



FEDERAL BUREAU OF INVESTIGATION

# **VIOLA LIUZZO MURDER**

## **PART 14 OF 14**

**FILE NUMBER : 44-28601**

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (44-28601)

DATE: 8/18/66

FROM : SAC, NEW ORLEANS (157-3954) (P)

SUBJECT: EUGENE THOMAS, ET AL;  
VIOLA GREGG LIUZZO, Aka.  
ET AL - VICTIMS  
CR; EL

Re New Orleans letter to Bureau, 6/24/66. b7c

On 8/17/66, [REDACTED]  
Fifth Circuit Court of Appeals, New Orleans, Louisiana,  
made available two copies of Brief for Appellee, #23289,  
filed 8/16/66, copy of which is enclosed for the Bureau  
and Mobile.

Will advise the Bureau and Mobile of decision  
in this matter.

- 2 - Bureau (enc. 1) ENCLOSURE  
2 - Mobile (44-1245) (enc. 1)  
2 - New Orleans

CLM/jas  
(6)

14 AUG 22 1966

REC-29

56 SEP 12 1966



5010-108-01

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

FBI MOBILE

530

PM CST, URGENT

9-16-66

MMA

TELETYPE

TO DIRECTOR 44-28601

FROM MOBILE 44-1245

EUGENE THOMAS; ET AL; VIOLA GREGG LIUZZO, AKA, ET AL -  
VICTIMS. CR; EL. OO MO.

ON THIS DATE, USA BEN HARDEMAN ADVISED STATE OF ALABAMA  
HAS FILED PETITION WITH THE FIFTH CIRCUIT JUDGE JOHN GODBOLD  
REQUESTING ALL ITEMS OF EVIDENCE ENTERED IN THE TRIAL OF  
SUBJECTS IN USDC, MONTGOMERY, ALA., BE MADE AVAILABLE TO  
STATE ATTORNEY FOR USE DURING STATE TRIAL OF  
SUBJECT THOMAS IN HAYNEVILLE, ALA., MONDAY, NINE TWENTYSIX  
NEXT.

HARDEMAN STATES HE DESIRES AGENT PRESENT WHEN EVIDENCE  
TRANSFERRED IF REQUEST GRANTED BY COURT OF APPEALS IN ORDER  
TO PRESERVE CHAIN OF EVIDENCE.

UACB, HARDEMAN'S REQUEST WILL BE HONORED IN EVENT  
EVIDENCE TRANSFERRED.

BIRMINGHAM ADVISED AIRMAIL.

END

WA...GJ88PE

FBI WASH DC -

IT 57 SEP 23 1966

WG...GJG

FBI WASH DC

1 SEP 19 1966

SEP 21 1966  
TELETYPE

FBI WASH DC

FBI BIRMINGHAM

254 PM URGENT 9-21-66 JGA  
TO DIRECTOR 44-28601 AND NEW YORK  
FROM BIRMINGHAM 44-1236

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

EUGENE THOMAS; ETAL; VIOLA GREGG LIUZZO, AKA; ETAL - VICTIMS.  
CR. EL. 00; MOBILE.

RE MOBILE TEL TO BUREAU AND BIRMINGHAM, INSTANT DATE.

FOR INFO OF NEW YORK, ALABAMA ASSISTANT ATTORNEY GENERAL,  
MONTGOMERY, ALA. THIS DATE ADVISED SUBJECT THOMAS SLATED FOR TRIAL  
IN CIRCUIT COURT, LOWNDES COUNTY, HAYNEVILLE, ALA., AT ONE PM,  
SEPTEMBER TWENTYSIX, NEXT. ASSISTANT ATTORNEY GENERAL DESIRED SA  
[REDACTED] BE PRESENT FOR TRIAL AND PREPARED TO PRESENT SAME TESTIMONY AS  
DURING PREVIOUS TRIALS.

UACB SA [REDACTED] WILL APPEAR AS NECESSARY WITNESS IN  
REGARD TO ABOVE DESCRIBED TRIAL. ONE AIRMAIL COPY TO MOBILE. OTHER  
OFFICE ADVISED SEPARATELY.

END

LLD

FBI WASH DC

REC-51 44-28601-742

EX-102

14 SEP 22 1966

61 SEP 29 1966

6-11  
OP

FEDERAL BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

SEP 21 1966

TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

FBI WASH DC

FBI BIRMGHAM

349 PM CST URGENT 9-21-66 JGA  
TO DIRECTOR 44-28601 AND NEW YORK  
FROM BIRMINGHAM

CORRECTION:

TO TELETYPE SENT AT PM INSTANT DATE CAPTIONED  
"EUGENE THOMAS; ETAL; VIOLA GREGG LIUZZO, AKA; ETAL - VICTIMS.  
CR. EL. OO MOBILE"

PLEASE INSERT FOLLOWING AS FIRST PARAGRAPH AFTER REFERENCE.

"FOR INFO OF BUREAU SA [REDACTED] NOW ASSIGNED NEW YORK  
DIVISION."

ECORR TIME IN LINE 1 SHLDB BE "254 PM

EEND

GJG

FBI WASH DC

P

REC-51

EX-102

14 SEP 22 1966

61-28601-14

6-11/10

SEP 20 1966  
TELETYPE

FBI WASH DC

FBI MOBILE

2:08PM CST URGENT 9/20/66 WEB

TO DIRECTOR (44:28601)

FROM MOBILE (44-1245) 2P

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

EUGENE THOMAS; ET AL; VIOLA GREGG LIUZZO, AKA, ET AL - VICTIMS.  
CR; EL. OO: MOBILE.

REMOTEL TO BUREAU, SEPTEMBER SIXTEEN LAST.

ON THIS DATE, USA BEN HARDEMAN, MONTGOMERY, ALABAMA, MADE AVAILABLE ORDER ISSUED BY FIFTH DISTRICT COURT OF APPEALS JUDGE JOHN C. GODBOLD SEPTEMBER NINETEEN, SIXTYSIX IN CONNECTION WITH REQUEST OF THE STATE FOR RELEASE OF CERTAIN EVIDENCE FROM THE CLERK OF USDC, MDA. THIS ORDER READS IN PART AS FOLLOWS:

"THE SAID MOTION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: ONE, THE ITEMS OF EVIDENCE SHALL BE RELEASED

INTO THE TEMPORARY CUSTODY OF A REPRESENTATIVE OF THE FEDERAL BUREAU OF INVESTIGATION AND SHALL REMAIN IN HIS CUSTODY AT ALL TIMES EXCEPT WHEN ADMITTED INTO EVIDENCE (IF ADMITTED) IN SAID STATE TRIAL. AFTER COMPLETION OF THE STATE TRIAL

END PAGE ONE

5/2/67

CC

9/2/66

REC-102 114-29101-744

6-11

SEP 26 1966

PAGE TWO

MO 44-1245

IN THE CIRCUIT COURT OF LOWNDES COUNTY, ALABAMA, ALL OF SAID EVIDENCE (INCLUDING ANY PLACED IN EVIDENCE) SHALL BE TAKEN BACK INTO THE CUSTODY OF A REPRESENTATIVE OF THE FEDERAL BUREAU OF INVESTIGATION AND RETURNED TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA."

UACB, THE EVIDENCE INCLUDED IN THE MOTION FILED BY THE STATE OF ALABAMA WILL BE OBTAINED FROM CLERK OF USDC SEPTEMBER TWENTYTHREE NEXT BY A BUREAU AGENT AND MADE AVAILABLE FOR STATE USE IN CIRCUIT COURT IN LOWNDES COUNTY MORNING OF SEPTEMBER TWENTYSIX NEXT.

BIRMINGHAM ADVISED AIRMAIL. P.

END

RCS

FBI WASH DC

P

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach

DATE: September 21, 1966

FROM : A. J. Rosen *Rw*

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
1 - Mr. Hines  
1 - Mr. Wick

SUBJECT: EUGENE THOMAS; ET AL.;  
VIOLA GREGG LIUZZO, AKA, ET AL. -  
VICTIMS  
CIVIL RIGHTS; ELECTION LAWS  
OO: MOBILE

On September 16, 1966, the State of Alabama filed a motion with the Fifth U. S. Circuit Court Judge John Godbold, requesting that all items of evidence entered in the trial of subjects Eugene Thomas, Leroy Wilkins, and William Eaton in U. S. District Court, Montgomery, Alabama, be made available to the State Attorney for use during the state trial of subject Thomas in Hayneville, Alabama, September 26, 1966.

On September 19, 1966, U. S. Circuit Judge Godbold issued an order granting the motion of the state for release of the evidence from the Clerk of the U. S. District Court, Middle District of Alabama. The order grants the motion of the state on the condition that the items of evidence be released by the Clerk of the District Court to the custody of a representative of the FBI and shall remain in his custody except when admitted into evidence in the state trial. After completion of the state trial, all of the evidence shall be returned to the Clerk of the District Court by the representative of the FBI.

It is noted that the State of Alabama is bringing subject Eugene Thomas to trial on September 26, 1966, on charges of murdering Mrs. Viola Liuzzo in Hayneville, Alabama, on March 25, 1965. In April, 1965, all three subjects were indicted by the state on murder charges. They were granted a severance, and subject Wilkins was tried by the state in May, 1965. This trial ended in a hung jury. Wilkins was again tried by the state in September, 1965, and was acquitted. All three of the subjects were tried in U. S. District Court on Federal Civil Rights charges and were

JWH:ejk  
(7)

REC-11

CONTINUED - (OVER) 26 1966

Tolson \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

*McGowan*  
*Wick*



Rosen to DeLoach Memorandum  
RE: EUGENE THOMAS; ET AL.

found guilty by the jury on December 3, 1965. Each of the subjects was sentenced to ten years in prison. Subjects Eugene Thomas and William Eaton were never tried on the murder charges by the state. Subject William Eaton suffered a heart attack on March 9, 1966, and died.

The evidence now in the custody of the U. S. District Court, which the state has now requested for use in the state trial of Eugene Thomas, is evidence primarily developed in the FBI's investigation of the shooting and consists primarily of the murder weapon and bullets and material obtained at the crime scene search. Any such evidence produced in the state trial will necessarily have to be introduced by the Agents who obtained the evidence. The United States Attorney Ben Hardeman, Middle District of Alabama, has advised that it would be desirable for a Bureau representative to be present when the evidence is transferred from the District Court to the state and returned in order to preserve the chain of evidence.

**ACTION:** The evidence included in the motion filed by the State of Alabama will be obtained by a Bureau Agent from the Clerk of the U. S. District Court and made available for state use in Circuit Court, Lowndes County, Alabama, on September 26, 1966, at the trial of Eugene Thomas. Agents will testify as to their obtaining the evidence and the examinations made of the evidence if called upon to do so.

*[Handwritten signatures and initials: "J. Edgar Hoover", "R", "J", "V", "SAC"]*

FBI

Date: 9/22/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_

(Priority)

TO: DIRECTOR, FBI (44-28601)

FROM: SAC, NEW YORK (44-1140)

SUBJECT: EUGENE THOMAS;  
ET AL  
VIOLA GREGG LUIZZO aka;  
ET AL - VICTIMS  
CR; EL  
(OO:MOBILE)

Re Birmingham teletype to Director and NY,  
9/21/66.

UACB, SA [REDACTED] on subpoena in instant case, will drive POA to Washington, D. C., Friday, 9/23/66 and fly to Birmingham, 9/25/66. SA will return to Washington, D. C., via plane and return to NYC via POA. Cost to government will not exceed cost of trip from NY to Birmingham. Agent will be on annual leave Friday. Per diem will not start till Sunday.

3-Bureau  
2-Birmingham  
2-New York

EML:bca  
(8)

REC-38

11 SEP 23 1966

62-1140-157

Special Agent in Charge

Sent

M

Per

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

SEP 1 1966

TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI MOBILE

11-42 AM URGENT 9-21-66 JEB

TO DIRECTOR AND BIRMINGHAM

FROM MOBILE (44-1245)

EUGENE THOMAS; ET AL; VIOLA GREGG LIUZZO, AKA, ET AL - VICTIMS.  
CR; EL. OO MOBILE.

ALABAMA ASSISTANT ATTORNEY GENERAL, JOE BRECK BANTI,  
MONTGOMERY, ALABAMA, THIS DATE STATED TRIAL OF SUBJECT THOMAS  
IN CIRCUIT COURT, LOWNDES COUNTY, HAYNEVILLE, ALABAMA, IS SET  
FOR ONE P.M., SEPTEMBER TWENTYSIX NEXT. STATE DESIRES FOLLOW-  
ING AGENTS TO BE PRESENT TO PRESENT SAME TESTIMONY AS DURING  
PREVIOUS TRIALS: SA [REDACTED] FBI LABORATORY;

SAS [REDACTED] AND [REDACTED] BIRMINGHAM; AND

SAS [REDACTED] AND [REDACTED] OF MOBILE DIVISION.

P.

END

SXC

FBI 54 SEP 30 1966

REC-10

EX-105

Handwritten notes: SACs, the PH, BY, Route 2, DeLoach, memo - your copy

b7c

6-11

15 SEP 26 1966

FBI

Date: 9/19/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL

(Priority)

TO : DIRECTOR, FBI (44-28601)  
 FROM : SAC, MOBILE (44-1245)(P)  
 SUBJECT: EUGENE THOMAS; ET AL;  
 VIOLA GREGG LIUZZO, aka.;  
 ET AL - VICTIMS  
 CR - EL

RMdtel, 9/16/66.

SA [REDACTED] Senior Resident Agent, Selma, Alabama, was served 9/19/66 with a subpoena on behalf of the Defendant in instant case to appear in local court at Hayneville, Alabama on 9/26/66. USA BEN HARDENMAN, Montgomery, Ala., was advised, and he has no objection to SA [REDACTED] responding. He does not know the name of the defense attorney, as attorney ARTHUR H. [REDACTED] has withdrawn from the case.

[REDACTED]

2 - Bureau  
 2 - Mobile  
 JRC:pmw  
 (5)

REC-10

EX-106

SEP 27 1966

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

Per \_\_\_\_\_

FBI WASH DC

RECEIVED  
COMMUNICATIONS SECTION  
61

TELETYPE

FBI MOBILE

125PM/CSTURGENT 9/26/66 TEB

TO DIRECTOR 44-28601

FROM MOBILE 44-1245 2P

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. Tele. Room \_\_\_\_\_  
Mr. Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

EUGENE THOMAS; ET ALI, VIOLA GREGG LIUZZO, AKA.; ET AL -  
VICTIMS. CR - EL.

REMOTEL, SEPTEMBER TWENTY-SIX, INSTANT.

JOE BRECK GANTI, ASSISTANT ATTORNEY GENERAL, STATE OF ALABAMA, PRESENTED THE MONTGOMERY RESIDENT AGENCY WITH A LIST OF SEVENTY-FIVE NAMES ON THE VENIRE FROM WHICH A PETTY JURY IS TO BE DRAWN IN CONNECTION WITH THOMAS' TRIAL. HE REQUESTED AN INDICES CHECK TO DETERMINE ANY KLAN CONNECTIONS OR RACIAL INVOLVEMENT. RESULTS OF INDICES CHECK WILL NOT BE GIVEN GANTI UNTIL BUREAU APPROVAL IS RECEIVED. MOBILE INDICES NEGATIVE AS TO ANY DEROGATORY INFORMATION CONCERNING GANTI.

DURING THE MORNING OF INSTANT DATE, COUNSEL QUESTIONED THE VENIRE. ACCORDING TO REX THOMAS, AP, EXCUSES HAVE BEEN ACCEPTED, AND THE VENIRE IS NOW REDUCED TO THIRTY-TWO, TWENTY-ONE OF WHOM ARE NEGROES. COURT RECESSED ELEVEN TEN A.M. INSTANT DATE, UNTIL EIGHT THIRTY A.M., SEPTEMBER TWENTY-SEVEN NEXT. ACCORDING TO THOMAS, AN AGREEMENT WAS REACHED BETWEEN

END PAGE ONE

SEP 28 1966

90 SEP 30 1966

2712

6-14

PAGE TWO

COUNSELS THAT TRIAL WOULD COMMENCE SEPTEMBER TWENTY-SEVEN, NEXT,  
AND BE COMPLETED SEPTEMBER TWENTY-SEVEN, NEXT. BUREAU WILL BE  
KEPT ADVISED. P.

END

BJG

FBI WASH DC

P

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

SEP 26 1966  
TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen ✓  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

FBI WASH DC

FBI MOBILE

10-35 AM URGENT 9-26-66 JEB  
TO DIRECTOR (44-28601) AND BIRMINGHAM (44-1236)  
FROM MOBILE (44-1245) 1P

EUGENE THOMAS, ET AL; VIOLA GREGG LIUZZO, AKA, ET AL,  
VICTIMS. CR; EL.

ON THIS DATE, ALABAMA AAG JOE BRECK GANTT STATED  
DESIRES SA [REDACTED] BIRMINGHAM OFFICE, AS WITNESS THIS  
CASE, HAYNEVILLE, ALA., ONE P.M. THIS DATE. UACB.  
BIRMINGHAM INSURE PRESENCE OF SA BYRON.

END

TMA

FBI WASH DC

P

EX-110

REC-51

44-28601-1750  
SEP 28 1966

54 SEP 30 1966

1 - Office, Room 7133

1 - Mr. Williams

9/22/66

Airtel

To: SAC, Mobile (44-1245)

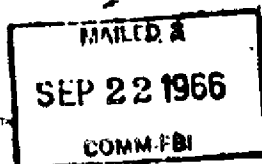
From: Director, FBI (44-28801)

EUGENE THOMAS, ET AL.;  
VIOLA GREGO LIUZZO, AKA., ET AL.,  
VICTIMS; CR; EL

Reurtel 9/21/66.

