEW YORK, AND MRS. CARYL KLINE, ~~WIFE OF SEN. WAYNE MORSE~~ A LECTURER ON AFRICA, AS HIS PERSONAL REPRESENTATIVES TO THE SIERRA LEONE INDEPENDENCE CELEBRATION AT FREETOWN, APRIL 27.

THE UNITED STATES HAS SENT FREETOWN A MOBILE X-RAY AND MEDICAL CENTER AS AN INDEPENDENCE DAY GIFT, THE WHITE HOUSE ANNOUNCED. MARSHALL, A PROMINENT MEMBER OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, WILL CARRY A PERSONAL GIFT FROM KENNEDY TO PRIME MINISTER MARGAI.

MRS. KLINE IS A SISTER OF SEN. WAYNE MORSE, D-ORE., AND WIFE OF THE HEAD OF THE GEOGRAPHY DEPARTMENT AT THE UNIVERSITY OF PITTSBURGH. SHE AND MARSHALL WILL LEAVE NEW YORK SATURDAY ON A SPECIAL AIR FORCE PLANE.

"THEY CARRY WITH THEM A PERSONAL MESSAGE FROM THE PRESIDENT TO THE GOVERNMENT OF SIERRA LEONE AND THE WARMEST WISHES OF THE AMERICAN PEOPLE TO THE PEOPLE OF SIERRA LEONE ON THIS MOMENTOUS OCCASION," THE WHITE HOUSE SAID.

4/20--N545 PES

EG-73

62-86660-7
NOT RECORDED
191 MAY 10 1961

EX-113

66 MAY 15 1961

WASHINGTON CAPITAL NEWS SERVICE

SEP 24 1968

TELETYPE

FROM ATLANTA 100-

REC-42

25 SEP 25 1968

EX-105

61 OCT 1 1968

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan ✓ _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

PAGE TWO

[REDACTED] STATED POSSIBLE MAY BE SMALL DEMONSTRATION IN CONNECTION WITH MARSHALL'S VISIT, POSSIBLY BY STUDENTS FOR A DEMOCRATIC SOCIETY (SDS), HOWEVER, NO PLANS KNOWN AT PRESENT TIME FOR ANY DEMONSTRATION.

b6
b7c

IT IS NOTED THAT AT TIME SECRETARY OF STATE DEAN RUSK VISITED UNIVERSITY OF GEORGIA ON MAY THREE SIXTYEIGHT APPROXIMATELY TWO HUNDRED AND FIFTY STUDENTS PICKETED DURING HIS VISIT. AT TIME OF RUSK'S VISIT, THE SOUTHERN STUDENTS ORGANIZING COMMITTEE (SSOC) WAS HOLDING A TWO DAY CONVENTION IN ATHENS, AT WHICH TIME SDS WAS HOST FOR GROUP. ALTHOUGH THERE IS NO SSOC CHAPTER AT UNIVERSITY OF GEORGIA, IT IS NOTED SSOC CONSIDERS ITSELF A FRATERNAL ORGANIZATION OF SDS.

THE LOCAL ATHENS, GEORGIA, PAPER HAS IN PAST FEW DAYS CARRIED A SMALL ANNOUNCEMENT OF MARSHALL'S PLANS TO APPEAR BEFORE LAW SCHOOL GROUP; HOWEVER, NO DEFINITE SCHEDULE ANNOUNCED.

END PAGE TWO

PAGE THREE

ALL LOGICAL SOURCES IN ATHENS, AS WELL AS OTHER POINTS
IN STATE, ARE BEING ALERTED FOR RECEIPT OF ANY INFORMATION
REGARDING PLANS TO PICKET DURING MARSHALL'S VISIT AND
BUREAU WILL BE IMMEDIATELY NOTIFIED UPON RECEIPT OF ANY
PERTINENT INFORMATION.

END

~~CORR: PG. 1, LINE 8...DELETE PERIOD AFTER "GEORGIA"~~

END

MKA

FBI WASH DC

P

2025 10 24 10 11 11

1000 10 24 11 11

F B I

Date: 5/20/68

PLAINTEXT

Transmit the following in

(Type in plaintext or code)

Via TELETYPE

URGENT

(Priority)

| | |
|--------------|--|
| Mr. Tolson | |
| Mr. DeLoach | |
| Mr. Mohr | |
| Mr. Bishop | |
| Mr. Callahan | |
| Mr. Conrad | |
| Mr. Felt | |
| Mr. Gale | |
| Mr. Rosen | |
| Mr. Sullivan | |
| Mr. Tavel | |
| Mr. Trotter | |
| Tele. Room | |
| Mr. Holmes | |
| Miss Gandy | |

TO: DIRECTOR, FBI

FROM: SAC, WFO (157-1395)

POCAM, RM, OO:WFO.

MISS GRACE LILLIAN SEARS, NEGRO BORN AUGUST FIFTEEN,

NINETEEN NINETEEN, WINCHESTER, VIRGINIA, TELEPHONICALLY

CONTACTED WFO MAY NINETEEN, LAST, AND WAS SUBSEQUENTLY

INTERVIEWED SAME DATE.

MISS SEARS, WELL SPOKEN SUPERVISOR LIBRARY OF CONGRESS,
ADVISED AFTER ATTENDING MEETING SEAFARERS YACHT CLUB, ANNAPOLIS,

MARYLAND, MAY EIGHTEEN, LAST, SHE OVER HEARD A MRS. BERNICE

DOWLING MAKE FOLLOWING COMMENT: THERE WAS A RUMOR THAT THERE

WAS A LIST OF NEGROES WHO WERE TO BE KILLED. MISS SEARS DID

NOT KNOW THE SOURCE OF RUMOR AND FELT POSSIBLY MRS. DOWLING

DID NOT KNOW EITHER. THE NAMES SENATOR EDWARD W. BROOKE OF

MASSACHUSETTS AND THURGOOD MARSHALL WERE MENTIONED. MISS SEARS

④ - Bureau
1 - WFO

NOT RECORDED
162 MAY 28 1968

RAW:tjd
(5)

MAY 25 1968

54 JUN 4 1968

Special Agent in Charge

Sent M Per

ORIGINAL FILED IN 157-5428-1543

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

WFO 157-1395

PAGE TWO

STATED SHE KNOWS BROOKE AND IN VIEW OF LARGE NUMBER OF PEOPLE
IN WASHINGTON, D.C. DECIDED TO PASS SAME ON TO FBI. MISS SEARS
HAD BEEN DRINKING PRIOR TO INTERVIEW BUT SPOKE COHERENTLY.

EFFORTS TO CONTACT MRS. DOWLING THIS P.M. ASCERTAINED SHE AND
HUSBAND OUT OF TOWN. EFFORTS TO INTERVIEW WILL CONTINUE.

MR. TOLSON
ROOM 533 9&D

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

Only Family and Friends See Marshall Sworn In by Black

By DANA BULLEN
Star Staff Writer

"I sorta got sworn in," said Thurgood Marshall, beaming.

He stood in the bare Supreme Court office that he will move into on Tuesday, chatting easily with Justices Hugo L. Black and William J. Brennan Jr.

Minutes earlier Black had sworn in Marshall in his own chambers up the hall as the first Negro Supreme Court justice in history.

There was no announcement, and nobody except family and a few friends were present.

Not many years ago the moment would have been impossible, even unthinkable.

But there in the office late yesterday, an historical moment merged into small talk about what color rug to put in, whether the fire place worked, and so on.

On a sofa, one of the few pieces of furniture left in the rooms formerly occupied by Justice Tom C. Clark, whom Marshall succeeds, Mrs. Marshall and the new justice's two small sons—Thurgood Jr., 11, and John, 9—sat looking on.

'Still Have Butterflies'

Holding a white-covered Gideon's Bible that Black had given her husband to mark the occasion, Mrs. Marshall said:

"It's thrilling. I haven't quite gotten over the confirmation yet. I still have butterflies in my stomach."

Two days earlier, on Wednesday, the Senate approved Marshall's nomination, 69-to-11. With one exception, Sen. Robert C. Byrd, D-W. Va., all of the votes against the President Johnson's appointee were by Southern senators, many of them bitter critics of Supreme Court rulings.

In the stark office at the Supreme Court, however, the mood was different. Quiet. Smiling.

Stating that Marshall "goes to work now, Black said, "I need somebody to help me sign these orders."

In the Bible that Black had given Marshall, Black had

directed the new justice's attention to a passage stating:

"And so abideth faith, hope, charity, these three; but the greatest of these is charity."

Black, Brennan, Atty. Gen. Ramsey Clark and others who attended the swearing in had written their names in the margin.

Inside the front cover, Black had written:

"I am happy to present this Bible to the Hon. Thurgood Marshall on the date I administered the oath of office to him as Associate Justice of the United States."

Others present included T. Perry Pippitt, the court's marshal, Mrs. Black, Black's secretary and two of Black's law clerks. Of the nine justice, it happened that only Black and Brennan were at the court.

A First for Black

When the court opens its new term on the first Monday in October, Marshall will take a second, "judicial" oath too. The one he took yesterday permits him to perform an court func-

tions except decide cases, however.

It was the first time Black had ever sworn in another justice.

"I was very glad to administer the oath," he said.

Asked about the significance of the occasion, Black, 81, who long has fought for equal rights for all Americans, simply smiled more warmly.

No one needed reminding that Marshall, 59, was for 23 years counsel for the NAACP Legal Defense Fund, that he was the lawyer who won the 1954 school desegregation case, that President Kennedy had made him a federal appeals court judge and that now, after a term as U.S. solicitor general, the son of a Pullman car steward and the great-grandson of a slave had been elevated to one of the highest posts in the nation.

It was all there, though.

The moment dissolved, finally, when Marshall, Brennan and a few others simply wandered off.

Brennan wanted to show his new colleague his new green rug.

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—Associated Press

Justice Hugo L. Black (left) and Thurgood Marshall talk after Black, 81, oldest justice on the Supreme Court, swore in Marshall yesterday as the high court's first Negro justice.

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Associated Press

INFORMAL CHAT — Attorney General Ramsey Clark talks at the Justice Department with Thurgood Marshall, first Negro to win Senate confirmation for the Supreme Court. Marshall, who had been

Solicitor General, was approved 69-11 by the Senate. He will fill a vacancy created by the resignation from the high court of Tom Clark, father of the Attorney General. Their meeting took place yesterday.