SA [REDACTED] arriving Montgomery Delta  
Air Lines Flight 623 at 4:09 p. m. 9/26/66, to testify instant  
case.

MEW:bsm  
(5)



Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

70 SEP 22 1966

MAIL ROOM ☐ TELETYPE UNIT ☐

REC-47  
EX-113

19 SEP 26 1966



FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

SEP 27 1966

TELETYPE

FBI MOBILE

733 PM CST

URGENT 9/27/66

VFP

TO DIRECTOR /44-28601/

FROM MOBILE /44-1245/

EUGENE THOMAS; ET AL; VIOLA GREGG LIUZZO, AKA; ET AL -  
VICTIMS. CR -EL.

REMOTEL SEPTEMBER TWENTYSIX SIXTYSIX.

TRIAL RESUMED AT EIGHT THIRTY AM SEPTEMBER TWENTYSEVEN  
SIXTYSIX AND A JURY WAS QUICKLY PICKED, COMPOSED OF EIGHT  
NEGROES AND FOUR WHITES. TESTIMONY PROCEEDED IN ACCORDANCE  
WITH THE LINE OF PREVIOUS TRIALS WITH THE EXCEPTION OF THE  
TESTIMONY OF ROWE WHO DID NOT APPEAR. DEFENSE CONSISTED OF  
TESTIMONY OF COTTON NICHOLS, OF SELMA PD, WHO GOT FIRST REPORT  
FROM LEROY MOTON AND TWO PERSONS IN BAR IN BIRMINGHAM, TO WHICH  
DEFENDANTS HAD GONE AFTER SHOOTING. DEFENDANT DID NOT TESTIFY AS OF  
FOUR THIRTY PM, CST, ALL TESTIMONY HAD BEEN ENTERED AND  
CLOSING ARGUMENTS WERE IN PROCESS. JUDGE INDICATED HE WOULD  
REMAIN UNTIL A DECISION WAS REACHED.

BUREAU WILL BE KEPT ADVISED. P.

END

WA AZXP

FBI WASH DC

SP

54 OCT 5 1966

REC-62

104 SEP 28 1966

Mr. Tolson  
Mr. DeLoach  
Mr. Mohr  
Mr. Wick  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Mr. Tele. Room  
Miss Holmes  
Miss Gandy

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach

DATE: September 23, 1966

FROM : A. Rosen

SUBJECT: EUGENE THOMAS; ET AL.;  
VIOLA GREGG LIUZZO, AKA, ET AL. -  
VICTIMS  
CIVIL RIGHTS - ELECTION LAWS  
OO: MOBILE1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
1 - Mr. Hines  
1 - Mr. Wick  
1 - Mr. Moore  
1 - Mr. ConradTolson  
DeLoach  
Mohr  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

Eugene Thomas, the only remaining subject charged by the state for the murder of Mrs. Liuzzo who has not been tried, is scheduled for trial September 26, 1966. Subject Collie Leroy Wilkins was previously tried by the state and acquitted. Thomas, Wilkins, and William Eaton were all tried on Federal Civil Rights charges and convicted and sentenced to ten years. Subject William Eaton died in May, 1966.

Mobile advised the state has requested that Special Agents Marion E. Williams of the Laboratory, Lawrence Gettings and Edward N. Lahey, Birmingham, and Archibald L. Riley and Roy H. Eveland of Mobile, also appear and testify as they did in the previous trials of subjects. The defense has subpoenaed SA Robert L. Frye to testify concerning his interview of Leroy Moton who accompanied Mrs. Liuzzo on the night of the shooting.

SA Marion Williams has testified at previous trials concerning the crime scene search and his examination of the murder weapon and bullets. SA's Riley and Eveland of Mobile have testified regarding their investigation at the crime scene and their participation in the crime scene search. SA's Gettings and Lahey have testified at previous trials concerning their arrest of Eugene Thomas and the search of his residence by search warrant.

Departmental Attorney James Turner was advised on September 20, 1966, of the subpoena of SA Frye and of the request of the state that the other Agents testify at Eugene Thomas' state trial on September 26, 1966. On September 22, 1966, Turner advised that the Department had no objection.

Enclosure

JWH:sjk

(9)

REC 26

CONTINUED - OVER, 12 SEP 28 1966

\* SA Lahey now assigned to New York.

OCT 4 1966

Rosen to DeLoach Memorandum  
RE: EUGENE THOMAS; ET AL.;

to SA Frye testifying for the defendant regarding his interview with Leroy Moton and the other Agents appearing and testifying as they did at previous trials and stated that they should do so.

**ACTION:** Attached for approval is a teletype to the Field instructing the Agents to appear and testify in line with their testimony at previous trials of this matter.

SA Marion E. Williams of the Laboratory has been advised and will testify as requested.

*Will* *Don* *Rosen* *P* *Wm* *ok*

September 28, 1968

GENERAL INVESTIGATIVE DIVISION

Eugene Thomas, William D. Eaton, and Collie Leroy Wilkins were previously convicted in Federal court on conspiracy charges relating to the fatal shooting of civil rights worker Mrs. Viola Liuzzo on 3/25/65; all received 10-year sentences.

Subject Wilkins previously acquitted in state court regarding local charges related to shooting. Subject Eaton died earlier this year. Attached teletype advises subject Thomas acquitted of local charges.

RJD:ctj

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

SEP 27 1966  
TELETYPE

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	✓
Mr. Holmes	✓
Miss Gandy	✓

FBI WASH DC

FBI MOBILE

902 PM

URGENT 9/27/66

VFP

TO DIRECTOR /44-28601/

FROM MOBILE /44-1245/

EUGENE THOMAS; ET AL; VIOLA GREGG LIUZZO, AKA ET AL-  
VICTIMS. CR EL.

RECEIVED MOBILE TELETYPE  
REMOTEL NINE TWENTYSEVEN INSTANT.

AT APPROXIMATELY SEVEN THIRTY PM INSTANT DATE THE JURY  
RETURNED A QUITTAL VERDICT AS TO SUBJECT THOMAS.

END

WA RAM

FBI WASH DC

REC-9

44-28601-727

SEP 30 1966

62 OCT 4 1966  
DO-MIL RUSEN

MIL DELOACH FOR THE DIRECTOR

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. DeLoach

DATE: 9/26/66

FROM : A. Rosen

SUBJECT: EUGENE THOMAS, ET AL;  
VIOLA GREGG LIUZZO, AKA, ET AL. -  
VICTIMS  
CIVIL RIGHTS - ELECTION LAWS

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
1 - Mr. Hines

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Eugene Thomas, the only remaining subject charged by the State with the murder of Mrs. Viola Liuzzo who has not been tried, is scheduled for trial in state court, Hayneville, Alabama, today. Subject Collie Leroy Wilkins was previously tried by the state and acquitted. Thomas, Wilkins and William Eaton were all tried on Federal Civil Rights charges and convicted and sentenced to ten years. Subject William Eaton died in May, 1966.

[REDACTED] of the Mobile Office called today and stated that Alabama Assistant Attorney General Joe Breck Gantt who is handling the prosecution of Thomas, contacted the Montgomery Resident Agency and requested that the names of 33 individuals on the juror list from which the Thomas jury will be selected be checked through the indices of the Mobile Office. Gantt requested that any pertinent information in the files of the Mobile Office indicating Klan or citizen council membership on the part of individuals on the jury list be furnished to him for his assistance in connection with the selection of the jurors.

According to [REDACTED] the selection of the jury is to commence at 1 p. m. CST (3 p. m. Washington time) today.

In connection with the second trial in state court of Collie Leroy Wilkins in October, 1965, the Department requested that a similar check be conducted for state officials for their assistance and the results thereof orally furnished to the State Prosecutor. This was done. The request of Prosecutor Gantt today for similar information has been discussed with Departmental attorney James Turner who requested that we comply with this current request.

JGK:jds  
(6)

Continued - Over

REC-43

SEP 28 1966

57 OCT 7 1966

Memorandum to Mr. DeLoach  
RE: EUGENE THOMAS

The Mobile Office has advised that there is nothing derogatory in the files of that office concerning Joe Breck Gantt, Assistant Attorney General of the State of Alabama. It is noted that Gantt is Assistant to Richmond Flowers, the Alabama attorney who has been opposed to Governor George Wallace in the manner in which Alabama has handled its integration and Negro problems. Gantt handled prosecution of Wilkins in October, 1965.

The Mobile Office has further advised that of the 33 individuals on the list to be checked, more than half of them are Negroes and therefore, will not have any Klan or citizen council affiliation.

The Mobile Office recommends that check of the indices be made and that the United States Attorney or the Departmental Attorney on the scene in Montgomery, Alabama, be orally advised of the results of the check and that either the United States Attorney or the Departmental Attorney furnish the information to the Assistant Attorney General of the State of Alabama.

**ACTION:** If approved, the Mobile Office will be authorized to furnish orally to the United States Attorney or the Departmental Attorney on the scene the results of the office indices check so that such person may orally furnish the information to Assistant Attorney General Gantt.

*Handwritten notes and signatures:*  
- Top left: "J" and "J" with a checkmark.  
- Middle left: "J" and "J" with a checkmark.  
- Middle right: "V" and "S" with a checkmark.  
- Bottom right: "OK" and "OK" with a checkmark.  
- Bottom right: "M. G. H." and "1/12/66".  
- Bottom right: "1/12/66".

# Memorandum

TO : Mr. Conrad *Jew*

FROM : R. H. Jevons *RHJ*

SUBJECT: EUGENE THOMAS, ET AL.;  
VIOLA GREGG LIUZZO, AKA., ET AL.,  
VICTIMS; CR; EL

1 - Mr. Conrad  
1 - Office, Room 7133

DATE: 9/29/66

1 - Mr. Williams

At the request of Alabama Attorney General Richmond Flowers, SA Marion E. Williams appeared in Hayneville, Alabama, on 9/27/66, and testified at the trial of Eugene Thomas. Flowers was assisted by Mr. Joe B. Gantt. Judge T. W. Thagard presided. The defendant was represented by Mr. Arthur Hanes (former Bureau Agent).

Thomas, along with Collie L. Wilkins and W. O. Eaton, was indicted for the murder of Viola Liuzzo, a civil rights worker who was shot near Selma, Alabama, on the evening of 3/25/65, while engaging in the transportation of civil rights workers between Montgomery and Selma, Alabama.

SA Williams testified that two bullets recovered from the victim's automobile, one from the body of the victim and four .38 Special cartridge cases found on the shoulder of the highway near the scene of the shooting were fired in a revolver found in an automobile parked in the yard of Thomas's residence. He also testified concerning his examination of the victim's car.

The case went to the jury late on the afternoon of 9/27/66, and a verdict of not guilty was returned in approximately one hour.

The jury, made up of eight Negro and four white persons, was the first biracial jury chosen in the four trials growing out of the murder of Mrs. Liuzzo. Wilkins was tried twice in 1965, the first trial resulting in a hung jury and the second in acquittal. All three individuals were tried in Federal Court in Montgomery for conspiracy to violate the civil rights of the victims and were found guilty. This verdict is now on appeal.

44-28601

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen (Attention: Mr. J. W. Hines, Room 2262)
- 1 - Mr. Wick (Attention: Mr. M. A. Jones, Room 4264)

MEW:bsm

(CONTINUED - OVER)

(8)  
62 OCT 14 1966

EX-114 REC-44 44-28601-75

OCT 5 1966

SEVEN



Memorandum to Mr. Conrad  
Re: EUGENE THOMAS, ET AL.;  
VIOLA GREGG LIUZZO, AKA., ET AL.,  
VICTIMS; CR; EL  
44-28601

Eaton died several months ago and, hence, cannot be tried.

In the trial of Thomas, Attorney General Flowers decided not to use the testimony of Thomas Rowe (FBI informant) nor the testimony of Leroy Moton, a Negro teenager who was riding with Mrs. Liuzzo when she was shot. Flowers stated that several jurors in the previous trials had remarked that they did not believe Rowe's story because he had violated his Klan oath and Moton made an exceedingly poor witness.

**ACTION:**

For information.

*[Handwritten signature]* *[Handwritten signature]* *[Handwritten initials]*

FBI

Date: 10/5/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO : DIRECTOR, FBI (44-23601)  
FROM : SAC, MOBILE (44-1245)(P)  
SUBJECT: EUGENE THOMAS; ET AL;  
VIOLA GREGG LIUZZO, aka.; ET AL  
- VICTIMS  
CR - EL

Enclosed for the Bureau are four copies of letterhead memorandum concerning the trial of EUGENE THOMAS at Hayneville, Ala. On local charge. One copy furnished USA, Montgomery, Ala.

(3) - Bureau (Encl. 4)  
2 - Mobile  
JRC:pmw  
(5)

REC 54

EX-108

10 OCT 7 1966

10/7/66  
JRC:pmw  
1 cc

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Mobile, Alabama 36601  
October 5, 1966

EUGENE THOMAS; ET AL:  
VIOLA GREGG LIUZZO; ET AL - VICTIMS

This memorandum pertains to the trial of Eugene Thomas in Lowndes County, Alabama, on September 26-27, 1966, on a charge of murder.

On September 16, 1966, U. S. Attorney Ben Hardeman, Montgomery, Alabama, advised that the State of Alabama had filed a petition with Fifth Circuit Judge John Godbold requesting all items of evidence that were entered in the trial of Thomas, Et Al, in U. S. District Court, Montgomery, Alabama, be made available to the Alabama State Attorney for use during the state trial of subject Thomas in Hayneville, Alabama, set for Monday, September 26, 1966. Hardeman stated he desired that an agent be present when the evidence was transferred, if the request was granted by the Court of Appeals, in order to preserve the chain of evidence.

On September 20, 1966, U. S. Attorney Hardeman made available the order issued by the Fifth District Court of Appeals, which granted the motion for the release of the evidence. The order reads in part as follows: "Said motion is granted subject to the following conditions; (1) the items of evidence be released into the temporary custody of a representative of the Federal Bureau of Investigation and shall remain in his custody at all times, except when admitted into evidence (if admitted) in said state trial. After completion of the state trial in the Circuit Court of Lowndes County, Alabama, all of the said evidence (including any placed in evidence) shall be taken back into the custody of a representative of the Federal Bureau of Investigation and returned to the Clerk of the U. S. District Court for the Middle District of Alabama."

On September 21, 1966, Alabama Assistant Attorney General Joe Mack Cantt, Montgomery, Alabama, desired the presence of the following agents to be present to present the same testimony as during previous trials: SA [REDACTED] b7

44-27601-158

EUGENE THOMAS; ET AL:  
VIOLETA GREGG LIUZZO; ET AL - VICTIMS

[REDACTED], and [REDACTED]  
[REDACTED] subsequently reported the presence of SA [REDACTED]  
[REDACTED] of the Birmingham Office.

Special Agent [REDACTED] of the Mobile Office on September 19, 1966, was served a subpoena on behalf of the defendant. From prior trials it was believed that the testimony to be elicited from Agent [REDACTED] would be concerning the contradictory statements made by Leroy Moton in describing the automobile from which the shots were fired that killed victim LiuZZo.

In the morning of September 25, 1966, Special Agent [REDACTED] obtained the evidence from [REDACTED] at the U. S. District Court, Montgomery, Alabama. All evidence was returned to [REDACTED] on September 28, 1966.

The trial of instant case began September 26, 1966. The day of September 26, 1966, was taken up with the impaneling of the jury, and a jury was finally selected on the morning of September 27, 1966, composed of 8 Negroes and 4 whites.

Testimony proceeded as in previous trials. However, Gary Thomas Rowe and Leroy Moton were not subpoenaed to testify. Special Agent [REDACTED] therefore did not testify.

Trial was concluded on September 27, 1966, resulting in an acquittal verdict.

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.

FBI

Date: 10-6-66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via: A I T E L \_\_\_\_\_

(Priority)

TO: DIRECTOR, FBI (44-28601)

FROM: SAC, SAN DIEGO (44-312)

EUGENIE THOMAS; ETAL  
VIOLA LIUZZO, AKA - ETAL - VICTIMS  
CR - EL

Re San Diego airtel to Bureau 8-22-66.

On 10-5-66 [REDACTED]

[REDACTED] California, advised that no further action has been taken by the District Attorney's Office in this matter, and it is his personal opinion that no prosecution will take place due to a lack of evidence.

[REDACTED] said he will immediately advise this office of any additional developments in this matter.

The Bureau will be appropriately advised of any developments.

3 - Bureau  
1 - SD  
CJH:jec  
(4)

REC-21

44-28601-751

OCT. 8 1966

EX 108

Approved: [Signature]

Special Agent in Charge

Sent

M Per [Signature]

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (44-28601)

FROM : SAC, NEW ORLEANS (157-3954) (P)

SUBJECT: EUGENE THOMAS, ET AL;  
VIOLA GREGG LIUZZO, aka,  
ET AL - VICTIMS  
CR; EL

DATE: 10/18/66

Re New Orleans letter to Bureau, 8/18/66.

On 10/12/66, [REDACTED] Fifth Circuit Court of Appeals, New Orleans, La., advised that no date of hearing has as yet been assigned in this matter.

Will advise the Bureau and Mobile of decision in this matter.

- 2 - Bureau
- 2 - Mobile (44-1245)
- 2 - New Orleans
- CLM - cst
- (6)

EX-104

REC-3

OCT 21 1966



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

FBI

Date: 10-21-66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL

AIR MAIL

(Priority)

TO: DIRECTOR, FBI (44-28601)  
FROM: SAC, BIRMINGHAM (44-1236)

EUGENE THOMAS, ET AL;  
VIOLA GREGG LIUZZO, AKA;  
ET AL - VICTIMS;  
CR - EL

Re Birmingham teletype 10-20-66.

For the information of the Bureau and Mobile, COLLIE LEROY WILKINS appeared before Judge of Recorders Court, Bessemer, Alabama, 10-20-66, and after being found guilty on charges of drunk, resisting arrest, and assault and battery of an officer, was sentenced to 30 days in the Jefferson County Jail. He was also fined \$225.00.

③ Bureau  
1-Mobile (44-1245)  
2-Birmingham  
1 - 44-1236  
1 - 157-1159  
JLM:rlg  
(6)

44-28601-162  
REC 45

12 OCT 24 1966

517  
Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M Per \_\_\_\_\_

October 20 1966  
GENERAL INVESTIGATIVE DIVISION

Mrs. Viola Gregg L. Lzo is the civil rights worker who was killed in Lowndes County, Alabama, on 3/25/65. Collic Leroy Wilkins is one of the three subjects convicted on Federal Civil Rights charges in December, 1965, and sentenced to ten years. The three subjects were released on \$30,000 appeal bond each on this charge. Subject William Eaton died in May, 1966.

Department being advised of information attached.

JWH:wjc



OCT 20 1966  
TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI BIRMGHAM

200 PM URGENT 10-20-66 JGA

TO DIRECTOR 44-28601

FROM BIRMINGHAM 44-1236

EUGENE THOMAS; ETAL; VIOLA GREGG LIUZZO, AKA; ETAL;  
DASH VICTIMS. <sup>CIVIL RIGHTS</sup> CP.

CHIEF OF POLICE GEORGE BARRON, BESSEMER, ALABAMA, ADVISED THIS DATE THAT COLLIE LEROY WILKINS WAS ARRESTED NIGHT OCTOBER NINETEEN, LAST, AT BESSEMER, CHARGED WITH DRUNK, RESISTING ARREST, AND ASSAULTING AN OFFICER. BARRON EXPLAINED THAT OFFICERS HAD BEEN CALLED TO LOCAL BESSEMER CAFE ON DISTURBANCE COMPLAINT. WHEN ARRIVING AT CAFE, OBSERVED WILKINS AND ANOTHER INDIVIDUAL IN AN INTOXICATED CONDITION. OFFICERS ATTEMPTED TO PLACE WILKINS UNDER ARREST AT WHICH TIME HE RESISTED, STRIKING ONE OF OFFICERS. OFFICERS THEN RECEIVED ASSISTANCE FROM FOUR OTHER POLICEMEN, ONE OF WHOM WAS STRUCK BY WILKINS. WILKINS WAS SUBDUED, HANDCUFFED, AND TAKEN TO CITY JAIL, BESSEMER, WHERE PRESENTLY BEING HELD UNDER TWELVE HUNDRED DOLLARS BOND. THIS CHARGE WILL BE HEARD THIS AFTERNOON.

58 NOV 3 1966

MR. DELOACH FOR THE DIRECTOR

PAGE TWO

BARRON STATES THAT IN TALKING WITH WILKINS, WILKINS INDICATED HE DOES NOT RECALL INCIDENT AS WAS TOO INTOXICATED.

FOR BACKGROUND BUREAU, WILKINS PRESENTLY UNDER APPEAL BOND FOLLOWING CONVICTION MONTGOMERY, ALABAMA, NOVEMBER, SIXTY FIVE, IN CONNECTION WITH CIVIL RIGHTS PROSECUTION INVOLVING SLAYING OF VIOLA LIUZZO. ON DEC. TWENTYONE, SIXTYFIVE, WILKINS WAS TAKEN BEFORE USDC, BIRMINGHAM, AND HEARING HELD IN CONNECTION WITH PROBATION REVOCATION. WILKINS AT THAT TIME UNDER FEDERAL PROBATION FOLLOWING CONVICTION FOR POSSESSION OF SAWED OFF SHOTGUN. ON DEC. TWENTYONE, SIXTYFIVE, WILKINS' PROBATION WAS REVOKED AND SENTENCED TO ONE YEAR AND A DAY IN CUSTODY U.S. ATTORNEY GENERAL. WAS REMOVED FROM BIRMINGHAM TO FEDERAL CORRECTIONAL INSTITUTION, TEXARKANA, ARKANSAS. FEDERAL PROBATION OFFICE, BIRMINGHAM ADVISES WILKINS RELEASED FROM CORRECTIONAL INSTITUTION, TEXARKANA, OCT. THREE, LAST, RECEIVING AN UNCONDITIONAL RELEASE. IS PRESENTLY NOT UNDER SUPERVISION.

ASSISTANT U.S. ATTORNEY  
AUSA, BIRMINGHAM, INDICATED INTENTION OF CONTACTING  
CIVIL RIGHTS DIVISION, U. S. DEPARTMENT OF JUSTICE TO DETERMINE  
WHETHER ACTION COULD BE INSTITUTED TO SECURE REVOCATION OF

PAGE THREE

WILKINS' APPEAL BOND IN CONNECTION WITH CIVIL RIGHTS CONVICTION.

AIR MAIL COPY TO MOBILE.

END

BJS

FBI WASH DC

P

REC-PRICK

FBI

CC-MR. ROSEN

Novem 21, 1966  
GENERAL INVESTIGATIVE DIVISION

Mrs. Viola Liuzzo was the white civil rights worker slain in Lowndes, County, Alabama, on 3/25/65. At the request of the Department, we conducted an extensive investigation of the slaying. Three subjects were tried and convicted in December, 1965, on Federal Civil Rights charges and sentenced to ten years. Information in attached will be furnished the Department. No investigation being conducted.

JWH:pah

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

NOV 21 1966  
TELETYPE

Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Wick	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

FBI WASH DC

FBI DETROIT

2-01 AM URGENT 11-21-66 FWB

TO DIRECTOR 44-28601

FROM DETROIT 44-643

Office of Origin *also known as*  
EUGENE THOMAS, ET AL; VIOLA LIUZZO, AKA, ET AL DASH VICTIM.  
MOBILE.

MR. ANTHONY LIUZZO, HUSBAND OF VICTIM, TELEPHONICALLY ADVISED AT TWELVE TWENTYFIVE AM, THIS DATE THAT AT ELEVEN THIRTY PM, ELEVEN TWENTY LAST, SHOT WAS FIRED THROUGH FRONT WINDOW OF HIS HOME. MR LIUZZO ADVISED CHILDREN IN THE HOUSE AT TIME BUT NO INJURIES SUSTAINED.

Police Department

DETROIT PD ADVISED THIS DATE INVESTIGATION HAS DEVELOPED NO SUSPECTS. MATTER BEING INVESTIGATED BY DETROIT PD. DETROIT OFFICE IS CONDUCTING NO INVESTIGATION.  
LETTERHEAD MEMORANDUM  
LHM FOLLOWS.

REC 32

44-28601-714

~~CORR LINE FOUR WD TWO TWELVE~~ DELETE

NOV 22 1966

HFL

FBI WASH DC

WA..

53 NOV 25 1966

FBI

Date: 11/22/66

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via \_\_\_\_\_

AIRTEL

(Priority)

TO: Director, FBI (44-28601)

FROM: SAC, Detroit (44-643)

EUGENE THOMAS, Et Al;

VIOLA LIUZZO, aka.,

ET AL - VICTIM

CR - EL

(OO: Mobile)

Re Detroit teletype 11/21/66.

Enclosed for the Bureau are two copies of LHM  
pertaining to captioned matter. One copy being furnished  
USA, Detroit.

3 - Bureau (Enc. 2) (RM)  
1 - Detroit  
TJR/cc  
(4)

Agency CTD

Date Form NOV 23 1966

How Form 6-21 (G)

By J. W. H. I. H. P.

1, cc CIVIL RIGHTS UNIT

REC 37

44-28601

NOV 23 1966

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

Per \_\_\_\_\_



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Detroit, Michigan  
November 22, 1966

In Reply, Please Refer to  
File No. —

Re: Eugene Thomas, Et Al;  
Viola Liuzzo,  
Et Al - Victim

On November 21, 1966, Anthony Liuzzo, husband of Viola Liuzzo, 19375 Marlow, Detroit, Michigan, advised the Detroit Office of the Federal Bureau of Investigation (FBI) that at about 11:30 p.m., on November 20, 1966, a shot was fired through the front window of his home. Mr. Liuzzo advised that he was not at home at the time of the shooting, but that his children were at home. He advised that no injuries were sustained. b7D

[REDACTED] Detroit, Michigan, Police Department, advised of November 22, 1966, that a .22 caliber bullet was shot through the front window of the Liuzzo residence and was recovered after hitting the wall opposite the window. [REDACTED] advised that Thomas Liuzzo, age 15, found a .22 spent cartridge in front of the Liuzzo residence.

[REDACTED] advised that a similar incident was reported about a week ago from a neighbor of the Liuzzos. He advised that his incident could be the result of union activity on the part of Anthony Liuzzo because about two weeks ago paint was thrown into the automobile of Anthony Liuzzo.

[REDACTED] advised that no suspects have been developed regarding this incident and that investigation is continuing.

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.

44-2860-705  
ENCLOSURE

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (44-28601)

DATE: 12/2/66

FROM : SAC, NEW ORLEANS (157-3954) (P)

SUBJECT: EUGENE THOMAS, ET AL;  
VIOLA GREGG LIUZZO, aka,  
ET AL - VICTIMS  
CR; EL

Re New Orleans letter to Bureau, 10/18/66.

On 11/28/66, [REDACTED] b7C  
[REDACTED] Fifth Circuit Court of Appeals, New Orleans,  
Louisiana, advised that the case is assigned for  
January 19, 1967 at New Orleans, Louisiana.

Will advise the Bureau and Mobile of  
decision in this matter.

- 2 - Bureau
- 2 - Mobile (44-1245)
- 2 - New Orleans

CLM/cmg  
(6)

REC-61

44-28601-766  
DEC 7 1966

DEC 13 1966



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



Date of Mail 12-8-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL Eugene Thomas

Removed By

CC DEC 14 1966

3-11

File Number

44-28601-767

Permanent Serial Charge Out

12/1/66

1 - Mr. Boyd

Airtel

To: SACs Mobile (44-1245) Enc. (4)  
Birmingham (44-1236) Enc. (4)

From: Director, FBI (44-38861)

**RUCKER THOMAS, ET AL.;**  
**VICLA LUIZIO, AKA, ET AL. -**  
**VICTIM**  
**CIVIL RIGHTS - ELECTION LAWS**  
**OO: MOBILE**

JUNE

Enclosed herewith for each office are two copies of a Departmental memorandum from AAG J. Walter Yeagley, dated 12/5/66, together with two copies of its attachment, memorandum for The Attorney General from AAG John Doar.

Both offices are to check appropriate logs, indices, and any other appropriate records for any information which may have been obtained from any microphones or technical surveillance concerning any of the subjects or attorneys mentioned under Item No. Four of enclosed memorandum from AAG Doar.

Both offices handle this matter immediately and airtel results under "JUNE" caption. Specifically advise in your communications the identity of the source, its location, dates of operation, and circumstances in any instance where pertinent information was obtained. Also specifically advise whether or not any technical or microphone surveillance was directed at any of the individuals mentioned under Item No. Four of AAG Doar's memorandum.

You are to afford this matter immediate and continuous attention until the project is completed. No delays will be tolerated.

JJB:sjk  
(6)

*sjk*

EX-12 REG 13 11-28601-767

SEE NOTE - PAGE TWO

DEC 12 1966

MAIL ROOM ☐ TELETYPE UNIT ☐

**Airtel to SACs Mobile and Birmingham**  
**RE: EUGENE THOMAS, ET AL.;**  
**44-23601**

**If your files contain any information indicating the listed persons resided or were active in any territory covered by other divisions, you should have the records of those divisions checked and the results included in your reply. Airtel within three days.**

**NOTE:** The case involving Eugene Thomas, Et Al., concerns the slaying of Mrs. Viola Liuzzo, a white CR worker, in Lowndes County, Alabama, on 3/25/65. At Department's request we conducted extensive investigation of the slaying. Three subjects were tried and convicted in 12/65 on Federal CR charges and sentenced to ten years. The CRD has advised the case is now on appeal.

The Department has requested that the names of defendants, subjects, and attorneys be checked against indices to determine whether any appear in any technical or microphone surveillance recording, log, or file.

Request being submitted by airtel in view of numerous names forwarded by the Department to be checked against field office records. Department's request regarding other cases being handled separately.

Director, FBI

December 8, 1966

J. Walter Yeagley, Assistant Attorney  
General, Internal Security Division

WIRETAPPING OR ELECTRONIC SURVEILLANCES  
CIVIL RIGHTS DIVISION

--The Acting Attorney General has asked me to forward to you the attached memo which he received from Assistant Attorney General John Doar of the Civil Rights Division. It is requested that all of the listed names of defendants, subjects and attorneys be checked against your indices to determine whether any appears in any wiretap or electronic surveillance recording, log or file.

--It would be appreciated if you could give this matter your prompt attention. I would suggest your reply be sent directly to Mr. Doar with a copy to this office.

1-105094  
ENCLOSURE

44-28671  
NOT RECORDED  
145 DEC 13 1966

Department of Justice

Washington

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL

Re: Evidence obtained by wiretapping or  
electronic surveillance. MEMO NO. 493,  
November 3, 1966.

In your memorandum of November 3, 1966, to all United States Attorneys, you solicited information regarding cases or investigations in the development of which wiretapping or electronic surveillance may have been used by investigating agents.

I have no information that wiretapping or electronic eavesdropping were used in developing evidence in any investigations or cases pending in this Division. However, this Division has had several complicated cases involving allegations of conspiracy by members of various Ku Klux Klan groups. Confidential information from various sources unknown to me was used in developing the facts in several of these cases. In considering court action, or further court action, in these cases and matters I would like to have the assurance, and would like to be in a position to assure the court, that no wiretapping or electronic surveillance had been used in developing the facts.

The cases and matters which I refer to, the defendants or subjects involved, and the attorneys for the defendants, are as follows:

[REDACTED]

b7c

ENCLOSURE

44-38661

12/9/66

1 - Mr. Feh1

Airtel

To: SACs Mobile (44-1245)  
Birmingham (44-1230)

From: Director, FBI (44-28601)

EUGENE THOMAS, ET AL.;  
VIOLA LIUZZO, AKA, ET AL. -  
VICTIM  
CIVIL RIGHTS - ELECTION LAWS  
OO: MOBILE

ReBuairtel 12/8/66.

In searching your indices and records pertaining to the names submitted with reBuairtel, you should include in your search all known aliases, variations, breakdowns, and build-ups.

FCE:sjk  
(6)

REG 22

EX-103

44-28601-70  
6 DEC 13 1966

MAILED 2

DEC 9 1966

COMM-FBI

DEC 9 1966

MAIL ROOM TELETYPE UNIT

Date of Mail

12 13-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject

JUNE MAILThomas, Viola Luzzo

Removed By

65 DEC 22 1966

File Number

44-28601-769

Permanent Serial Charge Out

*N/C PM  
9:12/13  
pms*

# DECODED COPY

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

4:42 PM CST URGENT 12-13-66 DLR

TO DIRECTOR

FROM BIRMINGHAM 132105

JUNE

EUGENE THOMAS, ET AL, VIOLA LIUZZO, ET AL-VICTIM. CR-EL.

OO: MOBILE.

REBUAIRTELS TO BIRMINGHAM DECEMBER 8 AND DECEMBER 9 LAST.  
CAREFUL CHECK OF APPROPRIATE RECORDS THIS DIVISION  
CONCERNING PERSONS NAMED IN ITEM NUMBER FOUR OF AAG DOARS  
MEMO DATED NOVEMBER 3 LAST JUSTIFY STATEMENT THAT NO EVIDENCE  
OBTAINED DURING INVESTIGATION OR UTILIZED DURING TRIAL OF  
THIS CASE WAS OBTAINED FROM WIRE TAP OR ELECTRONIC SURVEILLANCE  
SOURCE.

ELECTRONIC SURVEILLANCE TECHNIQUES UTILIZED WIDELY ON THIS  
DIVISION DURING INVESTIGATION OF BAPBOMB CASE (BUFILE 157-1025)  
BETWEEN SEPTEMBER 15, 1963, AND FEBRUARY, 1966. ONLY PERSON  
NAMED IN ITEM NUMBER FOUR DIRECTLY COVERED BY TECHNICAL

X108

REC 13 14-2561-769

*1208*

*cc: Series*

DEC 16 1966

*6-10-66*



Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

# DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

PAGE TWO FROM BIRMINGHAM 132105

SURVEILLANCE IS [REDACTED] INSTALLATION INVOLVING TRESPASS  
MADE IN [REDACTED] RESIDENCE EVENING JUNE 24 - 25, 1964.

INSTALLATION DESIGNATED BH314-R MONITORED UNTIL JULY 25, 1964  
WHEN DISCONTINUED. OTHER PERSONS MENTIONED IN ITEM NUMBER FOUR  
ARE NOT SUBJECT OF TECHNICAL INSTALLATION. RESULTS OF PREVIOUS SET  
OF RECORDS AND LOGS MAINTAINED BY THIS DIVISION SUBMITTED TO  
BUREAU OCTOBER 29 LAST UNDER CAPTION, MICROPHONE AND TELEPHONE  
SURVEILLANCES (BUFILE 66-5815 AND 66-580). THIS COMMUNICATION  
INCLUDED BREAKDOWN ON THREE BY FIVE INDEX CARDS OF INDIVIDUALS  
COVERED BY INSTALLATION AND INDIVIDUALS WHOSE NAMES MENTIONED  
DURING MONITORING.