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SNCC Raps Appointment Of Marshall

ATLANTA, Aug. 31 (UPI)—The Student Nonviolent Coordinating Committee (SNCC) said today Thurgood Marshall's appointment to the Supreme Court will "further white supremacy and mislead blacks."

Ralph Featherstone, program director of the militant Negro group, also accused President Johnson of nominating Marshall "to prevent two Jews from holding seats on the Supreme Court" at the same time.

He said former Justice Arthur J. Goldberg was promised his seat back when he completed a tour as United Nations ambassador.

But with Justice Abe Fortas, also Jewish, appointed while Goldberg was at the UN, Featherstone said, the President was faced with the problem of setting the "precedent of two Jews on the bench and furthermore upsetting the liberal-conservative balance" on the court.

He said the appointment of Marshall solved the "Jewish problem" and served to "pacify the masses of black people."

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Senate Confirms Marshall, 69-11, For High Court

Will Become First Negro In Tribunal

By Robert C. Albright
Washington Post Staff Writer

President Johnson's appointment of Solicitor General Thurgood Marshall to be the first Negro member of the United States Supreme Court was approved yesterday by a landslide 69-to-11 vote of the Senate.

Confirmation came as an anticlimax after six hours of mostly listless debate, during which hard-core Southern opponents challenged not Marshall's race but his "activist" temperament.

Liberal and moderate supporters, taking his confirmation for granted, occupied themselves mainly with eulogizing Marshall's background and high legal batting average.

Good Record Cited

As counsel for the National Association for the Advancement of Colored People, he had won 29 out of 32 cases before the Supreme Court, and as Solicitor General, 14 out of 19. Supporters termed it a probably unprecedented record.

"I am greatly honored," said Marshall, in a statement after the vote.

"Let me take this opportunity to affirm my deep faith in this Nation and its people, and to pledge that I shall be ever mindful of my obligation to the Constitution

and to the goal of equal justice under law."

The Supreme Court is in recess and Marshall is expected to be sworn when it begins its new term in October.

View of the Majority

After the votes had been counted and the roll call announced, Senate Democratic Leader Mike Mansfield (Mont.) summed up the view of the majority.

"This is a shining hour for Mr. Marshall, for President Johnson, for the Senate and for the United States of America," Mansfield told the Senate. "We have come a long, long way toward equal access to the Constitution's promise. We shall go further along that way..."

It was the third time in seven years that Marshall's name had been put to a vote of the Senate for high legal office. In 1962, President Kennedy named him a judge of the U.S. Circuit Court for the Second Judicial Circuit. The Senate confirmed him then, 54 to 16. When in 1965 President Johnson appointed him Solicitor General, the Senate approved by a simple voice vote.

He was nominated on June 23 for the Supreme Court vacancy left by the retirement of Associate Justice Tom C. Clark, but for weeks hearings dragged on in the Senate Judiciary Committee. The committee finally recommended confirmation by a vote of 11 to 5. As in yesterday's Senate finalizing action, the "no" votes came from the South.

Both of Maryland's Democratic Senators, Daniel B. Brewster and Joseph D. Tydings, voted for confirmation. Virginia's freshman Democrat, Sen. William B. Spotts, also

voted "Aye." Sen. Harry Byrd Jr., (D) was not recorded. The late Sen. Harry F. Byrd Sr. had cast his vote against Marshall's confirmation for circuit court judgeship in 1962, as had former Sen. A. Willis Robertson (D-Va.). Sen. Robert C. Byrd (D-W.

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W. F. Byrd
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Va.), who had supported Marshall in 1962, voted "No" yesterday. He told the Senate he did so with reluctance, and even though he was sure Marshall would be confirmed. He said he was concerned over the growing "ultra liberal" majority on the court.

This was the line of attack taken by Sen. Sam J. Ervin Jr. (D-N.C.) in his 80-minute lead-off opposition speech. Ervin described Marshall as a "judicial activist" in his Constitutional philosophy. He argued that his confirmation would entrench a majority of that view on the court.

Ervin said the "activists" now on the court include Chief Justice Earl Warren and Justices William O. Douglas, William J. Brennan Jr., and Abe Fortas.

"Add to them a fifth and you will have the personal notions of the five, rather than the precepts of the Constitution," Ervin contended.

Most of the other Southern speakers took much the same tack. Sen. Spessard L. Holland (D-Fla.) charged the court will be "controlled by ultra liberals" and Sen. James O. Eastland (D-Miss.) told the Senate: "The court not only will exercise judicial powers—it will exercise legislative powers to effect social changes."

Sen. Philip A. Hart (D-Mich.), who floor-managed the nomination, and Sen. Jacob K. Javits (R-N.Y.) told the Senate, however, that a lot of prophets may be out of luck if they try to predict what Marshall will do.

Javits recalled that Chief Justice Warren was typed as a "conservative" when named to the court but became its leading liberal instead. Hart agreed, saying with a grin: "A fellow who wants to make book on a Justice of the Supreme Court should have some surplus capital."

Sen. Strom Thurmond (D-S.C.) in an hour-long speech recalled detailed questions on the origin of the 13th, 14th and 15th Amendments he had asked Marshall during the hearings, some of which the witness declined to answer.

He suggested that Marshall, though he had specialized in civil rights legislation, didn't know the names of the men who drafted the 14th Amendment.

Sen. Edward M. Kennedy (D-Mass.) broke in to ask Thurmond if he would name them.

"I'll come to that later," replied Thurmond. He never did.

Sen. Tydings told the Senate he takes pride in the fact that Marshall is a Maryland native and grew up in Baltimore.

Senate Vote On Marshall

Associated Press

Here is the 69-to-11 roll call vote by which the Senate yesterday approved President Johnson's nomination of

Thurgood Marshall to the Supreme Court:

Democrats For: 37

| | |
|-------------------|-------------------|
| Anderson (N.M.) | Maghuson (Wash.) |
| Bartlett (Alaska) | McGee (Wyo.) |
| Bayh (Ind.) | McIntyre (N.H.) |
| Brewster (Md.) | Mondale (Minn.) |
| Burdick (N.D.) | Monroney (Okla.) |
| Cannon (Nev.) | Morse (Ore.) |
| Church (Idaho) | Moss (Utah) |
| Clark (Pa.) | Pastore (R.I.) |
| Dodd (Conn.) | Pell (R.I.) |
| Fulbright (Ark.) | Proxmire (Wis.) |
| Gore (Tenn.) | Randolph (W.Va.) |
| Hart (Mich.) | Ribicoff (Conn.) |
| Hayden (Ariz.) | Spong (Va.) |
| Inouye (Hawaii) | Symington (Mo.) |
| Jackson (Wash.) | Tydings (Md.) |
| Kennedy (Mass.) | Williams (N.J.) |
| Kennedy (N.Y.) | Yarborough (Tex.) |
| Lausche (Ohio) | Young (Ohio) |
| Long (Mo.) | |

Republicans For: 32

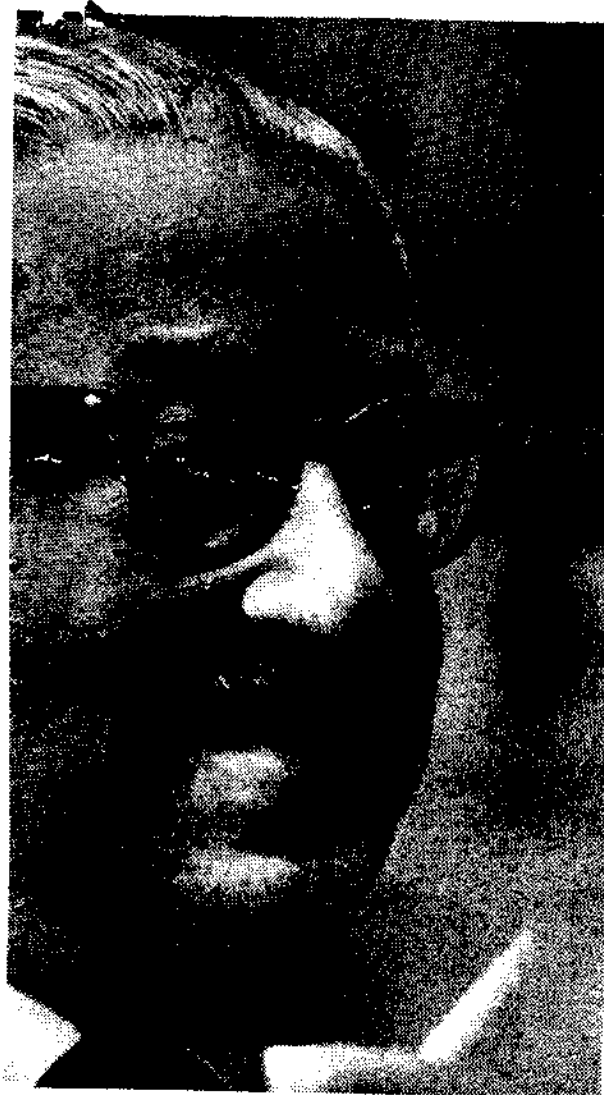
| | |
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| Aiken (Vt.) | Hatfield (Ore.) |
| Allott (Colo.) | Hruska (Neb.) |
| Baker (Tenn.) | Javits (N.Y.) |
| Bennett (Utah) | Jordan (Idaho) |
| Boggs (Del.) | Kuchel (Calif.) |
| Brooke (Mass.) | Miller (Iowa) |
| Carlson (Kan.) | Morton (Ky.) |
| Case (N.J.) | Mundt (S.D.) |
| Cooper (Ky.) | Pearson (Kan.) |
| Cotton (N.H.) | Percy (Ill.) |
| Curtis (Neb.) | Prouity (Vt.) |
| Dirksen (Ill.) | Scott (Pa.) |
| Dominick (Colo.) | Smith (Maine) |
| Fong (Hawaii) | Tower (Tex.) |
| Griffin (Mich.) | Williams (Del.) |
| Hansen (Wyo.) | Young (N.D.) |

Democrats Against: 10

| | |
|------------------|-----------------|
| Byrd (W.Va.) | Holland (Fla.) |
| Eastland (Miss.) | Hollings (S.C.) |
| Ellender (La.) | Long (La.) |
| Ervin (N.C.) | Sparkman (Ala.) |
| Hill (Ala.) | Talmadge (Ga.) |

Republicans Against: 1

Thurmond (S.C.)
Not voting but paired (pairs are used to denote the positions of Senators when one or both are absent): Mansfield (D-Mont.) for confirmation; even his (D-Mass.), against.