THE CRIME INITIATION INVESTIGATION IN THIS CASE OCCURRED  
MARCH 25, 1965. ALL TECHNICAL SURVEILLANCE COVERAGE TERMINATED  
PRIOR TO THIS DATE EXCEPT BH325-R WHICH WAS INSTALLATION IN  
AUTOMOBILE OF BH305-R WITH HIS KNOWLEDGE UTILIZED AGAINST SUSPECTS  
IN BAPBOMB CASE NOT MENTIONED IN ITEM NUMBER FOUR. NO FURTHER  
SEARCH CONTEMPLATED BY BIRMINGHAM UACB.

RECEIVED 6:04 PM AKJ

Date of Mail 12-17-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL Eugene Thomas

Removed By

58 DEC 21 1966

File Number

44-28601-770

Permanent Serial Charge Out

12/19/66

1 - Mr. Hines

Airtel

To: SAC, Mobile (44-1245)

JUNE

From: Director, FBI (44-28601)

EUGENE THOMAS, ET AL.;  
VIOLA LIUZZO, AKA, ET AL. -  
VICTIMS  
CIVIL RIGHTS - ELECTION LAWS  
OO: MOBILE

For the information of offices other than Mobile receiving this communication, this case involves the shooting of Mrs. Viola Luzzo in Lowndes County, Alabama, on 2/25/66. Three subjects, Eugene Thomas, William Orville Eaton (deceased), and Colles Leroy Wilkins, were convicted on Federal Civil Rights charges in connection with the shooting and sentenced to ten years each. They were represented by attorneys Matt Murphy (deceased), a Ku Klux Klan attorney, and Arthur J. Hanes. The subjects were all connected with the Klan, and other Klansmen considered as suspects in connection with the Civil Rights charges were Robert Shelton, Robert Creel, Robert Thomas, Eugene Reeves, Ralph Eaton, and Leroy Rutherford. The conviction of the subjects is now pending appeal.

The Department has requested that it be advised whether the name of any of the above subjects, attorneys, or suspects appears in any wire tap or electronic surveillance recording, log, or file. In this regard, the Department has posed the following specific questions:

Enclosures (14)

- 2 - Atlanta (Enclosures 2)
- 2 - Birmingham (Enclosures 3)
- 2 - New York (Enclosures 3)
- 2 - Pittsburgh (Enclosure 1)
- 2 - Washington Field (Enclosure 1)

REC-62

DEC 21 1966

JWH:sjk  
(14)

CONTINUED - OVER

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel to SAC, Mobile  
RE: EUGENE THOMAS, ET AL.;  
44-22601

1. "Whether the named individual appears to be present at, or a participant in, conversations overheard by any electronic device which are reflected in any recordings, transcripts, logs, notes, memoranda or other records of any such device.

2. "If so, and if such recordings, transcripts, logs, notes, memoranda or other records still exist, would you please make them available to us.

3. "Did the information from any such device appear directly or indirectly in reports made in reference to the above individual by your agency. If so, would you please advise us of the reports in which such information appeared and furnish us with copies of these reports if you have not already done so."

A search of index cards which have been submitted by the field with regard to persons monitored on technical and microphone installations has provided a number of cards on individuals who may or may not be identical with the persons listed above. Copies of these cards are enclosed for the following offices as indicated below.

Atlanta:	[REDACTED]	1 card
	[REDACTED]	1 card
Birmingham:	[REDACTED]	2 cards
	[REDACTED]	1 card
	[REDACTED]	1 card
	[REDACTED]	1 card
New York:	[REDACTED]	4 cards
	[REDACTED]	1 card
Pittsburgh:	[REDACTED]	1 card
WFO:	[REDACTED]	1 card

The search of records by offices receiving copies of index cards is not to be limited to the individual conversations indicated by the cards but will include all conversations monitored for the persons whose names appear on the cards.

**Airtel to SAC, Mobile**  
**RE: EUGENE THOMAS, ET AL.;**  
**44-38601**

Offices receiving copies of index cards are to immediately check their files for information pertinent to the Department's request. It is anticipated that in many instances the office will be able to eliminate the reference on the basis that the files of the office will contain sufficient information to show that the person monitored could not be identical with any of the persons listed above.

Offices receiving cards are to complete their file review and submit the results to the Mobile Office within two days of receipt of this communication. With regard to names which are determined to be either identical with the listed persons or which cannot be eliminated on the basis of established nonidentity, the Mobile Office, in addition to being furnished the details of the conversations monitored and copies of the logs, should also be furnished all available background information relating to the person who was monitored in order that the Mobile Office may make a determination as to whether the person monitored is identical with the listed persons.

The Mobile Office will submit a summary to the Bureau no later than 12/30/66, setting forth the information necessary for the Bureau to reply to the Department's inquiry.

One copy of each card is also enclosed for the Mobile Office.

12/22/66

PLAINTEXT

1 - Mr. Hines

TELETYPE

URGENT

TO SACS ATLANTA/  
BIRMINGHAM  
MOBILE  
NEW YORK  
PITTSBURGH  
WASHINGTON FIELD

FROM DIRECTOR FBI

EUGENE THOMAS, ET AL.; VIOLA LIUZZO, AKA, ET AL. - VICTIMS;  
CIVIL RIGHTS - ELECTION LAWS; DO: MOBILE.

REDUAFTEL DECEMBER NINETEEN LAST.

... ALL OFFICES ARE TO HANDLE AS QUICKLY AS POSSIBLE AND REPLY  
BY TELETYPE RATHER THAN MAIL WHATEVER FEASIBLE IN ORDER THAT  
THIS PROJECT CAN BE COMPLETED AT THE EARLIEST POSSIBLE MOMENT  
AND NO LATER THAN BUDED OF DECEMBER THIRTY NEXT.

JWH:sjk  
(5)

TELETYPE UNIT  
DEC 22 1966  
ENCODED MESSAGE

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

DEC 22 1966

TELETYPE

REC'D 12/22/66

EX-103

DEC 23 1966

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 \_\_\_\_\_

57 DEC 30 1966

MAIL ROOM ☐ TELETYPE UNIT ☐

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

DEC 28 1966

TELETYPE

Mr. Tolson  
Mr. DeLoach  
Mr. Mohr  
Mr. Wick  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

FBI WASH DC

FBI MOBILE

400 PM CST URGENT 12/28/66 FLK

TO DIRECTOR (44-28601)

FROM MOBILE (44-1245) 1P

EUGENE THOMAS, ET AL, VIOLA LIUZZO, AKA, ET AL,  
VICTIMS, CR, ELECTION LAWS.

REBUTEL DECEMBER TWENTY EIGHT, INSTANT. AIRTEL WITH  
ATTACHMENTS REFLECTING COMPLETION OF INVESTIGATION BEING  
FORWARDED THIS DATE.

END

RAM

FBI WASH DC

EX-110

REC 29

44-28601-772

DEC 29 1966

61 JAN 4 1967

6250

Date of Mail \_\_\_\_\_

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL *Thomas, Viola Luzzo*

Removed By 63-1111-1351

File Number 100-28001-273

Permanent Serial Charge Out



PLAINTEXT  
CODE -

12/22/66

TELETYPE  
RADIOGRAM

URGENT

1 - Mr. McDonough

All SAC radio contact at  
2 p.m. Message must reach  
Code Room by 12:00 noon.  
Send by urgent teletype to  
offices not having radio  
contact today.

TO SAC MOBILE  
BIRMINGHAM  
NEW YORK  
PITTSBURGH  
WASHINGTON FIELD

JUNE

FROM DIRECTOR FBI

EUGENE THOMAS, ET AL.; VIOLA LIUZZO, ET AL. - VICTIMS; CR, EL.

REBUA INTEL DECEMBER NINETEEN LAST AND BUTEL DECEMBER

TWENTY TWO LAST.

THIS MATTER MUST BE COMPLETED AND RESULTS SUBMITTED TODAY.

BUTELS.

RJM:sjk  
(5)

NOTE: This case involves the shooting of Mrs. Viola Liuzzo, white  
CR worker in Lowndes County, Ala., on 3/25/65. Department  
requested any information as to use of wiretaps or electronic  
surveillances in this case.

REC-62

44-38601-177

108

4 DEC 28 1966

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION  
DEC 28 1966  
TELETYPE

TELETYPE UNIT

DEC 28 1966  
12:58 PM RY  
ENCODED MESSAGE

JAN 5 1967

MAIL ROOM ☐ TELETYPE UNIT ☐

Date of Mail \_\_\_\_\_

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL

Removed By 61 JAN 1961

File Number 91-15601-779

Permanent Serial Charge Out

UNITED STATES GOVERNMENT

# Memorandum

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

TO : Mr. DeLoach *DW*  
  
FROM : A. Rosen *AR*  
  
SUBJECT: EUGENE THOMAS, ET AL.;  
VIOLA LIUZZO, AKA, ET AL. - VICTIMS  
CIVIL RIGHTS - ELECTION LAWS  
OO: MOBILE

DATE: December 22, 1966

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
1 - Mr. Hines

JUNE

The Department, by letter dated December 5, 1966, furnished a list of the names of the subjects, suspects, and defense attorneys in this case and requested information as to whether any wiretapping or electronic surveillance had been used in obtaining evidence in this case and whether or not any of the listed defendants, suspects, or attorneys had ever been monitored in connection with any other investigation.

This case concerns the slaying of Mrs. Viola Liuzzo, a white civil rights worker in Lowndes County, Alabama, on March 25, 1965. We conducted an extensive investigation of the slaying, and three subjects were tried and convicted in December, 1965, on Federal Civil Rights charges and sentenced to ten years. The case is now pending appeal.

A check with the field offices involved in the investigation of this case and a check of Bureau files has established that no wiretapping or electronic surveillance was used at any time in connection with the investigation of this case.

A review of the special indices maintained at the Bureau reveals that persons of similar names have been monitored at various times by various field offices in other investigations. These field offices have been instructed to review pertinent records concerning these persons and furnish the results to the Mobile Office, Office of Origin of this case, to determine if they are identical with persons involved in this case. The field has been instructed that complete results must be furnished to the Bureau at the earliest possible date.

Enclosure

JWH:ajk  
(6)

CONTINUED - OVER

3 JAN 3 1967

REC-64 44-28601-777

*Handwritten signature*  
*6-47*

Rosen to DeLoach Memorandum  
RE: EUGENE THOMAS, ET AL.;

By letter dated December 21, 1966, Assistant Attorney General John Doar advised that the appeal in this case is scheduled to be argued on January 16, 1967, and requested a reply to Department's request as soon as possible.

ACTION:

1. Attached for approval is a letter to Mr. Doar advising him that no wiretapping or electronic surveillance was used in developing the facts of this case. He is also being advised that in order to determine if any of the attorneys, suspects, or subjects were ever monitored in connection with any other investigation, it is necessary to have certain of our offices conduct a review of their files and records, and he will be promptly advised as soon as the results are obtained.

2. The field has been instructed to handle this matter as quickly as possible and reply by teletype where feasible in order that this project can be completed at the earliest possible time.

*Just*  
*R. Rosen*

*Chm. T. G.*

*W. J. R.*

*Do*

*D. J.*

June

Mr. John Dear  
Assistant Attorney General

December 23, 1966

Director, FBI

1 - Mr. Hines

REC-64 44-28601-774

EUGENE THOMAS;  
VIOLA LIUZZO - VICTIM  
CIVIL RIGHTS - ELECTION LAWS

Reference is made to your letter of December 21, 1966, captioned "Wiretapping or Electronic Surveillance, Civil Rights Division" and letter from J. Walter Yeagley, Assistant Attorney General, Internal Security Division, December 8, 1966, bearing the same caption.

This case is referred to in your letter as United States v. Eaton.

In your memorandum to the Acting Attorney General, which was forwarded by Mr. Yeagley's letter, you indicated assurance was desired that no wiretap or electronic surveillance was used in developing the facts of this case. In this regard, no information concerning any of the listed suspects, defendants, or attorneys which was developed in the course of this investigation came from any wiretapping or electronic surveillance and no wiretapping or electronic surveillance was used in developing the facts in this case. None of the information that has been furnished to you concerning this matter emanated from any wiretap or electronic surveillance.

In Mr. Yeagley's letter he requested advice as to whether any of the listed names appears in any wiretap or electronic surveillance recording, log, or file, which would include other investigations besides this case. In this regard, the records of our Mobile, Alabama, office indicate that none of the suspects, defendants, and attorneys of this case have ever been monitored or mentioned in any wiretap or electronic surveillance employed by that office.

44-28601

JWH:mjk  
(5)

NOTE: See Rosen to DeLoach memorandum 12/22/66, captioned, "Eugene Thomas, Et Al.; Viola Liuzzo, aka, Et Al. - Victims; Civil Rights - Election Laws, OO: Mobile," JWH:mjk.

MAIL ROOM TELETYPE UNIT

**Mr. John Doar**

With regard to whether the names of the suspects, defendants, and attorneys appear in wire taps or electronic surveillance recordings, logs, or files relating to any other investigations conducted by this Bureau, this is being handled and the results will be furnished you as soon as completed.

**1 - Mr. J. Walter Yeagley  
Assistant Attorney General, Internal Security Division**

Date of Mail

12-11-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject

JUNE MAIL Eugene Thomas

Removed By

45 1967

File Number

44-28601-777

Permanent Serial Charge Out

## Memorandum

TO : The Director  
Federal Bureau of Investigation

DATE: December 21, 1966

FROM : John Doar  
Assistant Attorney General  
Civil Rights Division

JUNE

SUBJECT: Wiretapping or Electronic Surveillance  
Civil Rights Division

With reference to Mr. Yeagley's memorandum to you of December 5, 1966, I wish to call your attention to the cases [REDACTED]

[REDACTED] scheduled to be resubmitted to a grand jury at a session which opens on January 16, 1967 in Jackson, Mississippi. I would therefore appreciate receiving a reply to Mr. Yeagley's memorandum as soon as possible. b7c

In addition, the case of United States v. Eaton is scheduled to be argued in the Court of Appeals on January 19, 1967, and for that reason I would appreciate a reply about that case as well.

US v. PERC (MIAMI)

1 RT 6 AAG Doar

12/23/66

RHA amr

TT-SAC's AT, CV, DE, IP, TN, NY, RI, WFO

12/22/66

WFO:blw

REC 10

44-38601-777

6 JAN 3 1967

U.S. v. [REDACTED] (Caus. ad homines)

1 RT 6 AAG Doar

12/23/66

JWA/gh

TT

12/23/66

JWA/gh

TT

12/23/66

JWA/gh

TT

12/23/66

JWA/gh

TT

12/23/66

JWA/gh

U.S. v. Brown

1 RT 6 AAG Doar

12/23/66

ESW/gh

TT

12/23/66

ESW/gh

TT

12/23/66

ESW/gh

TT

12/23/66

ESW/gh

JAN 9 1967

44-38601-6-777



FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

DEC 28 1966

TELETYPE

FBI WASH DC

FBI BIRMGHAM

255 PM URGENT 12-28:66 JGA

TO DIRECTOR 44-28601

FROM BIRMINGHAM 44-1236 P

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

EUGENE THOMAS, ETAL; VIOLA LIUZZO, ETAL DASH VICTIMS;  
CR DASH EL.

REURAIRTEL DECEMBER NINETEEN, LAST, AND URTELS DECEMBER TWENTY  
TWO, LAST, AND INSTANT DATE.

INFORMATION REQUESTED IN REFERENCED AIRTEL OF DECEMBER NINETEEN,  
LAST, SUBMITTED TO THE MOBILE DIVISION BY AIRTEL ON DECEMBER  
TWENTYTWO, LAST, AS DIRECTED IN REFERENCED AIRTEL.

END ACK FOR TWO MSG.

REC TWO MSG

FBI WASH DC

P

ST-117

REC 86

44-28601-778

JAN 3 1967

70 JAN 6 1967

*File 162 pm*

Date of Mail 12-23-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL Eugene Thomas

Removed By 10-1957

File Number 44-28601-779

Permanent Serial Charge Out

RE:

BERNARD S. LEE V. CLARENCE M. KELLEY, ET AL.  
(U.S.D.C., D.C.) CIVIL ACTION NUMBER 76-1185

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC)  
V. CLARENCE M. KELLEY, ET AL (U.S.D.C., D.C.)  
CIVIL ACTION NUMBER 76-1186

Serial 779 pulled from this file under court order of  
U.S. District Judge John Lewis Smith, Jr., and sent to  
National Archives.

44-28601-779

Date of Mail 12-5-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL *Viola Luzzo, Eugene Thomas*

Removed By E 561

File Number 44-28601-780

Permanent Serial Charge Out

# Memorandum

TO : Director, FBI

DATE: December 5

*[Handwritten signature]*

J. Walter Yeagley, Assistant Attorney General, Internal Security Division

SUBJECT: WIRETAPPING OR ELECTRONIC SURVEILLANCES  
CIVIL RIGHTS DIVISION

The Acting Attorney General has asked me to forward to you the attached memo which he received from Assistant Attorney General John Doar of the Civil Rights Division. It is requested that all of the listed names of defendants, subjects and attorneys be checked against your indices to determine whether any appears in any wiretap or electronic surveillance recording, log or file.

It would be appreciated if you could give this matter your prompt attention. I would suggest your reply be sent directly to Mr. Doar with a copy to this office.

*inlet CE re Chicago  
R.H. 11/7/66  
12/8/66  
2 24 prof*

*inlet to NO U.S. vs Original  
HCH/10/66  
12/8/66  
2 24 prof*

*CHICAGO, IN, NY REMIBURN  
R.H. 11/7/66  
12/8/66  
2 24 prof*

*inlet : SACS, MO + AT re. Co.  
JTB/11/66  
12/8/66  
6 me. 2 24 prof to each*

*inlet to NO  
SAC MO & Chicago  
FCF/11/66  
12/8/66 2 24 prof*

*inlet to JTB  
SA-114  
FCF/11/66  
12/8/66  
44-111-1780*

Department of Justice

Washington

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL

Re: Evidence obtained by wiretapping or  
electronic surveillance. MEMO NO. 493,  
November 3, 1966.

In your memorandum of November 3, 1966, to all United States Attorneys, you solicited information regarding cases or investigations in the development of which wiretapping or electronic surveillance may have been used by investigating agents.

I have no information that wiretapping or electronic eavesdropping were used in developing evidence in any investigations or cases pending in this Division. However, this Division has had several complicated cases involving allegations of conspiracy by members of various Ku Klux Klan groups. Confidential information from various sources unknown to me was used in developing the facts in several of these cases. In considering court action, or further court action, in these cases and matters I would like to have the assurance, and would like to be in a position to assure the court, that no wiretapping or electronic surveillance had been used in developing the facts.

[REDACTED]

bc

44-23861-110

4/2 of  
20 12/7/66

ENCLOSURE

DECLASSIFIED

Date of Mail 1-5-67

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL Eugene Thomas

Removed By JAN 11 - 1967

File Number 66-2554-7530

Permanent Serial Charge Out

FBI

Date: 1-5-67

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTELAIR MAIL - REGISTERED

(Priority)

TO: DIRECTOR, FBI (44-28601)  
FROM: SAC, BIRMINGHAM (44-1236 SF-1)

EUGENE THOMAS, ET AL;  
VIOLA LIUZZO, aka,  
ET AL - VICTIMS  
CIVIL RIGHTS - ELECTION LAWS  
(OO: MOBILE)

"JUNE"

ReButel call 1-4-67.

BH [REDACTED] (RAC), which provided technical coverage  
at Ku Klux Klan National Klonvocation, Tutwiler Hotel,  
Birmingham, Alabama, February 8-9, 1964, was installed without  
trespass.

3-Bureau  
1-Mobile (44-1245) AM - RM  
2-Birmingham  
JLM:rlg  
(6)

REC-4 EX-103

44-28601-781

JAN 6 1967

Approved: ST

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

Special Agent in Charge



Date of Mail 12-18-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL *Engine Thomas*

Removed By

*63 JAN 1 1967*

File Number

*44-38601-182*

Permanent Serial Charge Out

FBI

Date: 12/28/66

transmit the following in \_\_\_\_\_

(Type in plaintext or code)

in AIRTEL

AIRMAIL

(Priority)

TO: DIRECTOR, FBI (44-28601)

FROM: SAC, MOBILE (44-1245)

JUNE

RE: EUGENE THOMAS, ET AL.;  
VIOLA LIUZZO, AKA, ET AL. -  
VICTIMS  
CIVIL RIGHTS - ELECTION LAWS  
OO: MOBILE

Re Bureau airtel 12/19/66, to Mobile and other offices.

Information has been submitted by auxiliary offices concerning the names listed on Page 2 of referenced airtel. The following documents were furnished by auxiliary offices and are enclosed herewith for the Bureau, these documents being referred to later in this airtel:

1. Atlanta PD 297 for 11/21/63, concerning information received from [REDACTED] \* b2
2. Birmingham log for 2/8-9/64, reflecting information from [REDACTED] \* (RAC) b2
3. Birmingham log for 11/8/63, reflecting information from [REDACTED] \* (RAC) b2
4. Birmingham log for 11/9/63, reflecting information from [REDACTED] \* (RAC) b2
5. Birmingham log for 10/23/63, reflecting information from [REDACTED] \* (RAC) b2

③ - Bureau (Encls. 6) (RM)  
2 - Mobile  
JTB: iwd  
(5)

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

6

JAN 13 1967

BH 371-C (RAC)\*

Log. 2/8/64

Time	Information	Written Topic
7 <sup>35</sup>	Seatings at Speakers' Table	AME
7 <sup>52</sup>	Invocation	
8 <sup>30</sup> p	First Speaker introduction of officials	TD
8 <sup>45</sup>	Reverend Howard	WTC
8 <sup>52</sup>	Speaker Robert Shelton	WTC
9 <sup>11</sup>	Change of reels	OTN
9 <sup>12</sup>	2nd reel - Shelton (cont'd).	OTN
9 <sup>55</sup>	End of Shelton's speech.	"
	Speaker Matt Murphy.	"
10 <sup>32</sup>	End of Murphy's speech.	"
10 <sup>33</sup>	Tocotmaster's remarks - Klan rally in Atlanta -	"
10 <sup>35</sup>	Minister's dismissal.	"
10 <sup>37</sup>	End of meeting.	"

44-38601-78 Encl #1

ENCLOSURE

Log 2/9/64

TIME	Information	Initials
11 <sup>03</sup> Am	Nominations - Aud Smith, Bob Thomas for some office - Election of other officers held.	2 operators KAC mg
11 <sup>25</sup> Am	Business session	KAC mg
11 <sup>30</sup> Am	Speaker	KAC mg
11 <sup>52</sup> Am	Above speech concluded - unable to ascertain name of speaker	KAC mg
12 <sup>04</sup> P	Recess - apparently for lunch	KAC mg
12 <sup>05</sup> P	Change reel - Start of Reel #3	KAC mg

Date of Mail 12-9-66

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject - JUNE MAIL *Engine Thomas*

Removed By                     

File Number 66-28611-783

Permanent Serial Charge Out

NA  
6/12/71  
9/11

**DECODED COPY**

*M. Elmer*

DeLoach  
Mohr  
Wick  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Rm.  
Holmes  
Gandy

☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

3:41PM URGENT 12-9-66 AAH

TO DIRECTOR

FROM MOBILE 092050

*[Handwritten signature]*

JUNE.

EUGENE THOMAS, ET AL; VIOLA LIUZZO, AKA, ET AL, VICTIM,  
CR-ELECTION LAWS.

MOBILE OFFICE DID NOT UTILIZE ANY MICROPHONE OR TECHNICAL  
SURVEILLANCE CONCERNING ANY OF THE SUBJECTS OR ATTORNEYS IN  
THIS CASE.

*[Handwritten signature]*

RECEIVED: 4:51PM MCS

LX-103

REC-44 11601-783

6 11 5 1967

*6-4-67*

16 107

55  
JAN 10 1967

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

Date of Mail

1-6-67

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject

JUNE MAIL Eugene Thomas 753

65 JAN 21 1967

Removed By

File Number

44-28601-784

Permanent Serial Charge Out

Mr. John DeLoach  
Assistant Attorney General

January 8, 1967

Director, FBI

1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Malley  
1 - Mr. McGowan  
1 - Mr. Hines

EUGENE THOMAS;  
VIOLE LUIZZO - VICTIM  
CIVIL RIGHTS - ELECTION LAWS

JUNE

44-28601

Reference is made to my letter to you dated December 23, 1966, in which you were advised that no wiretap or electronic surveillance was used in developing the facts of this case and that none of the information that had been furnished to you concerning this matter was obtained through the use of any wiretap or electronic surveillance.

[REDACTED]

b7A  
b7C

[REDACTED]

JAN 23 1967

44-28601

JWH: rjk  
(9)

CONTINUED - OVER

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ENCLOSURE  
JAN 24 1967

TELETYPE UNIT ☐

EX-104  
REC-22  
44-28601-78  
19 JAN 9 1967  
Personally delivered to John DeLoach 1/6/67 by [signature]  
is attached [signature]



# Memorandum

TO : DIRECTOR, FBI (44-28601)

DATE: 1/24/67

FROM : SAC, NEW ORLEANS (157-3954) (P)

SUBJECT: EUGENE THOMAS, ET AL  
VIOLA GREGG LIUZZO, aka  
ET AL - VICTIMS  
CR; EL

Re New Orleans letter to Bureau, 12/2/66.

On 1/18/67, [REDACTED] b7C  
Fifth Circuit Court of Appeals, New Orleans, La.,  
advised no further action has taken place since case has been  
assigned.

Will advise the Bureau and Mobile of decision in this  
matter.

② - Bureau  
2 - Mobile (44-1245)  
2 - New Orleans  
CLH/jmc  
(6)

REC-50

44-28601-75  
JAN 26 1967

EX-104

253



JAN 31 1967

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

EXP. PROC.

# Memorandum

TO : DIRECTOR, FBI (44-28601)

DATE: 3/23/67

FROM : SAC, NEW ORLEANS (157-3954) (P)

SUBJECT: EUGENE THOMAS,  
ET AL;  
VIOLA GREGG LIUZZO, aka  
ET AL - VICTIMS  
CR; EL

Re New Orleans letter to Bureau dated 1/24/67.

On 3/16/67, Mr. [REDACTED]  
Fifth Circuit Court of Appeals, New Orleans, Louisiana,  
advised that no decision has been reached as of this date.

Will advise the Bureau and Mobile of decision  
in this matter.

- (2 - Bureau
- 2 - Mobile (44-1245)
- 2 - New Orleans

CLM/jms  
(6)

RSJ 20

44-28601-787

MAR 27 1967



MAR 31 1967

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

FBI

Date:

5/2/67

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via \_\_\_\_\_

AIRTEL

AIRMAIL

(Priority)

TO: DIRECTOR, FBI (44-28601)  
FROM: SAC, NEW ORLEANS (157-3954)(RUC)  
SUBJECT: EUGENE THOMAS,  
ET AL;  
VIOLA GREGG LIUZZO, aka  
ET AL - VICTIMS  
CR; EL  
(OO: MOBILE)

Re New Orleans letter to Bureau, 3/23/67.

On 5/1/67, Mr. [REDACTED] b7c  
Fifth Circuit Court of Appeals, New Orleans, La., made  
available three copies of decision, No. 23289, dated  
4/27/67, two copies of which are enclosed for the Bureau  
and one copy for Mobile. K

The decision states that it is affirmed.

(3) - Bureau (Enc 2) (RM)  
2 - Mobile (44-1245) (Enc 1) (RM)  
1 - New Orleans  
CLM/jpb  
(6)

K  
ENCLOSURE

REC 51

44-28601-188

MAY 5 1967

50 MAY 2 1967  
C C. Wick  
Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

UNITED STATES GOVERNMENT

# Memorandum

TO : The Director

DATE: 7-19-67

FROM : N. P. Callahan

SUBJECT: The Congressional Record

(12) Pages A3620-A3621. Congressman Irwin, (D) Connecticut, placed in the Record an article entitled "Convict the Killers for a Change" written by Alfred Baker Lewis and published in the Chicago Daily Defender in three installments on July 3, 5, and 6. The article makes reference to the murder of the three civil rights workers in Philadelphia, Mississippi, and states "It is known who did the job, for someone pointed out to the F. B. I. where they were buried and they could not have been found otherwise." The article also comments on the murder of civil rights worker Mrs. Liuzzo in Jaynesville, Alabama. It states "One of those who was in the murder car, Gary Thomas Rowe, was an agent of the F. B. I. who had succeeded in gaining membership in the Klan. He gave evidence at the trial and pinned the shooting on Collie Leroy Wilkins, Jr. But the defense counsel waved Mrs. Liuzzo's membership card in the NAACP at the jury, and the jury at the first trial failed to convict and at the second trial acquitted him." (Gary Thomas Rowe was an informant from 2-13-62 until 1-17-66 per the Domestic Intelligence Division.)

44-28604-  
NOT RECORDED  
133 JUL 26 1967

In the original of a memorandum captioned and dated as above, the Congressional Record for 7-18-67 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 case or subject matter files.

53 AUG 3 1967

Original filed in: 66-1731-2113

December 4, 1967

Airtel

1 - Mr. Boyd  
1 - Mr. Hines  
1 - UAF

To: SAC, Mobile (44-1245) (C)

From: Director, FBI (44-28601)

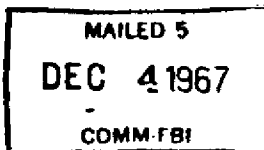
EUGENE THOMAS,  
ET AL.;  
VIOLA GREGG LIUZZO, AKA  
ET AL. - VICTIMS  
CR; EL  
OO: MOBILE

Reurairtel 11/30/67.

In the second paragraph of the LHM forwarded by reairtel, the second sentence states "Upon arrival, Wilkins was not accepted by present officials, and he was returned to Montgomery." Advise if this wording is correct, and if not, submit amended LHM and score errors against appropriate personnel.

JJB:bjf

(6)



REC-10

EX 101

44-28601

DEC 4 1967

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

*JJB*

*Chapman*

MAIL ROOM ☒

TELETYPE UNIT ☐

FBI

Date: 11/30/67

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via \_\_\_\_\_

AIRTEL

AIRMAIL

(Priority)

TO: DIRECTOR, FBI (44-28601)  
FROM: SAC, MOBILE (44-1245) (C)  
RE: EUGENE THOMAS,  
ET AL;  
VIOLA GREGG LIUZZO, aka  
ET AL - VICTIMS  
CR; EL  
(OO: MOBILE)

Enclosed for the Bureau are four copies of a self-explanatory letterhead memorandum, dated and captioned as above.

One copy of this letterhead is being furnished to the USA, Montgomery, Ala.

10 (3) Bureau (Encs 4)  
1-Mobile  
DOS: kws  
(4)

ENCLOSURE

REC-11

44-28601-792

3 DEC 2 1967

C.C. Bishop

1. (4) SAC, MO  
PikjG  
12/4/67

54 DEC 12 1967

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Post Office Box 2128  
Mobile, Alabama 36608  
November 30, 1967

EUGENE THOMAS, ET AL;  
VIOLA GREGG LIUZZO, ET AL - VICTIMS

On November 29, 1967, J. B. Lassiter, Chief Deputy United States Marshal, Middle District of Alabama, Montgomery, Alabama, advised that Eugene Thomas and Collie Leroy Wilkins surrendered to his office at 8:00 a.m., November 28, 1967, as ordered by United States District Judge Frank M. Johnson, Jr.

Both individuals were transported at the same time to the United States Penitentiary in Atlanta, Georgia. Upon arrival, Wilkins was not accepted by present officials and he was returned to Montgomery. He is now scheduled to be delivered to the Federal Correctional Institution, Terre Haute, Indiana, for confinement.

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.

1\*

ENCLOSURE

714

FBI

Date: 12/6/67

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL

AIR MAIL

(Priority)

TO: DIRECTOR, FBI (44-28601)  
FROM: SAC, MOBILE (44-1245)(C)  
RE: EUGENE THOMAS;  
ET AL.  
VIOLA GREGG LIUZZO; ET AL - VICTIMS  
CR; EL  
(OO: MOBILE)

Re Bureau airtel of 12/4/67.

Enclosed herewith to the Bureau are 4 copies of an amended letterhead memorandum changing the word present to prison. All other wording is correct.

Appropriate errors have been scored.

③ - Bureau (Encs. 4)  
1 - Mobile  
FAG:jes  
(4)

ENCLOSURE

Agency CRD  
Date Forw. DEC 12 1967  
How Forw. 6-91 (S)  
By DBT/MLC

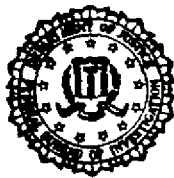
44-28601-  
NOT RECORDED  
DEC 8 1967

CONSOLIDATION

Approved: [Signature]  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_





In Reply, Please Refer to  
File No.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Mobile, Alabama  
December 5, 1967

**EUGENE THOMAS; ET AL.  
VIOLA GREGG LIUZZO; ET AL - VICTIMS**

On November 29, 1967, J. B. Lassiter, Chief Deputy United States Marshal, Middle District Of Alabama, Montgomery, Alabama, advised that Eugene Thomas and Collie Leroy Wilkins surrendered to his office at 8:00 A.M. on November 28, 1967, as ordered by United States District Judge Frank M. Johnson, Jr.

Both individuals were transported at the same time to the United States Penitentiary in Atlanta, Georgia. Upon arrival, Wilkins was not accepted by prison officials, and he was returned to Montgomery. He is now scheduled to be delivered to the Federal Correctional Institution, Terre Haute, Indiana, for confinement.

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.



EUGENE THOMAS;  
WILLIAM ORRVILLE EATON;  
COLLIE LEROY WILKINS, JR.

VIOLA GREGG LIUZZO - VICTIM

CIVIL RIGHTS - ELECTION LAWS

**SYNOPSIS:** On March 25, 1965, Mrs. Viola Liuzzo who came from Detroit, Michigan, on March 19, 1965, was shot to death while driving her car along Highway 80 in Lowndes County, Alabama. Earlier in the day she had participated in a march from Selma to Montgomery, Alabama, conducted by civil rights workers. Mrs. Liuzzo and a young Negro man were returning to Montgomery after driving marchers to Selma.

Together they drove to Montgomery and then to Selma. After leaving a tavern in Selma, the four men continued to Highway 80 where they observed a car being driven by a white woman with a Negro passenger. Thomas, who operated the automobile, overtook the Liuzzo car as Eaton and Wilkins fired into the vehicle.

On March 26, 1965, Eaton, Thomas, Wilkins and Rowe were charged with violation of Section 241, Title 18, U.S. Code and were arrested by FBI Agents on the same date.

On April 5, 1965, an indictment was returned by a Federal Grand Jury at Montgomery charging Wilkins, Thomas and Eaton with violation of the U.S. Civil Rights Statute. The State of Alabama indicted Wilkins, Eaton and Thomas for the murder of Mrs. Liuzzo. Wilkins was tried for first degree murder on

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 \_\_\_\_\_

I.C. #44-23601

GWJ

TLS

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

May 3, 1965. On May 7, 1965, the judge declared a mistrial after the jury was deadlocked. Wilkins was retried beginning on October 18, 1965, and a jury returned a verdict of not guilty. Wilkins, Eaton and Thomas were arraigned in Federal Court and pleaded not guilty. All three were tried in U.S. District Court in Montgomery from November 29, 1965, through December 3, 1965, with Rowe as the principal witness for the prosecution. All three were found guilty, and each was sentenced to 10 years in custody of the U.S. Attorney General. They were released on bond, pending appeal. At the time of the shooting Wilkins was serving one year's Federal probation. His probation was revoked, and he was ordered to begin serving the one-year sentence on January 4, 1966. William Eaton died on March 9, 1966. Eugene Thomas was tried for the murder of Mrs. Liuzzo in state court beginning on September 26, 1966, and the jury returned a verdict of not guilty. On April 27, 1967, the Fifth Circuit Court of Appeals affirmed the 10-year sentences Wilkins and Thomas had received on December 3, 1965.