By Wally McNamee—The Washington Post

"I shall be ever mindful of . . . the Constitution . . . to the goal of equal justice."

—Thurgood Marshall

Future Cast of Tribunal Is Hazy

Court Retains Liberal Gains

By John P. MacKenzie

Washington Post Staff Writer

When the Senate confirmed the nomination of Thurgood Marshall to the Supreme Court yesterday, it also nailed down the liberal gains of more than a decade of the "Warren Court."

But on the question of what new developments in constitutional law Marshall might help to bring about, only his Southern opponents were willing to predict. They were certain that Marshall, replacing the slightly right-of-center Tom C. Clark, would fortify the liberal or "activist" Court majority.

Marshall himself was not saying. While his Senate detractors were talking themselves out, the folksy, 59-year-old Solicitor General was sticking to President Johnson's advice to make no statements "to anybody about anything."

His nomination, hardly a practical idea just a few short years ago, had been made to seem quite logical once he stepped off the Federal bench to become the Johnson Administration's chief representative in the Supreme Court.

Combats Complaints

Whether by spoken agreement or by tacit understanding between old pros, Marshall and the President, Marshall set about systematically to argue the widest variety of cases—even entering the antitrust thicket—to answer complaints that his legal experience was limited to civil rights.

Supporters on the Senate floor emphasized the hazards of predicting the judicial conduct of a new Justice, but it would surprise everyone if the first Negro on the Court turned a conservative corner. His career as the Nation's top civil rights lawyer embraced these decades of grimy cam-

paigning for legal recognition of the rights of minorities.

His swearing-in at the Oct. 2 meeting of the Court however, will come at a time when Marshall must appear to be a conservative figure in the minds of many disaffected Negroes. The President chose Marshall precisely because he had become a symbol of orderly social change through the legal process, and the nominee has given no encouragement to the latter-day militants.

Only a few years ago, before the focus of racial unrest turned to Northern cities, Marshall was asked why he was not working in Selma, Ala. He replied that he had toiled the Black Belt "before you were born."

Could Make Difference

Marshall has left to others the task of championing the rights of ghetto residents amid the hostility born of urban rioting. The men who replaced him on the legal staff of the NAACP Legal Defense Fund are now asking Marshall and his eight colleagues to curtail the "stop and frisk" powers of city police because of the ghetto climate of mutual suspicion between Negroes and the authorities.

His vote could make a sharp difference on a Court that has divided closely over police search powers. Police insist that they need the power to stop suspicious

persons and frisk them in self-defense. Liberal lawyers say the technique is often used to get evidence by circumventing the constitutional rights of citizens.

Marshall's approach could well reflect his experience both in ghettos and among the affluent. He tells a story of two encounters with New York City police, one in Harlem and the other in downtown Manhattan.

A Harlem officer stopped him on the street and demanded his identity and Marshall told him it was none of his business. The downtown officer stopped

him and Marshall ~~separately~~ identified himself—he doesn't know why to this day.

The new Justice takes a practical view of the rights of citizens under arrest. He is fond of saying, "If I'm in a room with you and you ask me some questions, that's one thing, but if I'm in a room alone with Joe Louis, all I want to know is: what does he want me to say?"

Attitude Indicated

Marshall's actions on the Second Circuit Court of Appeals between 1961 and 1965 indicate that he would have voted with four dissenters in recent cases where fundamental relationships between state and Federal courts were at stake. The majority refused, in a case from Mississippi, to make it easier for civil rights workers to remove criminal prosecutions against them from state courts to the more friendly Federal forum.

Senate Judiciary Committee Chairman James O. Eastland (D-Miss.) said yesterday that he was sure Marshall would vote to reverse the decision, but it is not uncommon for Justices in Marshall's position to abide by a decision so recently handed down.

But another Mississippi case before the Court raises a related, unsettled question: whether Federal Judges should move in to enjoin prosecutions allegedly brought to harass civil rights workers. Just by not saying "anything to anybody about anything" since his nomination, Marshall has won the right to help the Supreme Court decide that issue and many others.

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BEFORE COURT—This was Thurgood Marshall at the time he argued for desegregation of schools in 1952.

Hearings on Marshall Slated to End Monday

A2 By DANA BULLEN
Star Staff Writer

Sen. James O. Eastland, D-Miss., plans to wind up Senate Judiciary Committee hearings on Thurgood Marshall's appointment to the Supreme Court with a final session next Monday.

Although he will be in Mississippi the remainder of this week, Eastland, the Judiciary Committee chairman, made it clear that he does not mean for the confirmation hearings to bog down.

Eastland said that he had been prepared to conclude the confirmation hearings yesterday but that he scheduled another session after a senator asked for a further chance to question Marshall.

The 59-year-old U.S. solicitor general, the first Negro ever nominated for a seat on the nation's highest court, had met with the committee four times during the last week.

Although he declined to discuss current issues growing out of the Supreme Court's Miranda decision tightening rules on confessions, Marshall supported police lineups for identification of suspects by witnesses.

He also has said that nothing the Supreme Court has said "prevents a man from walking into a police precinct and saying, 'I committed the following crimes.'" Although Eastland declined to identify the committee member who asked for a further session of the hearings, Sen. John L. McClellan, D-Ark., told reporters that he had suggested such a further session.

At yesterday's hearing, Marshall contended firmly that no judicial officer should be controlled by personal views in reaching decisions. "My own sense of right and wrong is the Constitution itself," he said.

As a justice, Marshall said, he

"would make every effort" to read the Constitution in its entirety and apply the law to the facts in individual cases "without any personal predilection."

Under questioning by Eastland, Marshall for 23 years counsel for the NAACP Legal Defense Fund, denied that he had ever been "prejudiced against white people."

Denying that the Supreme Court is "an instrument of social change," Marshall said that he would afford fair treatment to Southerners or anyone else as a justice.

On another point, Marshall told Eastland that he "positively did not know" that a book cited by Marshall in an opinion while a judge of the Second U.S. Court of Appeals in New York had been written by an American Communist leader.

The only witness to testify besides Marshall at the hearings was a spokesman for the conservative Liberty Lobby, who accused the solicitor-general of "a record of duplicity and arrogance" during his professional life.

Michael D. Jaffe, the group's general counsel, maintained that Marshall was disqualified for a position on the nation's highest court by prior experience as a "pleader for a narrow special interest group."

So far nine of the Judiciary Committee's 16 members have announced support for Marshall's appointment and it appeared that the Judiciary Committee and whole Senate will support the nomination.

The committee could forward the nomination to the floor quickly after next Monday's final hearing session. There has been no sign so far that any type of filibuster will be attempted within the committee to delay action.

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CAPITOL STUFF

By TED LEWIS

Washington, July 20—For two weeks, off and on, the Senate Judiciary Committee has held hearings on the qualifications of Thurgood Marshall to be the first Negro Supreme Court justice.

There will be another hearing next week and then, in its own good time, the committee will send the nomination to the Senate where confirmation is considered certain.

Why Marshall Is Receiving a Southern Frying

This interrogation of Marshall at length has been almost entirely by Southern members of the committee, in particular Chairman James O. Eastland (D-Miss.), John McClellan (D-Ark.), Sam Ervin (D-N.C.) and Strom Thurmond (R-S.C.).

In each case, the individual has simply wanted to probe Marshall's "judicial philosophy" and capacity for "judicial restraint."

There has been constantly a flow of careful expressions by the questioners that the fact that Marshall is a Negro has absolutely nothing to do with the interrogations.

This is a good line. It carries the admirable connotation that members of the Judiciary Committee must probe carefully to determine whether a Supreme Court nominee is worthy of the job.

Now Marshall happens to be President Johnson's second nominee for a Supreme Court vacancy—that resulting from the June 12 resignation of Justice Tom Clark. The first was Abe Fortas, nominated by the President on July 28, 1965, to take the place of Justice Arthur Goldberg.

This same Judiciary Committee on Aug. 5, 1965, at 10:35 A. M., opened a hearing to determine Fortas' qualifications. It was all over at 1:15 P. M. In less than three hours, the members had been able to decide that Fortas was admirably qualified and, on Aug. 11, the Senate similarly agreed without even going through the motions of a roll call vote.

What is the difference between the Fortas and Marshall cases? Well, it probably was significant that Fortas, back in August, 1965, had been "like that" with Johnson. He also had been a friend of Walter Jenkins and Fortas' law firm also had represented Bobby Baker in one facet of Baker's legal-financial entanglements.

So presumably there was no question about his judicial philosophy or judicial restraint. The record of those Fortas hearings shows, for example, that Sen. Ervin, who now wants to know in detail how Marshall's judicial mind clicks, was totally disinterested in what went on inside Fortas' head.



Thurgood Marshall
A man on the grill

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Ervin Didn't Have a Single Question

At the Fortas hearing, chairman Eastland asked Ervin if he had any questions for Fortas.

"No questions," replied the Senator.

Eastland also was most solicitous of Fortas.

An anti-Fortas witness, Mrs. Marjorie Shearon, had charged that Fortas once had been a member of a Communist-front organization. Eastland put some follow-up questions to Fortas in the most friendly way, designed to knock down all suggestions that Fortas, at any time, ever had his foot in the wrong door, intentionally or unintentionally.

During the present Marshall hearings, this generosity has not been displayed by Eastland toward the court nominee. Instead, the chairman said at one point that "I don't want to give the impression that you are a Communist or anything like that," but it was nevertheless unfortunate that Marshall, while a Court of Appeals judge, had cited in an opinion a book by a known Communist.

It certainly could never be imagined that Eastland, during the Fortas hearings, would have put the same question that he put to Marshall yesterday. That question was:

"You will give the same fair, square treatment to the people in the South as in other areas?"

A Message for the Folks at Home

There is a valid and honest explanation for the way Southern members of the judiciary group have badgered Marshall in contrast to the way they embraced Fortas.

If they would only not phony up the situation, they could be deeply sympathized with.

There is a difficult political problem for these Senators. It centers around the reaction of the folks back home to the Marshall case. As a Negro, he symbolizes the civil rights cause. For a Senator to openly support Marshall could be the equivalent of committing political suicide.

Therefore, it behooved the Deep South members of the committee to take the lead during the hearings with sharp, if not insulting, interrogation of Marshall.