**SYNOPSIS SHOULD BE REMOVED PRIOR**  
**TO RELEASE OUTSIDE THE BUREAU**

Travelin

EUGENE THOMAS;  
WILLIAM ORRVILLE EATON;  
COLLIE LEROY WILKINS, JR.

VIOLA GREGG LIUZZO - VICTIM

CIVIL RIGHTS - ELECTION LAWS

National attention was focused on the 1965 march from Selma to Montgomery, Alabama, March 21st to March 25th, conducted by civil rights workers under Federal court authorization to dramatize voter registration restrictions in Alabama and to present a petition of grievances to Governor George Wallace. The march culminated with ceremonies in front of the State Capitol in Montgomery the afternoon of March 25, 1965, with about 12,000 persons in attendance. The marchers began to disperse about 4:00 p.m. on that date without any apparent organized plan of dispersal, and those from Selma began returning by common carrier, trucks and private automobiles.

Among the white civil rights workers in Selma during this period was Mrs. Viola Gregg Liuzzo, who had come to Selma from Detroit, Michigan, on March 19th. She was assigned to live in the apartment of a local Negro woman along with several other women. Mrs. Liuzzo, thrice married and the mother of five children, had reportedly made the trip to Selma after attending a sympathy demonstration in Detroit. Her automobile, a 1963 Oldsmobile coupe, was used by other civil rights workers from the time of her arrival in Selma. On the day the march began, she performed telephone duties in Selma. On March 24th she told an associate she was going to a local Negro church where the march had started and would travel by bus to Montgomery in order to take part in the march on the final day in approaching the State Capitol Building in Montgomery.

A 19-year-old Negro man from Selma who served as transportation officer for the Southern Christian Leadership Conference during the Selma to Montgomery march was driving Mrs. Liuzzo's automobile on

I. C. #44-28601

GW

MAIL ROOM ☐ TELETYPE UNIT ☐

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Wick \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

JR

On the same date, Wilkins, an unmarried auto mechanic who had no military service, was arrested by FBI Agents in Bessemer. He refused to make any statement whatsoever.

An autopsy was conducted by the Alabama Department of Toxicology, and the report of a post-mortem examination of the body of Mrs. Liuzzo showed a bullet hole about one-half inch in diameter in the left face, one inch forward of the lower part of the ear. [REDACTED] was lodged at the base of the brain. The bullet had gone through the spinal cord at the base of the brain and caused almost instantaneous death. Numerous superficial small skin breaks appeared on the left face and neck from which fragments of lead and glass were recovered.

[REDACTED]

At 10:25 a. m., on the morning of March 26, 1965, complaints authorized by an Assistant Attorney General of the United States were filed before a U. S. Commissioner in Montgomery charging Eaton, Wilkins, Thomas and Rowe with violation of Section 241, Title 18, U. S. Code, in a conspiracy to injure, oppress, threaten, and intimidate citizens in the vicinity of Selma and Montgomery in the free exercise and enjoyment of rights and privileges secured them by the Constitution of the United States. All four were arraigned the same date before a U. S. Commissioner in Birmingham. Thomas, Eaton and Wilkins were represented by an attorney who had been publicly identified as counsel of the Ku Klux Klan. Thomas, Eaton and Rowe were released on bonds of \$50,000 each. Wilkins was not released on bond until March 29th because of a separate Federal probation violator's warrant outstanding against him.

Charges against Thomas, Wilkins and Eaton were presented to a Federal Grand Jury at Montgomery on April 5, 1965, and an indictment was returned the following day charging all three with conspiracy in violation of the U. S. Civil Rights Statute. Rowe was not indicted by the Federal Grand Jury.

On May 3rd state authorities began their prosecution with the trial of Collie Leroy Wilkins, Jr., on a charge of first degree murder. Wilkins, Eaton and Thomas all had been indicted by the State of Alabama for the murder of Mrs. Liuzzo. The case went to a jury on May 6, 1965, and the following day the judge declared a mistrial after the jury was hopelessly deadlocked. Rowe offered testimony for the state in this trial.

Wilkins was retried by the state in Hayneville, Alabama, from October 18th to October 22nd during which time Rowe again testified. The jury returned a verdict of not guilty.

Following the acquittal of Wilkins in state court, Wilkins, Thomas and Eaton were arraigned in Federal court, and all entered pleas of not guilty to the Federal indictment.

The three were tried jointly in U.S. District Court in Montgomery, from November 29th to December 3rd with Rowe as the principal prosecuting witness, and the Federal jury returned a verdict of guilty against all three. On December 3rd the Federal judge sentenced Thomas Eaton and Wilkins to serve 10 years each in the custody of the U.S. Attorney General. All were released the following day on \$10,000 bond each, pending appeal to the Fifth Circuit Court of Appeals.

Wilkins at the time of the shooting was on one year's Federal probation, which had been previously imposed against him on a charge of possession of a sawed-off shotgun following an arrest by local authorities at Hueytown, Alabama, on March 11, 1964. Wilkins was arraigned in Federal Court, Birmingham, on December 20, 1965, and the one year's probation was revoked. He was ordered to begin serving a sentence of one year and a day on January 4, 1966.

William Orrville Eaton died on March 9, 1966, at Bessemer of natural causes.

Eugene Thomas was tried for the murder of Mrs. Liuzzo in state court in Hayneville, on September 26, 1966. On September 27th a jury returned a verdict of not guilty.

On April 27, 1967, the Fifth Circuit Court of Appeals affirmed the 10-year sentences Wilkins and Thomas had received on December 3, 1965 in U.S. District Court, Montgomery.

EUGENE THOMAS; WILLIAM ORRVILLE EATON;  
COLLIE LEROY WILKINS, JR.:  
VIOLA GREGG LIUZZO - VICTIM  
CIVIL RIGHTS - ELECTION LAWS

500-295  
98  
National attention was focused on the march from Selma, Alabama, to Montgomery, Alabama, March 21-25, 1965, conducted by civil rights workers under federal court authorization to dramatize voter registration restrictions in Alabama, and to present a petition of grievances to Alabama Governor George Wallace. The march culminated with ceremonies in front of the State Capitol in Montgomery, Alabama, the afternoon of March 25, 1965, with about 12,000 persons in attendance. The marchers began to disperse about 4:00 p.m. that date without any apparent organized plan of dispersal, and those from Selma began returning by common carrier, trucks and private automobiles.

(Mobile summary memo, 4/12/65,  
page 1)

500-295  
86-61  
103  
Among the white civil rights workers in Selma, Alabama during this period had been Mrs. Viola Gregg Liuzzo, who came to Selma from Detroit, Michigan, March 19, 1965, and was assigned to live in the apartment of a local Negro woman along with several other white and Negro women. Mrs. Liuzzo, age 40, thrice married and the mother of five children, had reportedly made the trip to Selma after attending a sympathy demonstration at Detroit, Michi



by Wayne State University students protesting attacks on Negro and white demonstrators in Selma and Montgomery. In Selma her automobile, a 1963 Oldsmobile coupe, bearing Michigan license EJ-9 was used by other civil rights workers from the time of her arrival in Selma. On the day the march began, she was assigned to telephone duty in Selma, and on March 24, 1965, she told an associate she was going to a local Negro church from which the march had started and would catch a bus to Montgomery in order to take part in the march on the final day from the outskirts of Montgomery to the State Capitol Building.

(Mobile summary memo, 4/12/65, pages 27-30, and pages 53-65)

Leroy Jerome Moton, a 19 year old Negro male of Selma, Alabama, who served as transportation officer for the Southern Christian Leadership Conference (SCLC) during the Selma to Montgomery march, was driving Mrs. Liuzzo's automobile on March 25, 19

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

See 295  
pg 300-303

On the morning of March 26, 1965, at 10:25 a.m., complaints authorized by a U. S. Assistant Attorney General were filed before U. S. Commissioner in Montgomery, charging Eaton, Wilkins, Thomas and Rowe with violation of Section 241, Title 18, U. S. Code, in a conspiracy to injure, oppress, threaten, and intimidate citizens in the vicinity of Selma and Montgomery, Alabama, in the free exercise and enjoyment of rights and privileges secured them by the Constitution of the United States. All four were arraigned this same date before U. S. Commissioner in Birmingham. Thomas, Eaton and Wilkins were represented by Attorney Matt Murphy, (publicly identified as the klan attorney.) Thomas, Eaton and Rowe were released on bonds of \$50,000 each that night, but Wilkins was not released until March 29, 1965, in view of a separate federal probation violator's warrant outstanding against him.

(Mobile summary memo, 4/12/65, pages 300-305)

See 311  
exhibit

Charges against Thomas, Wilkins and Eaton were presented to a Federal Grand Jury at Montgomery, Alabama, April 5, 1965, and an indictment was returned the next day charging all three with conspiracy in violation of the U. S. Civil Rights Statute.

(Report of SA [REDACTED] 5/3/65, at Mobile)

See 296  
pg 303

State authorities started prosecution with the trial of Collie Leroy Wilkins, Jr. on a first degree murder charge May 3, 1965. The state had indicted Wilkins, Eaton and Thomas for the murder of Mrs. Luther. The case went to a jury on 8/19

Page 19

May 6, 1965, and the following day the Judge declared a mis-trial after the jury was hopelessly deadlocked. Rowe testified for the state in this trial.

(Report of SA [REDACTED]  
5/25/65, at Mobile)

Sub 515  
6  
86

The state retried Wilkins in Hayneville, Alabama, October 18-22, 1965, at which time Rowe again testified, and a jury returned a verdict of not guilty.

(Report of SA [REDACTED]  
11/16/65, at Mobile)

Sub 517  
6  
86

Following the acquittal of Wilkins in State Court, Wilkins, Thomas and Eaton were arraigned in Federal Court, and pleaded not guilty to federal indictment.

(Report of SA [REDACTED]  
November 16, 1965, at Mobile)

Sub 533  
Superior

All three were tried jointly in U. S. District Court in Montgomery, November 29, 1965, through December 3, 1965, with Rowe as the principal prosecuting witness, and the federal jury returned a verdict of guilty against all three. On December 3, 1965, the federal judge sentenced Thomas, Eaton and Wilkins each to serve 10 years in custody of the U. S. Attorney General.

All three were released the following day on \$10,000 bond each, pending appeal to the Fifth Circuit Court of Appeals.

Report of SA [REDACTED]  
12/9/65, at Mobile

Sub 538  
6  
86

Wilkins at the time of this shooting was on one year's federal probation, which had been previously imposed against him on a charge of possession of a sawed-off shotgun following an

arrest by local authorities at Hueytown, Alabama, March 11, 1964. Wilkins was arraigned in Federal Court, Birmingham, December 20, 1965, and this one year's probation was revoked and he was ordered to begin serving on January 4, 1966, a sentence of one year and a day.

(Birmingham teletype to the Bureau, 12/20/65)

*See 712*  
Eugene Thomas (on February 28, 1966) was tried in Federal Court, Birmingham, on a National Firearms Act violation, and was convicted and sentenced to serve a period of two years in federal custody.

(Report of SA [redacted] 2/25/66, at Birmingham)

*See 717*  
The third subject, William Orrville Eaton, died during the evening of March 9-10, 1966, at Bessemer, of natural causes, and was buried on March 12, 1966.

(Birmingham letter to Mobile, 3/29/66)

State authorities have indicated that the trial of a second Ku Klux Klansman in this shooting had been contemplated for May of 1966, but was postponed until the fall term of court, 1966, due to the unavailability of witness Rowe.

*9/26/66, [redacted] when [redacted] did not testify*  
(Mobile teletype to the Bureau, 5/13/66)

UNITED STATES GOVERNMENT

## Memorandum

TO : DIRECTOR, FBI (44-28601)

DATE: 3/27/68

FROM : *linch* SAC, MOBILE (44-1245)(C)SUBJECT: EUGENE THOMAS;  
ET AL.  
VIOLA GREGG LIUZZO; ET AL - VICTIMS  
CR; EL  
(OO: MOBILE)

Re New Orleans airtel to Bureau dated 5/2/67, forwarding 2 copies of the decision of the Fifth Circuit Court Of Appeals, New Orleans, La., affirming the conviction of the subjects; and Mobile airtel of 12/6/67, with accompanying letterhead memorandum, showing that the convicted subjects are imprisoned.

Mobile is in possession of 2 spools of magnetic tape with recording of a Canadian Broadcasting Company interview with COLLIE LEROY WILKINS and 2 cartridges of magnetic tape concerning above.

*ALL*

*b7c*

[REDACTED]

[REDACTED]

The Bureau is requested to discuss this matter with the appropriate Departmental Attorney for authority to dispose of, or return, the items not used in the trials of the subjects.

- (3) - Bureau (1 - FBI Laboratory)  
2 - Birmingham (44-1236)  
1 - Mobile  
JRC:jes  
(6)
- REC-20 114-18601-784*
- 4/1/68*
- cc - [illegible]*



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

SAC, Mobile (44-1245)

April 9, 1968

Director, FBI 114. 2 86 01-1791

REC-20

EUGENE THOMAS;  
ET AL.  
VIOLA GREGG LIUZZO;  
ET AL - VICTIMS  
CIVIL RIGHTS  
ELECTION LAWS  
OO: MOBILE

1 - Mr. Hines  
1 - FBI Laboratory

ReMOlet to Bureau dated 3/27/68, with cc to BH,  
and FBI Laboratory.

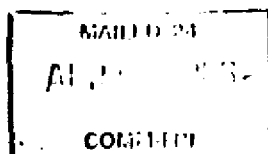
The matter of disposal of exhibits in this  
case as described in referenced letter was brought  
to the attention of the Department on 4/2/68. The  
Department currently has the matter under consideration  
and will advise. Continue to maintain the exhibits  
pending receipt of instructions from the Department.

This matter is being closely followed with  
the Department and you will be promptly advised of  
their instructions when received.

1 - SAC, Birmingham (for info)

JWH:mt  
(4)

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_



62 APR 15 1968

MAIL ROOM ☒ TELETYPE UNIT ☐

## Memorandum

TO : DIRECTOR, FBI (44-28601)

DATE: 5/14/68

FROM : SAC, MOBILE (44-1245) (C)

SUBJECT: EUGENE THOMAS; ET AL.  
VIOLA GREGG LIUZZO; ET AL - VICTIMS  
CR; EL  
(OO: MOBILE)

There are being transmitted to the Bureau under separate cover the following items:

2 spools of magnetic tape with recording of a Canadian Broadcasting Company interview with COLLIE LEROY WILKINS. Tape is a recording of a video tape played back over telephone from Canada to Montgomery, Ala.

2 cartridges of magnetic tape with recording of above.

The above items were provided to this office by ST. JOHN BARRETT, Departmental Attorney, on 12/1/65 for use in investigation of captioned matter. It is requested that these items be returned to ST. JOHN BARRETT.

② - Bureau  
1 - Package (RM)  
1 - Mobile  
JRC:jes  
(4)

REC-52

13 MAY 16 1968



54 MAY 27 1968

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

UNITED STATES GOVERNMENT

# Memorandum

TO : Assistant Attorney General  
Civil Rights Division

FROM : Director, FBI

DATE: May 17, 1968

FILE COPY

SUBJECT: EUGENE THOMAS; ET AL.  
VIOLA GREGG LIUZZO; ET AL - VICTIMS  
CIVIL RIGHTS  
ELECTION LAWS

Reference is made to your memorandum dated 4/30/68  
(your file 144-2-470).

There is enclosed one copy of the report of Special  
Agent \_\_\_\_\_ dated \_\_\_\_\_  
at \_\_\_\_\_.

A. ☐ This covers the preliminary investigation and  
no further action concerning a full investigation will be taken  
by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will  
be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now  
been completed. Unless advised to the contrary no further in-  
quiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Depart-  
ment, no investigation will be conducted in this matter unless  
specifically directed by the Department.

E. ☐ Please advise whether you desire any further in-  
vestigation.

F. ☐ This is submitted for your information and you  
will be advised of further developments.

G. ☒ This is submitted for your information and no  
further investigation will be conducted unless specifically re-  
quested by the Department. (G)

H. ☐ This covers the receipt of a complaint and no  
further action will be taken by this Bureau unless the Department  
so directs.

Enc. NOTE: There is being transmitted herewith the following items:

(OVER)



NOTE: CONT.

Two spools of magnetic tape with recording of a Canadian Broadcasting Company interview with Collie Leroy Wilkins. Tape is a recording of a video tape played back over telephone from Canada to Montgomery, Alabama.

Two cartridges of magnetic tape with recording of above.

The above items were furnished to our Mobile Office by Mr. St. John Barrett on 12/1/65, for use in the investigation of this matter.

These items are being returned to you pursuant to your memorandum of April 30, 1968, advising that exhibits being held by this Bureau, which were not used at trial may now be appropriately disposed of.

# Memorandum

TO : Director  
Federal Bureau of Investigation

DATE: APR 30 1968

SJP: RAA:jjb

FROM : Stephen J. Pollak  
Assistant Attorney General  
Civil Rights Division

DJ 144-2-470  
#1-085-2

SUBJECT: Collie Leroy Wilkins, William O.  
Eaton, and Eugene Thomas, Subjects;  
Viola Liuzzo, Victim;  
Lowndes County, Alabama;  
CONSPIRACY AGAINST RIGHTS  
CIVIL RIGHTS

The Supreme Court having denied certiorari in this case, material held for possible use at trial as evidence or exhibits but not used at trial may now be appropriately disposed of.

EXP. PROC.  
APR 30 1968

REC-28

44-111-796

10 APR 30 1968

P.J.L. MO  
5-1-68  
SWH:eg

W.D. Jones  
7133  
P.J.L.  
417

SAC, Mobile (44-1245)

5-1-68

Director, FBI (44-28801) - 7 16

1 - FBI Laboratory (For Appropriate)

1 - Mr. Hines

EUGENE THOMAS; ET AL.  
VIOLA GREGG LIUZZO; ET AL. -  
VICTIMS  
CIVIL RIGHTS  
ELECTION LAWS  
OO: MOBILE

Re Bureau letter to Mobile 4-9-68.

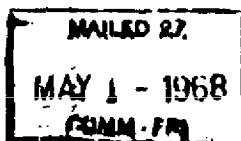
The Department by letter dated 4-30-68, has advised that material held for possible use at trial as evidence or exhibits which was not used at trial and submitted in evidence may now be appropriately disposed of.

Accordingly, material being held in the Mobile and Birmingham Offices and by the FBI Laboratory which falls in the above category should be disposed of in accordance with standard Bureau procedures for disposition of such exhibits.

1 - Birmingham (44-1236) (For Appropriate Action)

JWH:erg  
(6)

SEE NOTE PAGE TWO



in \_\_\_\_\_  
by \_\_\_\_\_  
of \_\_\_\_\_  
for \_\_\_\_\_  
Room \_\_\_\_\_

61 JUL 12 1968 ☒ TELETYPE UNIT ☐

**NOTE:**

This case involves the shooting of Mrs. Viola Gregg Liuzzo in Lowndes County, Alabama, on 3-25-65. Two subjects, Eugene Thomas and Collie Leroy Wilkins, were convicted and sentenced on civil rights charges and they are now serving their sentences in Federal prison. On appeal to the Fifth Circuit Court, New Orleans, Louisiana, their conviction was affirmed. The Supreme Court has denied certiorari and all legal recourse to their convictions has been exhausted.

Mobile, by letter dated 3-27-68, requested permission to dispose of certain exhibits in possession of their office, the Birmingham Office and the FBI Laboratory which were gathered as evidence but were never actually submitted in evidence at the trial of subjects. This was brought to the attention of the Department and by letter dated 4-30-68, Department states that these exhibits not actually submitted in evidence at trial may be appropriately disposed of.

July 1, 1968

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

Dear Mr. Hoover:

In the slaying of Mrs. Viola Liuzzo in 1964 or 1965  
in Alabama the Federal Bureau of Investigation, if my memory  
serves correctly, obtained an indictment (or indictments).

I request you to inform me how - and where - I may  
obtain - copy of the indictment (or indictments) relative to  
such slaying, and I request you to inform me of the result of  
such indictment (or indictments).

Thank you.

Sincerely,

Chicago, Illinois.

REC-38

EX-103

JUL 10 1968

CORRESPONDENCE

EX-103

REC-38

July 9, 1968

[REDACTED]

b7c

WPB

Chicago, Illinois 60624

Dear Sir:

Your letter dated July 1st has been received.

In response to your inquiries, it is suggested that you correspond with the Clerk of the United States District Court for the Middle District of Alabama, Government Building, Montgomery, Alabama 36104, to secure information of the type you requested.

Very truly yours,

*J. E. Hoover*  
John Edgar Hoover  
Director

del

b2

MAILED 24  
JUL 9 1968  
COMM-FBI

[REDACTED]

- Tolson
- DeLoach
- Mohr
- Bishop
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

DCL:lvc  
(3)

8 3 32 b1, b2, b7D

*Handwritten notes and signatures*

51 JUL 17 1968 TELETYPE UNIT ☐

## Memorandum

TO : *David - E/gk*

FROM : *Marshall E m/gk*

SUBJECT: *VII*

DATE: *6/4/69*

The attached *1* has been received in the Records Branch, appropriately initialed, and indicated for file. By use of instant transmittal memorandum, all necessary recording and indexing will be accomplished. It is to be noted this form is for internal use only within the Records Branch, principally by the Routing Unit where bulky material not accompanied by memorandum is usually received.

The enclosure, if bulky and not usually filed with other papers in file, may be detached but this action should be clearly noted under the word "Enclosure."

Enc.

NOT RECORDED

11 JUN 4 1969

ENC. BEHIND FILE

54 JUN 5 - 1969

LAW OFFICES  
PROVIZER AND EISENBERG, P.C.

HAROLD M. PROVIZER  
GARY EISENBERG  
FREDERICK H. GRUBER

24800 NORTHWESTERN HIGHWAY, SUITE 207  
SOUTHFIELD, MICHIGAN 48075

TELEPHONE (313) 352-9080

March 27, 1972

Federal Bureau of Investigation  
Civil Rights Division  
Justice Department  
Washington, D.C.

re: Viola Liuzzo

Gentlemen:

- Please be advised that this office has been retained to represent Mr. Liuzzo, whose wife, Viola Liuzzo, was murdered in Alabama on March 25, 1965. Your office has previously written Mr. Liuzzo concerning the personal effects of Mrs. Liuzzo, some 52 items, which have not as yet been returned to Mr. Liuzzo. Mr. Liuzzo has indicated to this office that he has been trying to acquire these items for the past three years, and has not as yet received them. We would greatly appreciate your efforts in this matter. May we please hear from you at your earliest convenience.

Very truly yours,

  
Harold M. Provizer

HMP:sk

REC-7

44-28601-7

EX-110

MAR 29 1972

COMM. DIV. UNIT



March 31, 1972

1 - Mr. McDonough

REC-7

44-28601-799  
Mr. Harold M. Provizer  
Suite 207  
24800 Northwestern Highway  
Southfield, Michigan 48075

Dear Mr. Provizer:

This will acknowledge receipt of your letter dated March 27, 1972.

You are advised that no record has been located of a communication from this Bureau to Mr. Anthony Liuzzo concerning the personal effects of Mrs. Liuzzo to which your letter of March 27th refers.

The Civil Rights Division of the Department of Justice has advised that it has been in contact with you concerning this matter and I am referring a copy of your letter to that Division for its consideration.

If you have any further questions concerning this matter, it is suggested that you may desire to communicate directly with Assistant Attorney General David L. Norman, Civil Rights Division, U. S. Department of Justice, Washington, D. C. 20530.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

1 - Assistant Attorney General - Enclosure (copy of incoming Civil Rights Division)

EJM/pwl (4)

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

54 APR 14 1972

MAIL ROOM ☐ TELETYPE UNIT ☐

SEE NOTE PAGE TWO

Letter to Mr. Harold M. Provizer

NOTE:

Bureau is in receipt of letter from an attorney representing Mr. Anthony Liuzzo, husband of Viola Liuzzo who was shot and killed by Klansmen in Alabama on 3/25/65. State murder trial resulted in mistrial and dismissal. Three subjects convicted of civil rights charges in Federal Court and two presently incarcerated (one died). According to letter, Mr. Liuzzo reportedly received written reply from Bureau re 52 items of personal effects of his wife (items not identified). Bureau files and Mobile Office files (office of origin in Civil Rights case) contain no record of such prior inquiry or reply to Mr. Liuzzo and Bureau never in possession of this material as not of evidentiary value. Last reported to be in possession of state authorities.

This was discussed with Civil Rights Division (CRD) and Miss Monica Gallagher, Assistant Section Chief, Criminal Section, advised SA McDonough she had received telephonic inquiry last week from this attorney and she told him to put request in writing and CRD would handle. It appears letter may have been misdirected to Bureau instead of CRD; however, it is felt we should respond to clear the record as it may relate to Bureau and furnish copy of incoming and reply to CRD for further handling as they may desire.

Bureau files contain no pertinent information identifiable with the law firm.

NR002 MO PLAIN

415 PM URGENT 3/30/72 CTO

TO BUREAU 44-23601

FROM MOBILE 44-1245 3 PAGES

Mr. Tolson  
Mr. Felt  
Mr. Campbell  
Mr. Roach  
Mr. Mohr  
Mr. Bishop  
Mr. Miller, E.  
Mr. Callahan  
Mr. Casper  
Mr. Conrad  
Mr. Dalbey  
Mr. Cleveland  
Mr. Ponder  
Mr. Bates  
Mr. Walkart  
Mr. Walters  
Mr. Soyars  
Tele. Room  
Miss Holmes  
Miss Gandy

*bl* EUGENE THOMAS, ET AL; VIOLA GREGG LIUZZO, ET AL - VICTIMS;  
CR - EL.

RE BUREAU TELCON MARCH TWENTY-NINE, SEVENTY-TWO.

IN RELATION TO THE PERSONAL EFFECTS OF VIOLA LIUZZO, THE  
MOBILE OFFICE OF THE FBI HAS NOT HAD ANY POSSESSION OF ANY  
PERSONAL EFFECTS. SEVERAL INQUIRIES HAVE BEEN MADE OF  
THE MOBILE OFFICE THROUGH THE DEPARTMENT WHEREIN THE VICTIM'S  
HUSBAND HAS CALLED COMPLAINING ABOUT THE FACT THAT HER PERSONAL  
EFFECTS HAD NOT BEEN RETURNED. THESE PERSONAL EFFECTS WERE  
IN THE POSSESSION OF THE LOWNDES COUNTY, ALABAMA LOCAL AUTHOR-  
ITIES, AND IT IS POINTED OUT THAT AS OF APRIL TWELVE, SIXTY-  
FIVE, FORMER DEPARTMENTAL ATTORNEY CHARLES QUAINANCE HAD  
ADVISED THAT THE USA, DETROIT, MICHIGAN, HAD CALLED IN AN  
EFFORT TO DETERMINE THE WHEREABOUTS OF THE VICTIM'S PERSONAL  
EFFECTS, INCLUDING POCKET BOOK, ETC.

END PAGE ONE

*58*  
5 APR 10 1972

APR 1 1972

PAGE TWO

INQUIRY WAS MADE AT THE ALABAMA DEPARTMENT OF PUBLIC SAFETY AT MONTGOMERY, ALABAMA, AND IT WAS DETERMINED THAT THE EFFECTS LAST KNOWN TO BE IN THE POSSESSION OF E. J. DIXON, STATE INVESTIGATOR, DEPARTMENT OF PUBLIC SAFETY, WHO EXHIBITED SAME TO BUREAU AGENTS ON MARCH TWENTY-SEVEN, SIXTY-FIVE.

AT THAT TIME FORMER DEPARTMENTAL ATTORNEY QUAINANCE WAS SO ADVISED THAT THE PROPERTY WAS IN THE POSSESSION OF THE DEPARTMENT OF PUBLIC SAFETY.

IT IS NOTED THAT A REPORT WAS SUBMITTED AND IT WAS REPORTED THAT DR. PAUL E. SHOFFEITT, ASSISTANT DIRECTOR, STATE OF ALABAMA DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION, CONDUCTED AN AUTOPSY AFTER VICTIM LIUZZO WAS KILLED. IN HIS REPORT IT WAS INDICATED THAT AMONG OTHER PERSONAL EFFECTS THERE WERE TWO RINGS ON RING FINGER OF HER LEFT HAND, ONE RING ON THE RIGHT FINGER OF HER RIGHT HAND, AND A WRISTWATCH ON HER LEFT WRIST, ALL OF WHICH WERE DELIVERED TO INVESTIGATOR LIEUTENANT E. J. DIXON.

MR. LIUZZO HAS HAD NO DIRECT CONTACT WITH THE FBI OFFICE  
END PAGE TWO

MO44-28601

PAGE THREE

AT MOBILE, ALABAMA, AND ALL REQUESTS CONCERNING PERSONAL EFFECTS WERE  
RECEIVED FROM THE DEPARTMENT.

END

HOLD

LMR FBI WA DC

## Memorandum

TO : Assistant Attorney General  
CIVIL RIGHTS DIVISION

DATE: January 11, 1971

FROM : Director, FBI

ATTENTION: Mr. Norman

SUBJECT: EUGENE THOMAS; ET AL.  
VIOLA LIUZZO, aka., ET AL. - VICTIMS  
CIVIL RIGHTS - ELECTION LAWS

Reference is made to \_\_\_\_\_ memorandum dated \_\_\_\_\_  
(your file \_\_\_\_\_).

There is enclosed one copy of the report of Special  
Agent \_\_\_\_\_ a memorandum \_\_\_\_\_ dated 1-6-71  
at San Diego.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☒ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

56 JAN 19 1971

NOT RECORDED

SEE NOTE ATTACHED

176 JAN 15 1971

JAN 15 1971

766-9

FBI

Date: 1/6/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: Director, FBI (137-6295)

FROM: SAC, San Diego (44-312)

GARY THOMAS ROWE, AKA  
THOMAS NEIL MOORE  
FORMER RACIAL INFORMANT

*Viola, Luzzo*

Re San Diego letter 12/8/70

Enclosed herewith are three copies of a letterhead memorandum concerning the above-captioned individual. It is requested that the Bureau make this letterhead memorandum available to the Department of Justice. It is also requested that the Bureau, if possible, advise as to the identity of the individual in the Department of Justice that Mr. ROWE should contact concerning information set forth in the enclosed letterhead memorandum.

② - Bureau (Enclosure - 1)  
1 - SD

CEB:mah  
(3)

*ICE CRJ CRD  
6946 LHM*

*1-11-71*

*Distel  
1-11-71  
12-11-70*

NOT RECORDED

176 JAN 15 1971

*44-28601-  
JAN 15 1971  
JAN 15 1971*

*137-6295*

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent Charge

137-6295-7  
ORIGINAL FILED IN

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

San Diego, California  
January 6, 1971

GARY THOMAS ROWE  
also known as  
THOMAS NEIL MOORE

INFORMATION CONCERNING

On 12/7/70 the above-captioned individual appeared at the San Diego Office of the FBI and provided the following information:

ROWE advised he was currently unemployed and had been unemployed for some time and was experiencing financial difficulties as well as being unable to obtain employment. He stated that as a result of this, the following items had been preying on his mind and he felt that the FBI and particularly Mr. HOOVER were not aware of the activities of former Assistant Attorney General JOHN DOAR. ROWE had the highest praise for the FBI, stating that he would be happy to serve in the same capacity he had in the past if he were in a position where he could be of benefit. He felt that he had done a great service for his country. He stated, however, that he felt the Department and particularly Mr. DOAR had not been fair with him and cited the following:

[REDACTED]

44-28601-

ENCLOSURE



January 11, 1971

Airtel

1 - Mr. McDonough

44-28601-

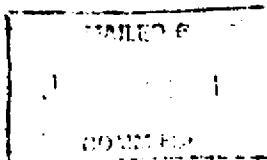
TO: SAC, San Diego (44-312)

FROM: Director, FBI

GARY THOMAS ROWE, aka.,  
THOMAS MELB MOORE  
FORMER RACIAL INFORMANT

Your LHM 1-6-71, has been furnished to the Civil Rights Division. In the event of any further inquiries from Rowe, advise him he should communicate directly with Assistant Attorney General, Jorris Leonard, Civil Rights Division, United States Department of Justice, Washington, D. C., Attention Mr. D. L. Norman. You should not act as an intermediary for Rowe.

EJM:smp  
(4)



Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐ TELETYPE UNIT ☐

55 JAN 20 1970

ORIGINAL FILED IN 137-6295-71

THIS MAIL SHOULD BE

ACKNOWLEDGED WITHIN 48 HOURS  
Form 543-2400

he United States

House of Representatives

Washington, D.C. 20515

COMMUNITY

WASHINGTON ADDRESS

Suite 2428

Rayburn House Office Building

Phone 205-225-0130

July 4, 1972

Office of Congressional Liaison  
Department of Justice  
Washington, D. C.

Dear Sir:

A few years ago Mrs. Viola Luizzo of Detroit was killed in Mississippi where she was working to help register blacks to vote.

At the time, the F.B.I. confiscated all her personal belongings and according to her husband, they have never been returned. Mr. Luizzo is very anxious to have these items.

Any assistance you can provide in this regard will be most appreciated.

Thank you.

Sincerely,

William S. Broomfield  
Member of Congress

(R-MICH.)

DEPUTY ATTORNEY GENERAL  
FEDERAL BUREAU OF INVESTIGATION

6 JUL 5 1972

FEDERAL BUREAU OF INVESTIGATION

Mr. Felt  
Mr. Campbell  
Mr. Rosen  
Mr. Mohr  
Mr. Miller, ES  
Mr. Callahan  
Mr. Casper  
Mr. Conrad  
Mr. Daboy  
Mr. Cleveland  
Mr. Ponder  
Mr. Bates  
Mr. Walker  
Mr. Walters  
Mr. S. yars  
Tele. Room

RECEIVED  
JUL 5 1972

Letting acknowledged  
VAB/IL  
EJM/PUL  
CC: HAG, CVD - ENK

1 - Mr. McDonough  
1 - Mr. Bowers  
Administrative Review Unit

67-115

REC-23

44-28601-501

July 18, 1972

Honorable William S. Broomfield  
House of Representatives  
Washington, D. C. 20515

Dear Congressman Broomfield:

This is to acknowledge receipt of your letter dated July 4, 1972, directed to the Office of Congressional Liaison, Department of Justice, which was forwarded to this Bureau on July 16, 1972. The letter was in reference to efforts being made by Mr. Anthony Liuzzo to obtain personal belongings of Mrs. Viola Liuzzo "confiscated" by the FBI when she was killed while working to help register blacks to vote.

For your information this Bureau does not possess any personal belongings of Mrs. Liuzzo who was shot and killed in Lowndes County, Alabama, on March 25, 1965. Our files show that previous inquiry has been made of the Civil Rights Division of the U. S. Department of Justice concerning Mrs. Liuzzo's belongings by an attorney reportedly representing Mr. Liuzzo.