And toss out such delicate queries as: "Are you prejudiced against white people from the South?"

At the same time, while they must protect their political fences back home, they cannot in this instance either filibuster against, or otherwise pigeonhole, the Marshall nomination. To do so would only get them in bad with the President who, they well know, figures his appointment of Marshall could help the party nationally in Presidential 1968.

Moreover, to thwart the White House on this top-flight judicial appointment could bring real retributions—loss of control of those District and Appeals Court judgeships back home.

So, the Marshall nomination will be sent to the Senate for confirmation. Southern Senators generally are anxious for a little parliamentary skullduggery at that time also. They don't want to be forced to record themselves in a roll call vote. Confirmation sort of by acclamation, as in the Fortas instance, would be politically perfect and probably may be expected.

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Thurgood

UPI-91

ADD 2 MARSHALL, WASHINGTON

ERVIN CAME TO THE SESSION ARMED WITH A BIG BROWN ENVELOPE FROM WHICH HE TOOK DOCUMENTS FROM TIME TO TIME TO USE FOR QUOTATIONS. CHIEF JUSTICE JOHN MARSHALL, DANIEL WEBSTER AND CHIEF JUSTICE HARLAN FISKE STONE WERE AMONG THE FIGURES OF HISTORY ERVIN PLACED ON RECORD ON CONSTITUTIONAL MATTERS.

HE KEPT INTERSPERSING THE QUOTATIONS WITH QUESTIONS AS TO WHETHER MARSHALL AGREED.

TURNING TO THE SUBJECT OF CRIME HE ASKED THE SOLICITOR GENERAL IF HE DID NOT AGREE THAT "THIS IS NO TIME FOR JUDGES TO BE INVENTING NEW RULES" TO HANDICAP POLICE IN ENFORCING THE LAW.

MARSHALL SAID: "I DON'T BELIEVE ANY COURT DECISIONS--BY THE DECISIONS THEMSELVES--HAVE INCREASED CRIME."

"I KNOW OF NO CASE," HE SAID AT ONE POINT, "THAT PREVENTS A MAN FROM WALKING INTO A POLICE PRECINCT AND SAYING WITH GREAT DETAIL, 'I COMMITTED THE FOLLOWING CRIME.'"

BUT AS TO CONFESSIONS IN GENERAL HE SAID IT IS A MATTER OF DISAGREEMENT AMONG LAWYERS, DISAGREEMENT AMONG LAWYERS, JUDGES AND JUSTICES AS TO WHAT IS VOLUNTARY AND WHAT IS NOT.

SEN. PHILIP A. HART, D-MICH., BROUGHT IN FOR THE COMMITTEE'S PERMANENT FILES A BIG BATCH OF BRIEFS SUBMITTED BY MARSHALL IN CASES HE ARGUED AS SOLICITOR GENERAL AND AS A PRIVATE ATTORNEY AND ALSO DECISIONS HE GAVE WHEN HE WAS ON THE 2ND U.S. CIRCUIT COURT OF APPEALS IN NEW YORK.

HART ACTED FOR SEN. EDWARD M. KENNEDY, D-MASS., WHO PROMISED TO DO THIS YESTERDAY BUT WAS CALLED TO BOSTON TODAY.

HART SAID ALL THIS MATERIAL GIVES THE COMMITTEE AS GOOD AN IDEA OF MARSHALL'S LEGAL AND CONSTITUTIONAL PHILOSOPHY AS HAS BEEN OBTAINED FOR "ANY NOMINEE IN ALL HISTORY."

ERVIN SAID HE DIDN'T HAVE TIME TO READ THESE OFFERINGS AND WOULD PREFER TO HAVE MARSHALL ANSWER QUESTIONS NOW ABOUT THE MEANING OF THE CONSTITUTION.

7/14--TD1259PED

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128 JUL 20 1967

WASHINGTON CAPITAL NEWS SERVICE

59 JUL 24 1967

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UPI-93

ADD 3 MARSHALL, WASHINGTON

"FRANKLY I AM ANNOYED THAT THE NOMINEE WILL NOT DO WHAT JOHN ALDEN WAS EMPOWERED TO DO--SPEAK FOR HIMSELF," ERVIN SAID.

MARSHALL DID SAY AT ONE POINT THAT "THE CONSTITUTION WAS MEANT TO BE A LIVING DOCUMENT." HE SAID THE SUPREME COURT IN ITS EARLY DECISIONS HELD THAT THE CONSTITUTION WAS TO BE INTERPRETED "TO APPLY TO CHANGING SITUATIONS."

IT WAS NOT INTENDED TO MEET EACH INDIVIDUAL PROBLEM AS IT CAME UP BECAUSE THE FRAMERS COULD NOT HAVE FORESEEN THEM ALL, THE SOLICITOR GENERAL TOLD THE COMMITTEE.

ERVIN ASKED HIM WHETHER A JUSTICE OF THE SUPREME COURT IS EVER AUTHORIZED TO CHANGE ITS MEANING WHILE SEEMING TO INTERPRET IT.

"A JUDGE SHOULD NEVER USE HIS PERSONAL OPINIONS IN ANY FASHION IN WRITING AN OPINION IN A LAWSUIT," MARSHALL AID.

AT THE END OF ONE LONG SESSION OF QUESTIONS HE SAID, "I WILL APPLY THE CONSTITUTION IN THE BEST MANNER I POSSIBLY CAN."

BUT HE SAID IT WOULD BE WRONG FOR HIM TO GIVE AN OPINION THAT WOULD REQUIRE HIM TO DISQUALIFY HIMSELF WHEN A CASE ON THAT SUBJECT CAME TO THE SUPREME COURT.

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Ervin Raps High Court At Hearing on Marshall

By DANA BULLEN

Star Staff Writer

Sen. Sam J. Ervin Jr., D-N.C., sharply criticized the Supreme Court today for its rulings upholding the 1965 Voting Rights Act and tightening police interrogation standards.

"The road to destruction of constitutional government in the United States is being paved with the good intentions of the judicial activists who all too often constitute a majority of the Supreme Court," Ervin said.

The views were expressed as Senate Judiciary Committee hearings on the appointment of U.S. Solicitor Gen. Thurgood Marshall to the Supreme Court entered their third day. The hearings, recessed shortly after noon, are scheduled to continue tomorrow.

Although Marshall continued to refuse to discuss current issues growing out of last spring's Miranda decision on confessions, he said he has "no quarrel" with properly handled

police lineups to permit witnesses to identify crime suspects.

Marshall, the first Negro ever nominated for a seat on the highest court, also made it clear that in his view justices of the Supreme Court are not entitled to rely upon "their personal views" in reaching decisions.

Ervin, who voted against the voting rights bill 2 years ago when it was before Congress, criticized particularly sections of the act requiring jurisdictions in which literacy tests are suspended to come to court in Washington to secure exemption from the act.

In his own state of North Carolina, Ervin said, a number of counties have been "condemned" under the act and would "have to come up here with all their witnesses."

"I'm not a justice of the Supreme Court and never will be," he said, "but if I were I'd rule that that is a pretty shabby form of due process."

Listing requirements laid down

See MARSHAL, Page A-6

Thurgood

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 The National Observer _____
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MARSHALL

Court Nominee Backs Police Lineups

Continued From Page A-1 murderers, rapists and robbers by the Supreme Court for confessions, "no matter how voluntary," Ervin said this ruling added to the Fifth Amendment "something that is not in the Constitution" and is requiring the release of "self-confessed

... in large numbers."

Marshall, on the other hand, maintained that "violent crimes for the most part are spur-of-the-moment crimes, and the person committing it doesn't consider Miranda or anything

The decision a year ago requires police to effectively warn crime suspects of their right to remain silent and to have a lawyer provided to consult with them if they desire this before any questions are put to them.

A second member of the Judiciary Committee, Sen. John L. McClellan, D-Ark., joined Ervin in criticism of some of the high court's recent criminal law decisions.

Overruling of past decisions, said McClellan, is "indulged in too frequently" and is creating a "tragic situation" in which "chaos and confusion" pervade the criminal law.

Supports Lineups

Marshall, while agreeing with Ervin on some factual points raised by the senator, would not except Ervin's apparent view that the present justices are writing words into the Constitution that have never been there before.

The senator was able, however, to secure acknowledgment by Marshall that he would vote to overrule the Miranda decision on confessions if, as a justice, he ever should become convinced that the decision itself had been "wrong."

Concerning police lineups, Marshall agreed that "a proper lineup is one of the surest ways to get at the truth" in a criminal case.

Although Ervin concluded his interrogation of Marshall at today's session, a number of committee members have yet to take their turn questioning the 59-year-old nominee.

A number of committee members, however, have announced support for Marshall's appointment and despite the extended questioning that has developed at the hearing it is expected that the appointment will be approved by the Judiciary Committee and the whole Senate.



—Associated Press

Thurgood Marshall at the witness table

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UPI-68

(MARSHALL)

WASHINGTON--THURGOOD MARSHALL, SEEKING TO BECOME THE FIRST NEGRO ON THE SUPREME COURT, TODAY REFUSED TO GIVE HIS OPINION ON THE TRIBUNAL'S CONTROVERSIAL DECISIONS DEALING WITH VOLUNTARY CONFESSIONS OF CRIMINAL SUSPECTS.

MARSHALL'S STEADFAST REFUSAL PROVOKED SEN. SAM J. ERVIN JR., D-N.C., TO COMMENT THAT IT WAS USELESS FOR THE SENATE JUDICIARY COMMITTEE TO HOLD A HEARING ON THE NOMINATION.

ASKED SPECIFICALLY ABOUT THE PRECEDENT-SHATTERING MIRANDA DECISION ON VOLUNTARY CONFESSIONS, MARSHALL REPEATED "I'M NOT GOING TO COMMENT OR GIVE MY INTERPRETATION OF THAT OPINION. I JUST CAN'T DO IT."

THE 59-YEAR OLD SOLICITOR GENERAL WAS RECALLED FOR A SECOND DAY OF QUESTIONING BY THE COMMITTEE WITH MORE APPEARANCES IN THE OFFING. SENATE REPUBLICAN LEADER DIRKSEN, RANKING GOP MEMBER ON THE PANEL, SAID QUESTIONING WILL GO ON TUESDAY AND PROBABLY WEDNESDAY.

DESPITE ERVIN'S CRITICAL QUESTIONING, MARSHALL WAS CONSIDERED CERTAIN OF CONFIRMATION AS THE 96TH JUSTICE OF THE SUPREME COURT.

MARSHALL AND ERVIN CLASHED FIRST ON THE SECTION OF THE CONSTITUTION WHICH STATES THAT NO PERSON IN A CRIMINAL CASE SHALL BE COMPELLED OR COERCED TO TESTIFY AGAINST HIMSELF.

ERVIN INSISTED THAT THIS SECTION COULD NOT BE USED TO COVER VOLUNTARY CONFESSIONS BUT MARSHALL REPLIED "WHERE DOES A CRIMINAL CASE BEGIN AND WHERE DOES IT END?"

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WASHINGTON CAPITAL NEWS SERVICE

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PI-74

ADD 1 MARSHALL, WASHINGTON (UPI-68)

ERVIN ASKED "DOESN'T COMPEL MEAN COERCION OR COMPULSION--NOT VOLUNTARY."

MARSHALL REPLIED "I TRIED A CASE IN OKLAHOMA WHERE A MAN VOLUNTARILY CONFESSED AFTER HE WAS BEATEN UP FOR SIX DAYS."

DESPITE REPEATED QUESTIONING BY ERVIN, MARSHALL REFUSED TO DIVULGE HIS PERSONAL FEELINGS ON THE SECTION.

HE REFUSED EVEN WHEN ERVIN SAID THAT MARSHALL "SHOULD HAVE SOME FIRM OPINIONS ON THE MEANING OF THE CONSTITUTION."

MARSHALL SAID "I THINK I HAVE A FIRM OPINION AT THIS TIME BUT I THINK IT WOULD BE WRONG FOR ME TO GIVE IT AT THIS TIME."

HE REMINDED ERVIN THAT SIMILAR CASES ARE PENDING BEFORE THE SUPREME COURT AND ANSWERING THE NORTH CAROLINA SENATOR'S QUESTION WOULD MAKE IT MANDATORY TO DISQUALIFY HIMSELF WHEN THE CASES ARE HEARD.

7/14--TD1215PED

Hearing on Marshall Opens With Quizzing by McClellan

Sen. John L. McClellan, D-Ark., cross-examining Supreme Court nominee Thurgood Marshall closely on Marshall's views on criminal law, has received little satisfaction.

Marshall, the first Negro ever nominated for a seat on the high court, repeatedly declined yesterday to discuss matters that he insisted would be involved in "hundreds" of similar cases headed for the tribunal.

"I must say," McClellan stated, "it leaves me without the necessary information I need affirmatively to consent to your appointment. I haven't been able to get an answer that describes to me your views."

Approval Expected

Despite McClellan's opposition, it appeared that nomination of the 59-year-old U.S. solicitor general will sail comparatively smoothly through the Judiciary Committee and the Senate.

A number of other senators hastened to place themselves on record in support of the nomination after McClellan's series of questions.

The confirmation hearing, which opened yesterday continues today. Sen. Strom Thurmond, R-S.C., is expected to question Marshall about civil rights matters.

McClellan's questions sought to bring out two points: whether Marshall agrees that crime has reached drastic proportions justifying new measures and whether Marshall agrees with recent 5-4 decisions by the Supreme Court that critics claim are hindering law enforcement.

Determination Voiced

"I am as alarmed as you are," Marshall told McClellan, "but I am equally determined that whatever is done by government agencies . . . be done within the framework of the Constitution."

In response to a question as to whether it is not "necessary sometimes in protecting our national security that we sacrifice some rights," Marshall said: "Not if it violates the Constitution."

The nominee declined to go further than this in response to more specific questions by McClellan, such as whether he subscribed to the "philosophy" of recent Supreme Court decisions limiting the admissibility of statements given by crime suspects who have not been fully warned of their rights.

Marshall referred McClellan to the government's brief filed by him in one of the recent cases, and Sen. Edward M. Kennedy, D-Mass., agreed to furnish briefs, speeches and articles by Marshall to the committee.

Drawing laughter from spectators in the crowded hearing room, Marshall himself said that "once the President announced the nomination, I haven't made any statements to anybody about anything."

Senators who appeared to line up in support of Marshall's nomination at today's hearing included Edward Kennedy, Thomas J. Dodd, D-Conn.; Philip A. Hart, D-Mich.; Birch Bayh, D-Ind.; Hiram L. Fong, R-Hawaii, and Roman L. Hruska, R-Neb.

Earlier, Senate Republican Leader Everett McKinley Dirksen, of Illinois, another committee member, predicted speedy approval of Marshall's appointment.

Marshall, who would succeed Justice Tom C. Clark, father of the new Attorney General Ramsey Clark, was presented at the hearing by Sens. Jacob K. Javits, R-N.Y., and Robert F. Kennedy, D-N.Y.

In addition to hearing testimony on Marshall's nomination,

senators were introduced to Los Angeles lawyer Warren M. Christopher, nominee for the post of deputy attorney general.

Few questions were asked Christopher, a onetime clerk to Supreme Court Justice William O. Douglas, and it appeared that his nomination was considered noncontroversial.

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JUL 14 1967

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FROM Wash. Capital News Service

MARKED FILE AND INITIALED

59 JUL 24 1967

299



—Associated Press

Thurgood Marshall beside his wife at the hearing.

Marshall G

Washington



SEN. JOHN L. McCLELLAN
Marshall grilled by opponent.

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1967

B-52s Hit

See TAX, A15, Col.

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128 JUL 20 1967

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Marshall Grilled by Senate Critics

But Signs Point To Easy Sailing For Court Post

By John P. MacKenzie
Washington Post Staff Writer

Thurgood Marshall, on his way to becoming the first Negro to serve on the Supreme Court, was grilled for an hour yesterday by hostile Southern Senators eager to show their disapproval of the Court and of Marshall's liberal record.

The cross-examination resumes at 10:30 a.m. today amid signs that President Johnson's nominee will sail through after opponents have vented their feelings.

Senate Judiciary Committee Chairman James O. Eastland (D-Miss.) and Sen. John L. McClellan (D-Ark.) tried without success to draw Marshall into a discussion of recent controversial Court decisions on the rights of suspects in criminal cases.

Marshall replied firmly that such a discussion would be improper because related constitutional issues are pending in the Court now. He agreed with McClellan that crime was a "critical" national problem.

No Recent Statements

The 59-year-old U.S. Solicitor General said he often had commented on Supreme Court rulings in the past but since his nomination June 13, "I haven't made any statements to anybody about anything."

Marshall conceded that he "never said I disagreed" with the Court's 5-to-4 decision restricting the use of confessions. But he reminded McClellan that he argued last year on behalf of the Justice Department that the Court should go no further than to require State police to warn suspects of their rights in accordance with longstanding FBI practice.

McClellan asked whether crime had risen to the level of a threat to "national security" and Marshall said he didn't know. McClellan, sponsor of legislation to authorize wiretapping and electronic eavesdropping, has been attacking the Johnson Administration's ban on "bugging" except in national security cases.

After McClellan repeatedly said he could not judge Marshall's qualifications on the basis of his testimony, Sen. Edward M. Kennedy (D-Mass.) and other supporters pointed to Marshall's career as chief legal counsel for the NAACP Defense Fund and his four years as a Federal judge.

Dissent Cited

Kennedy offered to supplement the record with samples of the nominee's legal briefs and speeches. McClellan said the record should include a Marshall dissent while on the 2d U.S. Circuit Court of Appeals urging that the Supreme Court's search-and-seizure rules apply retroactively. The Supreme Court later disagreed with Marshall.

Marshall was warmly introduced by Sen. Jacob K. Javits (R-N.Y.) and Sen. Robert F. Kennedy (D-N.Y.) who as Attorney General helped put Marshall on the Federal bench in 1961.

The Committee also held a 10-minute confirmation session for Warren M. Christopher, 41-year-old Los Angeles lawyer nominated for the post of Deputy Attorney General, but deferred action.



Photos by Wally McNamara—The Washington Post

THURGOOD MARSHALL

... would not discuss Supreme Court issues.

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SEN. JOHN L. McCLELLAN
Marshall grilled by opponent.

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By DANA BULLEN
Star Staff Writer

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Marshall, the first Negro ever nominated for a seat on the high court, repeatedly declined to discuss matters that he insisted would be involved in "hundreds" of similar cases headed for the tribunal.

"I must say," McClellan stated, "it leaves me without the necessary information I need affirmatively to consent to your appointment. I haven't been able to get an answer that describes to me your views."

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McClellan's questions sought to bring out two points: whether Marshall agrees that crime has reached drastic proportions justifying new measures and whether Marshall agrees with recent 5-4 decisions by the Supreme Court that critics claim are hindering law enforcement.

Determination Voiced

"I am as alarmed as you are," Marshall told McClellan, "but I am equally determined that whatever is done by government agencies . . . be done within the framework of the Constitution."

In response to a question as to whether it is not "necessary" to sacrifice in protecting our nation, Marshall said: "No, if it violates the Constitution."

The nominee declined to go further than this in response to more specific questions by McClellan, such as whether he subscribed to the "philosophy" of recent Supreme Court decisions limiting the admissibility of statements given by crime suspects who have not been fully warned of their rights.

Marshall referred McClellan to the government's brief filed with him in one of the recent cases, and Sen. Edward M.



THURGOOD MARSHALL

Kennedy, D-Mass., agreed to furnish briefs, speeches and articles by Marshall to the committee.

At one point during McClellan's questioning, Sen. James O. Eastland, D-Miss., the Judiciary Committee chairman, interrupted to ask about a speech last March by Marshall to law students at the University of Texas in which Eastland indicated that Marshall said he agreed with recent Supreme Court rulings.

Marshall Draws Laughter

Coming to Marshall's aid, Kennedy, also a member of the committee, pointed out that any such statements would have been made prior to Marshall's nomination to the Supreme Court and that his position then would have been different.

Drawing laughter from spectators in the crowded hearing room, Marshall himself said that "once the President announced the nomination, I haven't made any statements to anybody about anything."

McClellan, pursuing his questioning, said he thought recent decisions "have weakened the arm of law enforcement in this country." He said he wanted to find out from Marshall whether there might be "any hope of a change when you become an associate justice."

Senators who appeared to line up in support of Marshall's nomination at today's hearing included Edward Kennedy, Thomas J. Dodd, D-Conn.; Philip A. Hart, D-Mich.; Birch Bayh, D-Ind.; Hiram L. Fong, R-Hawaii, and Roman L. Hruska, R-Neb.

Dirksen Seeks Speedy OK

Earlier, Senate Republican Leader Everett McKinley Dirksen, of Illinois, another committee member, predicted speedy approval of Marshall's appointment. Dirksen, at the time, said that among other things "it demonstrates that Negroes can reach the top of the heap."

Marshall, who would succeed Justice Tom C. Clark, father of the new Attorney General Ramsey Clark, was presented at the hearing by Sens. Jacob K. Javits, R-N.Y., and Robert F. Kennedy, D-N.Y.

Javits called Marshall "one of the most distinguished lawyers of the land," and Kennedy, in his statement, called the solicitor general "immensely qualified" to serve on the nation's highest court.

Marshall was named solicitor general, the government's top appellate court advocate, by President Johnson in 1965. Prior to this, following long service as counsel for the NAACP legal defense fund, Marshall was a judge of the 2nd United States Court of Appeals in New York.

In addition to hearing testimony on Marshall's nomination, senators were introduced to Los Angeles lawyer Warren M. Christopher, nominee for the post of deputy attorney general.

Christopher, 41, has been a special counsel to former Democratic Gov. Edmund G. Brown of California and was vice chairman of the McCone Commission that investigated the Watts rioting in Los Angeles in 1965.

Few questions were asked of Christopher, who appeared before the Supreme Court Justice William O. Douglas in 1967. He appeared that his nomination was considered noncontroversial.

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JUN 20 1967

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But Signs Point To Easy Sailing For Court Post

A2 By John P. MacKenzie
Washington Post Staff Writer

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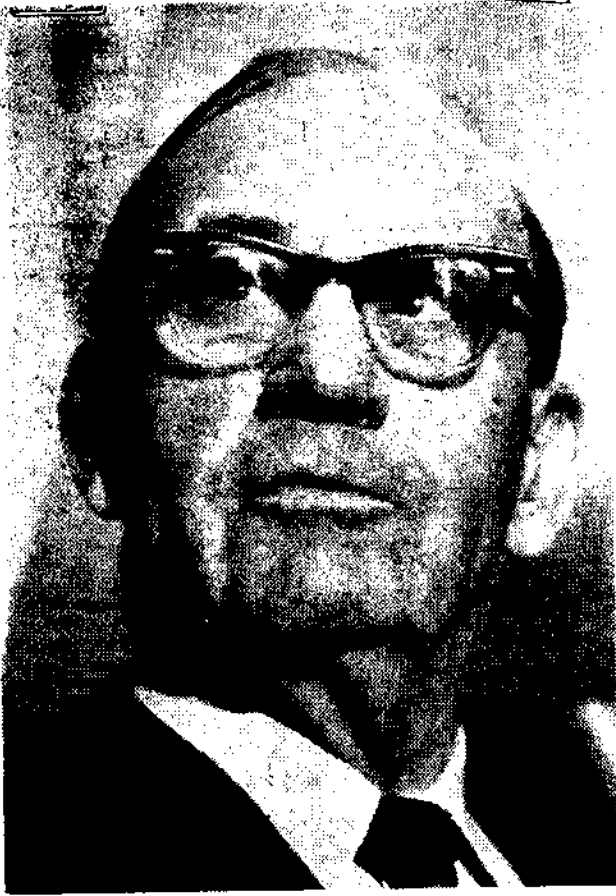
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Date **JUL 14 1967**

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JOHN L. McCLELLAN

Senator grills Supreme Court nominee



Photos by Wally McNamee—The Washington Post

THURGOOD MARSHALL

... would not discuss Supreme Court issues

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UPI-206

(DODD)

WASHINGTON--SEN. THOMAS J. DODD, D-CONN., A MEMBER OF THE SENATE JUDICIARY COMMITTEE, STRONGLY RECOMMENDED IT GIVE PROMPT APPROVAL TOMORROW TO THE NOMINATION OF THURGOOD MARSHALL TO THE SUPREME COURT.

"I CONSIDER THURGOOD MARSHALL TO BE ONE OF THE REALLY GREAT AND DISTINGUISHED AMERICAN MEN OF THIS COUNTRY," DODD SAID IN A STATEMENT.

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128 JUL 18 1967

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WASHINGTON CAPITAL NEWS SERVICE

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UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: JUNE 12, 1967

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages 27341-27343. Congressman Harick, (D) Louisiana, spoke in opposition to the nomination of Thurgood Marshall to the Supreme Court. He requested to have printed in the Record a speech by Congressman Waggoner, (D) Louisiana, entitled The Communist Associations of Thurgood Marshall which appeared in the Congressional Record on July 15, 1965, and several news releases regarding this appointment. Mr. Waggoner pointed out in the speech that The Communist Daily Worker on November 24, 1949, on page 4, reported that Thurgood Marshall was among a group of attorneys who sent a telegram to New York Congressmen asking them to oppose the contempt citations in the case of the so-called Hollywood 10. As I say, this is at least a portion of the Communist front activity of the man the President has nominated to be Solicitor General of the United States. It is probable that a search of the files of the FBI, the Attorney General's office, the Senate Internal Security Subcommittee and an exhaustive search of the records of our own Committee on Un-American Activities would reveal more facts of this same nature.

On

62-86465-
JUN 15 1967

In the original of a memorandum captioned and dated as above, the Congressional Record for JUNE 15 1967 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

100-441600-1000
JUN 15 1967

(Mount Clipping in Space Below)

Integration Slowed By Those in Middie Marshall Charges



—Staff Photo

On This Visit It's Judge Marshall

Thurgood Marshall (right), who helped represent plaintiffs in the 1957 Little Rock school desegregation case, returned as Judge Marshall Saturday. He is a member of the United States Court of Appeals, Second Circuit, at New York. He is shown leaving the Phyllis Wheatley YWCA with (from left) Rev. Henry L. Parker, vicar of St. Philip's Episcopal Church, Mrs. C. Bates and Linda Fay Jeffries, a member of the Youth Council of the National Association for the Advancement of Colored People and the daughter of Mr. and Mrs. Luther Jeffries, neighbors of Mrs. Bates. Mrs. Bates was state NAACP president from 1957-61.

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. DeLoach _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Mr. Holmes _____
Miss Gandy _____

(Indicate page, name of newspaper, city and state.)

3A

Arkansas Gazette

Little Rock, Arkansas

Date: 5/16/65

Edition: AM

Author:

Editor: J.N. HEISKELL

Title: THURGOOD MARSHALL
INTEGRATION MATTERS

Character: RM

or

Classification: 62-1537

Submitting Office: Little Rock

☐ Being Investigated

NOT RECORDED
46 JUN 10 1965

Full integration of races is lagging because of the apathy of the "so-called middle group of Americans who are neither of the far right or far left," Federal Judge Thurgood Marshall said at Little Rock Saturday.

Judge Marshall, the former chief counsel for the National Association for the Advancement of Colored People whose name before his appointment to the federal judiciary had become synonymous with the civil rights struggle, was at Little Rock to speak at a dinner commemorating the 80th anniversary of St. Philip's Church, an Episcopal mission at 919 Gaines Street.

Arriving at mid-afternoon, he met newsmen briefly at the Phyllis Wheatley YWCA, across the street from St. Philip's, then moved on to the Sam Peck Hotel where he was guest of honor at a reception given by members of the Pulaski County Bar Association. Several of his adversaries in the 1957 Little Rock school crisis, in which he figured prominently, were among those who went to the Sam Peck to greet him.

Within the moderate group of Americans, Judge Marshall said, is the church, which he said had a particular responsibility in the civil rights field — a responsibility he said they had, by and large, failed to carry out.

"All of this has been brought about by the fact that the federal courts over a period of years have decreed over and over that the Constitution means what it says, that recent presidents — Presidents Truman, Kennedy and Johnson — on behalf of the executive branch of government, have made it clear that these rights must be recognized and Congress is now moving toward the

same end, so that all three arms of government are moving — and still we don't have it," Judge Marshall said.

"The middle group has not done as much as it could do," he said.

The majority of the people of the South, he said, are "a religious, God-fearing people. I don't see how they can conceive that God made people different."

He thought churches should "go out into the community to see what they could do to bring about complete equality for all Americans."

Marshall said his elevation to the Second United States Court of Appeals at New York had removed him from the civil rights struggle. He declined comment on several questions that dealt with court cases or potential cases that eventually may appear in his court. He said the court had two cases now that dealt with the so-called "freedom of choice" school assignment plan, which Little Rock and numerous other cities have adopted.

As for Little Rock, Marshall

said he was sure that "progress into it more closely to see whether would want, the answer, I'm has been made but if we looked, there was as much as we sure, would be no."

3/14/69

CODE

TELETYPE

URGENT

1 - Mr. McGuire

TO SAC SAN JUAN

FROM DIRECTOR FBI

REPORTED DEMONSTRATION AGAINST SUPREME COURT JUSTICE
THURGOOD MARSHALL, ST. THOMAS, VIRGIN ISLANDS, MARCH SIXTEEN,
NEXT, INFORMATION CONCERNING.

RE SAN JUAN TELETYPE MARCH FOURTEEN, INSTANT, CAPTIONED
AS ABOVE.

SAN JUAN ASSURE THAT JUSTICE THURGOOD MARSHALL HAS BEEN
PROPERLY ADVISED OF DEMONSTRATION POTENTIAL MENTIONED IN
REFERENCED TELETYPE.

JFM:sss

(3) *pas*

NOTE:

Supreme Court Justice Thurgood Marshall is in Virgin
Islands and scheduled to speak at College of Virgin Islands 3/16/69.
Rumors are that demonstration will occur when Marshall appears
at previously mentioned college. Teletype utilized due to urgent
nature of this.

REC 17

62-86660-28

20 MAR 17 1969

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

VIA TELETYPE
FILE
751111
RECEIVED

MAIL ROOM ☐ TELETYPE UNIT ☒

VIA TELETYPE

MAR 14 1969

ENCIPHERED

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

NR 5 5:36 PM AST URGENT 3-14-69 JEB

TO DIRECTOR (CODE)

FROM SAN JUAN (62-NEW) 2P

REPORTED DEMONSTRATION AGAINST SUPREME COURT JUSTICE
THURGOOD MARSHALL, ST. THOMAS, VIRGIN ISLANDS, MARCH SIXTEEN
NEXT, INFORMATION CONCERNING.

[REDACTED], REPORTER, ASSOCIATED PRESS, ST. THOMAS,
ADVISED THAT HE HAD HEARD RUMOR IN ST. THOMAS THAT DEMONSTRATION
WILL OCCUR ON MARCH SIXTEEN NEXT WHEN SUPREME COURT JUSTICE
THURGOOD MARSHALL APPEARS AT COLLEGE OF VIRGIN ISLANDS, ST.
THOMAS, TO DELIVER SPEECH AT CHARTER DAY CEREMONIES. JUSTICE
MARSHALL ARRIVED IN ST. THOMAS ON MARCH THIRTEEN LAST. [REDACTED]
HAD NO INFORMATION REGARDING NATURE, SIZE OR REASON FOR
DEMONSTRATION.

[REDACTED], SPECIAL ASSISTANT TO COMMISSIONER OF PUBLIC
SAFETY, ST. THOMAS, ADVISED HE HAD NO ADDITIONAL INFORMATION.

SECRET SERVICE, SEVEN HUNDRED SEVENTY FIRST MILITARY
INTELLIGENCE DETACHMENT, NAVAL INVESTIGATIVE SERVICE OFFICE,
END PAGE ONE

COPY SENT TO MR. TOLSON

SJ 62-NEW

PAGE TWO

SAN JUAN, PUERTO RICO, OFFICE OF SPECIAL INVESTIGATIONS, RAMEY AIR FORCE BASE, AGUADILLA, PUERTO RICO, AND U.S. ATTORNEY, ST. THOMAS, HAVE BEEN FURNISHED ABOVE INFORMATION.

SAN JUAN ATTEMPTING TO DETERMINE IF BASIS FOR RUMOR REGARDING DEMONSTRATION. POSITIVE INFORMATION WILL BE IMMEDIATELY DISSEMINATED TO LOCAL POLICE AND INTELLIGENCE AGENCIES. BUREAU WILL BE PROMPTLY ADVISED OF ANY DEVELOPMENTS.

MEMO
LHM FOLLOWS.

END

WA...JDR

FBI WASH DC

FBI

Date: 3/17/69

Transmit the following in _____
(Type in plaintext or code)Via A I R T E L _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, SAN JUAN (62-) (RUC)

REPORTED DEMONSTRATION AGAINST SUPREME
COURT JUSTICE THURGOOD MARSHALL, ST.
THOMAS, VIRGIN ISLANDS, MARCH 16, 1969
INFORMATION CONCERNING
(OO: SJ)

Re San Juan and Bureau teletypes, 3/14/69.

On 3/15/69, [] Special Assistant
to the Commissioner of Public Safety, St. Thomas,
Virgin Islands, advised that Supreme Court Justice
THURGOOD MARSHALL, who is aware of rumored demonstra-
tions at dedicating ceremonies for the new Library
of the College of the Virgin Islands, would be pro-
vided plain-clothes police protection. Uniformed
officers would be on special alert but not at the
ceremony.

On 3/16/69, [] advised that the dedicating
ceremony had been conducted at the College of the
Virgin Islands without demonstrations. According to
[] Justice MARSHALL had conferred with the Student
Body President JUAN GARCIA prior to the ceremony, and
as a result GARCIA cancelled the plan for a demonstra-
tion. No LHM follows.

3-Bureau
1-San Juan

JCS:kp
(4)

REC-127

14 MAR 19 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

b6
b7cb6
b7c

2/12/82

Judge:

I had Bureau and New York indices reviewed regarding International Porno, Inc., 635 Madison Avenue, New York, N. Y., the company mentioned in the box at the end of the article. Results were negative; however, the New York Office advised that an office building at 635 Madison Avenue had about 40 tenants, including the publishers of two magazines: National Lampoon and Heavy Metal.

I purchased the current (2/82) issue of "National Lampoon" magazine (attached). Page 60 has the article in question.

[redacted] reviewed the article, and we discussed it. No FBI jurisdiction is apparent. In addition, it is unlikely that Justice Marshall could successfully sue the publication because (1) he is a "public figure" and (2) despite the article's use of his name in the byline, the table of contents (page 2) lists the real authors.

My only suggestion is that you provide the magazine to Justice Marshall so that he may be aware of the context in which the article was printed.

Enc.

1 - [redacted]

2/12/82

10

62-86665-31
Please draft appropriate letter
to Justice Marshall for my sig
WTH

FEB 19 1982

Let to Hon. Marshall
2-18-72 [redacted]

b6
b7C

b6
b7C

Unrecorded Copy Filed
b6
b7C

FROM

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW

Mr. Colwell _____ ()
 Mr. Mullan _____ ()
 Mr. Otto _____ ()
 Mr. Bayse _____ ()
 Mr. Greenleaf _____ ()
 Mr. Finzel _____ ()
 Mr. Kelleher _____ ()
 Mr. McKenzie _____ ()
 Mr. Mintz _____ ()
 Mr. Monroe _____ () *SM*
 Mr. O'Malley _____ ()
 Mr. Revell _____ ()
 Mr. Stames _____ ()
 Mr. Young _____ ()
 Mr. Hotis _____ ()
 Mr. Andrews _____ ()
 Ms. Douglas _____ ()
 Mr. Gants _____ ()
 Tele. Room _____ ()
 Miss Devine _____ ()

See Me _____ ()
 Note and return _____ ()
 Prepare reply and return for my signature _____ ()
 Please Handle *to advise* _____ () ✓
 Respond over your signature _____ ()
 Prepare memo for the Department _____ ()
 For your recommendation _____ ()
 What are the facts? _____ ()
 Hold _____ ()

Remarks: _____

Nate 2/9/82

February 5, 1982

Honorable Thurgood Marshall
Associate Justice
Supreme Court of the United States
Washington, D. C. 20543

Dear Justice Marshall:

I have your letter of January 29th and am having
the enclosure studied. I will be back to you shortly.
I certainly agree with your characterization of it.

With warm regards,

Sincerely,

William H. Webster
Director



b6
b7C

62-86660-31
ENCLOSURE

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 29, 1982

Personal and Confidential

Dear Bill:

I hate to bother you and apologize for doing so but nevertheless here goes.

Enclosed is some sort of leaflet which came to my attention this afternoon. It is at least scandalous. I am sending it to you with the hope that you can give me some suggestion as to what can be done about it.

With best wishes.

Sincerely,



Honorable William H. Webster
Director
Federal Bureau of Investigation
Washington, D.C. 20535

62-86660-31

62-86660-31

ENCLOSURE

How to write dirty

by Justice Thurgood Marshall



Thurgood Marshall, the first black appointed to the U.S. Supreme Court, tells you how to write dirty.

One of the most time-consuming tasks a Supreme Court justice performs is reading through mounds of pornographic material, to determine if it is protected by the First Amendment right to freedom of speech. The Court has ruled that such material is protected only if it possesses "redeeming social value."

What is "redeeming social value"? To me, it is something that puts "lead" in your "pencil." Pops a "bone of contention" in your "legal briefs." In other words, something that makes your pecker stand up and say the Pledge of Allegiance.

Of course, it takes some hot and steamy writing to get a rise out of a few of those old droopy drawers on the Supreme Court. But don't despair; just follow my simple Marshall Plan for How to Write Dirty. Soon, you'll be able to crank out pornography that a judge will want to review in his chambers time and again. That judge is me.

Keep the reader in mind

How would you like to read a book entitled *A Man Called Homo* or *My Girl Friend Flicka*? Well, I've read them, and they're terrible. Seems too many pornographers these days write stories that appeal only to homos,

horses, or other degenerates. They have forgotten that the typical reader of dirty books is a normal, heterosexual, black, elderly Supreme Court justice.

To write dirty well, pick topics your audience will be interested in, like fellatio, blow jobs, and white women. Especially white women. They're my favorite. Oh, yeah.

Write what you know

A man once wrote a book entitled *I Was a Hooker on the Moon*. It did not have the ring of authenticity, and sold few copies. "You should write about what you know," I advised this aspiring author, who just happened to be Justice Felix Frankfurter. His next book, *Suck My Wiener*, was on Thurgood Marshall's Best-seller List for a full five months.

So write about subjects you are familiar with. If you are a mailman, write sexy stories about delivering the mail. If you are a homo, write stories about what your straight friends do. If you are a white woman, write to me. Here is my address: Thurgood Marshall, Supreme Court Building, Washington, D.C.

To illustrate the principle of writing what you know, I have composed the following example. It is based on a true incident—only the names have been changed slightly:

Handsome Thurgood X. was sitting in his chambers one day, reading *A Man Called Homo*. Suddenly, he was

interrupted by Sandra Day O., a distinguished white woman. "You certainly look foxy in your big, black robes," Sandra purred. "I've got something even bigger and blacker underneath," replied Thurgood.

Thurgood had always had a way with women—you could say he was a sort of Afro-disiac. Soon the two were lying on the bench, Thurgood preparing to enter Sandra's private chambers. "Here come da judge," he shouted, as his groin gavel banged away. Finally, they finished, furiously collapsing in the sweat of their ecstasy. "That was sure good, Thurgood," Sandra cooed.

"Oh, yeah," he replied.

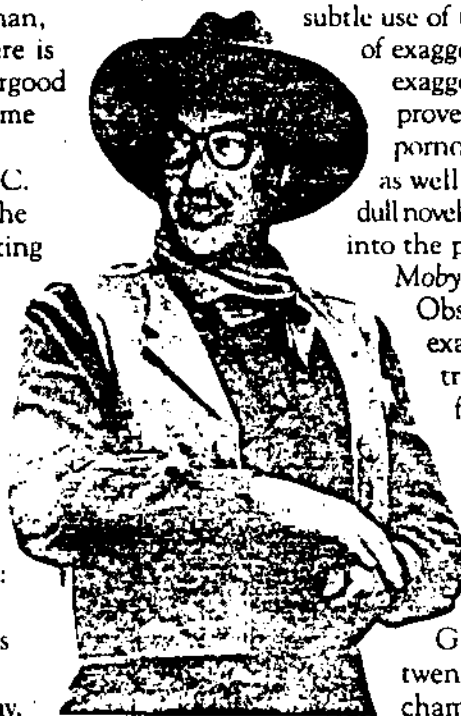
Don't be afraid to exaggerate

In my 200 years on the bench, I have handed down judgments so brilliant that the Statue of Justice once came to life, ran off her pedestal, and gave me a big wet kiss on the lips.

Of course, most of this story is not true, but is actually a subtle use of the principle of exaggeration. Clever exaggeration can prove quite useful in pornographic stories, as well. It can turn a dull novel like *Moby-Dick* into the porn classic *Moby Huge Dick*.

Observe how exaggerating the truth makes the following story a million times more interesting:

Thurgood was sitting in the New York State Bar and Grill, finishing his twentieth bottle of champagne. He had just returned from Washington, flushed with his victory in the



Marshall Thurgood Marshall declares Marshall law on those sidewindin' polecats who write boring pornography.

After scrutinizing a copy of Playboy during a desegregation trial, Justice Marshall proudly declares "I call this magazine Exhibit A—for Arousing."

case *Brown v. Ten Boards of Education*. Suddenly, a beautiful woman, with bosoms the size of watermelons, walked into the bar.

"Don't be impartial, Mr. Marshall," she implored. "Take me, take me now." In half a second, they were both naked. "I had no idea they'd painted the Empire State Building black," she gasped. "That's not the Empire State Building," Thurgood replied, "that's my fifty-two inches of manhood." With one motion, Thurgood thrust his entire Shaft into her awaiting body. Three hundred orgasms later, they finished.

"That was great," she purred. "Just wait'll I send my ninety-three teenage sisters to see you." All in all, it was a typical day.

Edit yourself

There's an old joke that runs something like this: "A sexually inexperienced couple are on their honeymoon. Not sure what to do, the husband asks his wife for advice. 'Stick it in,' she commands. 'Now pull it out. Stick it in. Pull it out.'" I forgot the punch line to this anecdote, but it hardly matters—we've already heard the good part.

Similarly, careful editing can improve your writing. Who wants to read a boring law book when the Cliffs Notes will do just as well? In the following example, a fine pornographic story is made even better by carefully editing out the less essential passages:

Handsome Thurgood ~~X~~ was sitting in his chambers one day, reading ~~A Man Called Horse~~

Sandra Day O., a distinguished white woman. "You certainly look foxy in your big, black robes," Sandra purred. "I've got something even bigger and blacker underneath," replied Thurgood.

Thurgood ~~had always had a way with women—you could say he was a sort of Afro-disiac...~~

Humor your audience

One day, I mistakenly broke into Lyndon Johnson's bedroom while Lady Bird was preparing to give him a blow job. To mask my embarrassment, I made a couple of ribald jests. First I turned to Lady Bird and quipped, "I guess you put the BJ in LBJ." Then I pointed to the president's groin, and added, "Boy, you sure got a big Johnson, Lyndon." LBJ was so amused by these remarks, and so eager to get me out of the room, that he appointed me to the Supreme Court.

Just as a few great jokes helped my judicial career, so can they help you with your dirty-writing career. Check out this example:

The justices and I were sitting in closed session, deliberating. Suddenly, who should walk in but

Justice Byron White's wife, Lucy. "You sure make me juicy, Ms. Lucy," I quipped. "I love Lucy," I added, elbowing Byron in the ribs. I was on a roll now, so I turned to Justice Harry Blackmun and hollered, "I'm the real hairy black man around these parts." This prompted Chief Justice Burger to call for order. In response, I whipped open my robe (I had nothing on underneath) and said, "Hey, Chief Justice Cheeseburger, did you order this big black whopper?"

All the justices excused themselves and returned to their chambers, unable to match my brilliant repartee. I was alone in



Swearing an oath on his personal "Bible for Swingers," Thurgood Marshall testifies that he is a porn-again Christian.

the room, except for Lucy, whose arm I had a firm grip on. "Baby, you sure got big torts," I joked, "and there ain't nothing I like better than White's woman." Then I screwed her eighty-seven times.

The defense rests

Well, I hope you liked my helpful tips on how to write dirty. So, if you follow my rules, the next time you pop up in court on an obscenity charge, maybe something on me will pop up too. Oh, yeah.

Thurgood Marshall

Years ago, International Porno sponsored a series of advertisements reading "Send me a man who reads pornography on the job, and I'll show you a man who's hard at work."

To tell the public that a dirty picture is not worth a thousand dirty words, International Porno decided to run a new series of advertisements extolling the values of pornography. We solicited columns from dozens of celebrities, including Luciano Pavarotti, Dick Cavett, Morey Amsterdam, and Thurgood Marshall. Unfortunately, only Justice Marshall replied.

For reprints of this ad, send name, address, and proof of minority to International Porno, Inc., 635 Madison Avenue, New York, N.Y. 10022.

INTERNATIONAL PORNO, INC.

1 -

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b7C

February 18, 1982

FEDERAL GOVERNMENT

Honorable Thurgood Marshall
Associate Justice
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Marshall:

In further response to your letter of January 29, 1982, our review of the enclosure to your letter has identified it as an article published in the February, 1982, issue of the magazine, "National Lampoon," at page 60. The table of contents, appearing on page 2, indicates the article was by two persons named therein.

Our conclusion is that there does not appear to be a basis for FBI criminal investigation. I have been advised by our Legal Counsel that, as it appears the intended purpose of the magazine is to produce humor for publication regardless of quality or decency of the material and on its face the particular article is patently absurd, the article probably enjoys constitutional protection from private legal means of redress.

For your assistance, should you desire to pursue this matter privately, I will enclose a copy of the magazine.

With warm regards,

Sincerely,

W. H. Webster
15/ B. 11

William H. Webster
Director

Enclosure

3)

☐

W. H. Webster

See Note Page 2

3 FEB 22 1982

b6
b7C

11/13/82
Unrecorded Copy Filed In 62

Honorable Thurgood Marshall

NOTE: Copy of the magazine was obtained as part of the effort to identify the material and to determine whether there was any basis for FBI investigation.

SEE: PAPISH V. UNIV. OF MISSOURI, 35 LE2d 618 (1973)
SUPREME COURT (INCLUDING JUSTICE MARSHALL)
HELD A SATIRICAL CARTOON DEPICTING A POLICEMAN
RAPING THE GODDESS JUSTICE WAS CONSTITUTIONALLY
PROTECTED.

b6
b7C

FEDERAL GOVERNMENT

July 6, 1983

Honorable Thurgood Marshall
Associate Judge of the Supreme
Court of the United States
Washington, D. C. 20543

Dear Justice Marshall:

As [] has already written to you, the end of July marks the FBI's 75th Anniversary, a very special event for us in the FBI. I'm sending you this short personal note in hopes that you will be able to join us at the Gala on the 23rd. We have a great evening lined up, including after-dinner remarks by []

Please join us at the Hilton for a most enjoyable time in recognition of our Anniversary.

Sincerely,

Bill

William H. Webster
Director

NOTE: Letter prepared at request of AD Young as a follow-up to a select group who had not responded to the Gala announcement by July 6th. Signed Bill for []

[] (2)

33

Exec AD Adm. _____
Exec AD Inv. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Insp. _____
Intell. _____
Lab. _____
Legal Coun. _____
Off. Cong. &
Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Telephone Rm. _____

SAC, WFO

5/9/69

Director, FBI

1 - Mr. G. E. Glass

~~SPEECH BY SUPREME COURT JUSTICE~~
~~THURGOOD MARSHALL~~
~~DILLARD UNIVERSITY~~
~~MAY 4, 1969~~
~~RACIAL MATTERS~~

Ry
60

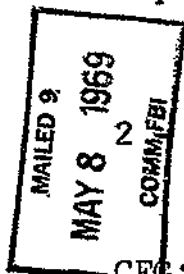
7

Press reports indicate that Supreme Court Justice Thurgood Marshall spoke at the centennial celebration at Dillard University before a predominantly Negro crowd on Sunday, May 4, 1969. Justice Marshall stated that "anarchy is anarchy is anarchy" "it makes no difference who practices it, it is bad, it is punishable and it should be punished." He reportedly denounced black militants and said that nothing will be settled with guns, fire bombs and rocks. He reportedly stated "the seeds (of anarchy) are here but nothing will be settled with guns, fire bombs and rocks. The country can't survive if the perpetrators go unpunished. Its that simple."

New Orleans attempt to discreetly obtain from your sources on the Dillard campus copies of Justice Marshall's speech. WFO should do likewise with your sources at the Supreme Court.

Furnish copies of the speech to the Bureau.

New Orleans



CEC:fsh
(6)

REC-2

REC-28

N 137-

13503-

19 MAY 8 1969

54 MAY 14 1969

MAIL ROOM ☒ TELETYPE UNIT ☐

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 5/16/69

FROM : SAC, NEW ORLEANS (157-12173)(F)

SUBJECT: SPEECH BY SUPREME COURT JUSTICE
THURGOOD MARSHALL
DILLARD UNIVERSITY
MAY 4, 1969
RACIAL MATTERS

Re Bureau letter to WFO, 5/9/69.

Dr. ALBERT DENT, President, Dillard University, New Orleans, Louisiana, advised that Justice THURGOOD MARSHALL did not speak at Dillard from a prepared text and therefore no copy of his speech is available. Dr. DENT stated this speech was recorded by New Orleans radio stations WDSU, and WYLD, and the WYLD tape was used by U.S. News and World Report in preparing their article concerning this speech. Arrangements have been made to secure a copy of this tape from WYLD, New Orleans, May 19, 1969, and it will be forwarded to the Bureau.

REC-5

- (2) - Bureau
1 - WFO (Info)
2 - New Orleans

NOB-vhl
(5)

157-12173-2

SEARCHED INDEXED

MAY 16 1969

DO NOT
REPRODUCE
OR SECRET



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 5/22/69

FROM : SAC, WFO (157-2377) (REC)

SUBJECT: SPEECH BY SUPREME COURT JUSTICE
THURGOOD MARSHALL
DILLARD UNIVERSITY
MAY 4, 1969
RACIAL MATTERS

ReBulet to WFO: 5/9/69, and New Orleans letter to
Bureau, dated 5/16/69.

On 5/14/69, [] Assistant Clerk, United
States Supreme Court, advised that there had been innumerable
requests for a copy of Justice MARSHALL's speech, given by
him at Dillard University; however, there was no prepared
text for this speech and a copy thereof is not available.
[] did advise that the purport of this speech did
appear in the May 19, 1969 issue of U.S. News and World
Report.

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b7c

- ② - Bureau
1 - New Orleans (157-12173) (RM)
1 - WFO

REC-103

157-13503-3

RES:mee
(4)

15 MAY 23 1969



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

RACIAL INT. SECT.