In light of that, I am taking the liberty of furnishing a copy of your letter to the Civil Rights Division and if you have any further questions in this matter it is suggested you may desire to communicate directly with Mr. David L. Norman, Assistant Attorney General, Civil Rights Division, U. S. Department of Justice, Washington, D. C. 20530.

I hope this will be of assistance to you in this matter.

Sincerely yours,

EJM/pwl (6)  
44-28601

L. Patrick Gray III  
L. Patrick Gray, III  
Acting Director

1 - Assistant Attorney General - Enclosure (copy of incoming)  
Civil Rights Division

- Felt
- Bates
- Bishop
- Callahan
- Campbell
- Cleveland
- Conrad
- Dalbey
- Jenkins
- Marshall
- Miller, E.J.
- Ponder
- Soyars
- Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Mr. Harris
- Mrs. Neenan

MAIL ROOM TELETYPE UNIT

SEE NOTE PAGE 2

Letter to Honorable William S. Broomfield

NOTE: Representative Broomfield (Republican - Michigan) with whom relations have been satisfactory, requests assistance concerning efforts on part of Mr. Anthony Liuzzo in obtaining personal belongings of his wife who was shot and killed by Klansmen in Lowndes County, Alabama, on 3/25/65. Representative Broomfield refers to her murder in Mississippi. Although this letter was not addressed to us, it is felt we should respond to insure the statement referring to our "confiscation" of Mrs. Liuzzo's belongings is clarified by us. Our Mobile Office which handled this case previously advised it does not possess any of Mrs. Liuzzo's personal belongings and they were last known to be in possession of Lowndes County, Alabama, local authorities in March, 1965. The Civil Rights Division (CRD) has been advised of this previously and has handled prior inquiries concerning this material. It is felt Congressman Broomfield's inquiry should be referred to CRD since we are not aware of any further action which CRD may have taken on such inquiries. It is noted the Congressman's letter carries the spelling Liuzzo. Correct spelling is Liuzzo.



[Redacted]

b7c

Post Office, Santa Barbara

29902



777. Kelly  
Director of Federal Bureau of Investigation  
Washington, D.C.

26535

October 18, 1974

1 - Mr. McDonough

*44-28601 -*  
[REDACTED] *b7c*  
Port Royal, South Carolina 29902

Dear [REDACTED]

This is to acknowledge receipt of your letter dated October 1, 1974, inquiring as to the whereabouts of your father, Gary Thomas Rowe.

I am sorry I cannot be of assistance in this matter inasmuch as the records of this Bureau do not contain any information concerning Mr. Rowe's present whereabouts.

Sincerely yours,

Clarence M. Kelley  
Director

- 1 - SAC, Birmingham (Enclosure) (Enclosed is a copy of incoming.)
- 1 - SAC, Columbia (Enclosure) (Enclosed is a copy of incoming.)
- 1 - SAC, San Diego (Enclosure) (Enclosed is a copy of incoming.)

EJM:bap (6)

137-6295

44-28601

SEE NOTE, PAGE TWO

DUPLICATE YELLOW

56 OCT 29 1974

ORIGINAL FILED IN 137-6295-72

Ms. Cathy Carver

NOTE: [REDACTED] claims she is daughter of Gary Thomas Rowe, former Birmingham informant who identified the subjects who shot and killed Mrs. Viola Luizzo, a Civil Rights worker on 3/25/65. The last known contact with Rowe was on 1/6/71 when he telephonically contacted our San Diego Office stating he was unemployed and would be interested in Federal Narcotics Agent or sky marshal's job. Rowe's Ident record shows last entry as drunk charges on 3/22/69 when arrested by San Diego Police Department.

We have no information to establish [REDACTED] claim of being Rowe's daughter and it is not felt we should encourage her to request further assistance from the FBI in locating Rowe in the event she is a "plant."



IN THE  
**United States Court of Appeals**  
**FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
**No. 23289**  
\_\_\_\_\_

**COLLIE LEROY WILKINS, JR., and EUGENE  
THOMAS,**

**Appellants,**

**versus**

**UNITED STATES OF AMERICA,**  
**Appellee.**

\_\_\_\_\_  
*Appeal from the United States District Court for the  
Middle District of Alabama.*

\_\_\_\_\_  
**(April 27, 1967.)**  
\_\_\_\_\_

**Before COLEMAN and DYER, Circuit Judges, and  
ESTES, District Judge.**

**COLEMAN, Circuit Judge:** In the United States District Court for the Middle District of Alabama, these appellants were convicted of and sentenced to the maximum term of imprisonment for a violation of section 241, Title 18, United States Code, which

makes it a criminal offense to conspire against rights of citizens secured to them by the Constitution or laws of the United States.<sup>1</sup> We affirm.

The guilt or innocence of the appellants was submitted to the jury on an indictment which, after amendment by deletion during the charge to the jury, read as follows:

"Commencing on or about March 1, 1965 and continuing to on or about March 26, 1965, WILLIAM ORVILLE EATON,<sup>2</sup> COLLIE LEROY WILKINS, JR., and EUGENE THOMAS, within the Middle District of Alabama, conspired together, with each other and with other persons to the Grand Jury unknown, to

**241. Conspiracy against rights of citizens**

Two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$5,000 or imprisoned not more than ten years, or both."

Former section 51 of this Title read as follows:

"If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

Act of May 31, 1870, 16 Stat. 141, Rev. Stat. §5508, 18 U.S.C.

§51.

<sup>1</sup> Mr. Eaton died during the pendency of this appeal and the case against him has been dismissed as moot.

injure, oppress, threaten and intimidate citizens of the United States in the vicinity of Selma and Montgomery, Alabama in the exercise and enjoyment of certain rights and privileges secured to them by the Constitution and laws of the United States, and because of their having exercised such rights as follows:

\*\*\*\*\*

[(4)] The right to participate in a protest march from Selma to Montgomery, Alabama, to present a petition to the Governor of Alabama in Montgomery, and to participate in the carrying out of a proposed plan for such march pursuant to an order entered on March 17, 1965, by the United States District Court for the Middle District of Alabama, in the case of *Williams v. Wallace*, Civil Action Number 2181-N.

\*\*\*\*\*

It was part of the plan and purpose of the conspiracy that the defendants would harass, threaten, pursue and assault citizens of the United States in the area of Selma and Montgomery, Alabama, who were participating in or had participated in, or who were lending or had lent their support to a demonstration march from Selma to Montgomery, Alabama, pursuant to the plan referred to above, that was approved by the order of the United States District Court for the Middle District of Alabama on March 17, 1965.

In violation of Section 241 of Title 18 United States Code."

The numbered sections eliminated by the Court read as follows:

- (1) The right to publicly protest unlawful deprivation of the right of Negro citizens of Alabama to register to vote and to vote for candidates for federal office.
- (2) The right to encourage and assist Negro citizens of Alabama in the exercise of their right to register to vote and to vote for candidates for federal office.
- (3) The right to peaceably assemble, publicly protest, and petition the Governor of the State of Alabama for redress of grievances on behalf of Alabama.
- (5) The right to travel to and from the State of Alabama and to use interstate highways and other instrumentalities of interstate commerce in and through Alabama.

In his charge to the jury the Court discusses these excisions as follows:

"You will only be concerned with the fourth paragraph, as numbered in this indictment—because of their having exercised the right to participate in a protest march—and I am going to, for your assistance, without obliterate

ing, mark out the other four that are enumerated in the indictment, leaving only the fourth right that the Government in its indictment says the conspiracy was formed to oppress, threaten, and intimidate citizens in the exercise of, and this right is—to participate in a protest march from Selma to Montgomery, to present a petition to the Governor in Montgomery, and to participate in the carrying out of a proposed plan for such march pursuant to an order that had been entered on March 17, 1965, by the United States District Court in the Middle District of Alabama. The indictment says, further, that it was a part of the plan and purpose of the conspiracy that the defendants would harass, threaten, pursue, and assault citizens of the United States in the area of Selma and Montgomery, Alabama, who were participating in, or had participated in, or who were lending or had lent their support to a demonstration march from Selma to Montgomery pursuant to the plan that was just referred to, and which march had been approved by the court."

Whatever the reason, the affirmative allegations of these sections [1,2,3,5] containing averments as to federal elections and traveling in interstate commerce were withdrawn from the consideration of the jury.

The Court order alluded to in the indictment, but not copied therein, will be set forth in the margin.<sup>3</sup> It will be noted that the order does not mention protests, petitions, or federal elections. It mentions only the march and the plans for the march.

<sup>3</sup> Ordered, adjudged and decreed that, pending further order of this Court, George C. Wallace, as Governor of the State of Alabama, Albert J. Lingo, as Director of Public Safety for the State of Alabama, and James G. Clark, Jr., as Sheriff of Dallas County, Alabama, their successors in office, agents, representatives, employees, and other persons in active concert and participation with them be and each is hereby restrained and enjoined from:

(1) Arresting, harassing, threatening, or in any way interfering with the efforts to march or walk, or the marching or walking, by the plaintiffs, members of their class, and others who may join with them, along U. S. Highway 80 from Selma, Alabama, to Montgomery, Alabama, said march as presently approved by this Court, to commence in Selma, Alabama, not earlier than Friday, March 19, 1965, and not later than Monday, March 22, 1965, and to terminate in Montgomery, Alabama; and

(2) Otherwise obstructing, impeding, or interfering with the peaceful non-violent efforts by said plaintiffs, members of their class, and others who may join with them, in protesting and demonstrating by assembling and by marching along U. S. Highway 80 from Selma, Alabama, to Montgomery, Alabama, as said march is proposed in plaintiffs' plan filed with this Court and served on the defendants on March 16, 1965, and to the extent that said plan is presently approved by this Court.

It is further ordered, adjudged and decreed that, pending further order of this Court, the defendants George C. Wallace, as Governor of the State of Alabama, Albert J. Lingo, as Director of Public Safety for the State of Alabama, and James G. Clark, Jr., as Sheriff of Dallas County, Alabama, their successors in office, agents, representatives, employees, and all others acting in concert with them, be and each is hereby restrained and enjoined from failing to provide police protection for the plaintiffs, members of their class, and others who may join with them, in their march, as presently scheduled and presently approved by this Court, to commence not earlier than Friday, March 19, 1965, and not later than Monday, March 22, 1965, along U. S. Highway 80 from Selma, Alabama, to Montgomery, Alabama.

It is further ordered, adjudged and decreed that the motion for preliminary injunction filed by the defendant Governor Wallace, the motion by the plaintiff-intervenor, United States of America, for relief in addition to that herein specifically granted, and the motion of the plaintiffs for relief in addition to that herein specifically granted be and each is hereby denied.

The opinion of the Court preliminary to the order, 240 F. Supp. 102, stated that the plaintiffs "seek to have this Court guarantee their right to assemble and demonstrate peaceably for the purpose of redressing their grievances concerning the right to register to vote in the State of Alabama without unlawful interferences". The Court further stated, "Under Alabama law, registration is prerequisite to voting in any election [including federal elections]".

On its face, *Williams v. Wallace*, *supra*, was a typical Fourteenth Amendment proceeding. It sought to enjoin State action. There were no defendants other than the governor and other named officials of the State of Alabama and Dallas County. The Court order was directed only against these officials, "their successors in office, agents, representatives, employees, and other persons in active concert and participation with them". State interference with the right to make the march according to prescribed plan was prohibited; state police protection was commanded. No private citizens were named as defendants or mentioned in the injunction. Yet, the right to qualify to vote in federal elections, undeniably a right of national citizenship, was an essential ingredient of the proceedings.

There is no contention that these appellants in any way acted with the knowledge of, approval of, or in concert with any state authority. Appellants contend that, if they violated the court order, redress should be in the form of contempt proceedings. Obviously,

has received little consideration, if any, because appellants were not parties to nor included in the

Although the court order on which the prosecution was based was essentially Fourteenth Amendment action against state officials, the Government in its (page 27) stipulates:

"We do not deal with consideration of rights under the Fourteenth Amendment and the requirement or the immateriality of some degree of State action. The asserted federal right here derives from an explicit federal court order, specific in terms of time, place, and purpose. The right of which we speak is less protected from private interference than it is from official interference".

In its supplemental brief, filed in response to a request from the Court, the Government reiterates its original position, as follows:

"[T]he right to enjoy the benefits of the federal court order entered by Judge Johnson is derived from Article III of the Constitution and exists without regard to the Fourteenth Amendment. That being so, we urged [in the original brief] that, like other distinctly national rights, privileges, and immunities, it is protected from interference by conspiracies of private persons, whether or not state officers are involved in the conspiracy. We adhere to that view".

I

The essential facts supporting the guilty verdict, shown by the testimony of eyewitnesses, will now be summarized.

The Court order was entered March 17, 1965. The march commenced in Selma on March 21. It ended at the State Capitol in Montgomery on March 25. On March 21 the Ku Klux Klan of America, Inc., held a rally at Crampton Bowl in Montgomery and conducted a public parade in that City, the announced purpose of which [stated in the request for a parade permit] was "to protest [an] order issued by [a] Federal Court allowing a five day demonstration march from Selma, Alabama, to Montgomery, Alabama". That these appellants attended the protest rally and participated in the parade was established by an abundance of proof.

The jury was specifically instructed that appellants had a right to attend the protest meeting and to participate in the parade. Nevertheless, the evidence was highly relevant as to their actual notice of the existence of a court order. It was relevant as to the intent of the appellants when they traveled, as will later be set forth, to Montgomery and Selma on March 25. It would justify a jury finding that as early as March 21 these appellants had begun acting in concert in opposition to the march.

On March 25, the day the march was scheduled to arrive, and did arrive, at the Capitol in Montgomery,

a government informer, posing as a member of the Ku Klux Klan, whose FBI connection was then unknown to these appellants, received a telephone call from Eugene Thomas advising that he [Thomas] had to join a group of Klansmen and go to Montgomery that day. Immediately thereafter, a Klan official telephoned the informer to go to Montgomery, stating that this instruction came from the Imperial Office of the Klan. The informer then contacted an agent of the Federal Bureau of Investigation and was instructed to go to Montgomery along with the appellant Thomas and any others who might accompany him.

Thereafter, the informer met Eugene Thomas, Leroy Wilkins, and William Orville Eaton at a point about two blocks from the Klan meeting hall in Bessemer, Alabama. All four men then went to Montgomery in Thomas' automobile, arriving about 10 o'clock, A.M. The informer, as well as Eaton and Thomas, was armed but the guns were left in the parked automobile, after which they went to a filling station near the Capitol, where they remained for about five hours. While at the filling station, the appellants harassed the marchers, shouted at them, booed them, and got into an argument with some of the Negro spectators.

Upon the conclusion of the speechmaking at the Capitol, all four men returned to the automobile and went to a restaurant. On the way there, Eugene Thomas announced that they were going to Selma.

Eaton asked why and Thomas replied, "We got things to do, and we are going to get them done". After leaving the restaurant they spotted a hitchhiker on the road and Eaton said, "There is a hitchhiker, wonder if it is one of the marchers?" Wilkins replied, "I don't know, slow down, . . . we will see. If it is, we will give him a little fun and a surprise". Upon a closer approach, Wilkins said, "No, he is not a marcher, he is too clean to be a marcher". The hitchhiker was not disturbed.

After being stopped at a Highway Patrol radar speed check point on Highway 80, where Thomas received a warning ticket for an improper muffler, the party of four completed the journey to Selma. They went to a cafe, where they remained for about thirty or forty-five minutes. An individual there, identified as one charged in the "Reeb killing", came up to Eugene Thomas, put his arm on his shoulder, and said, "God bless you, boys, . . . you go do your job, I have already did (sic) mine".

Upon leaving the Silver Moon Cafe, the party then drove toward the church where the marchers had gathered. Eugene Thomas was the driver, Eaton sat beside him on the front seat, the informer sat behind Thomas, and Wilkins was behind Eaton.

Near the church they saw a couple of Negroes walking down a dirt street. Eugene Thomas slowed the car down and said, "Looka there, . . . We are going to have some fun", or—words to that effect. Wilkins told the informer, "Get ready, Baby Brother, we are

going to take them". When they were within a short distance of the people, the informer saw an Army truck with soldiers sitting within and exclaimed, "be careful, there is troops up there, the best thing we can do is get the hell out of here". At that they passed these people and drove on. During the period when they had spotted these people, and while the car slowed down, Eugene Thomas took his gun from between the seats and handed it to Wilkins, but when they noticed the Army truck the gun was replaced between the seats.

Leaving this scene, the party then drove through Selma toward the Alabama River bridge. About two three blocks West of the bridge they stopped for a traffic light and saw a light colored Oldsmobile bearing a Michigan license plate. A white woman was driving the car and a Negro was seated in the front seat with her. The following conversation ensued:

Eugene Thomas: "Wonder—wonder where they are going? Let's follow them, we are going to see where they are going, I think they are going out to the woods on a dirt road and park somewhere together".

Thomas then told the others to get down in the back, below window level, because "we are going to follow them and take them". Thomas then said, "I believe we got some of the brass. We are going to get them tonight".

After the informer and Wilkins had been down in the back seat for several minutes and while Thomas

was following the Oldsmobile he told them to sit up again. They continued to follow the Michigan car and Thomas said again, "All right men . . . tonight is the night we are going to take them".

While Thomas was trying to catch the Oldsmobile he said to the informer, "Baby Brother . . . get ready, we are going to get them on our side".

As Thomas started to pull alongside the Oldsmobile the informer saw Craig Air Force Base to the right in front of them. He told Thomas to "go back" because "that woman is trying to turn into the Air Force Base". Thomas said, "Nope . . . we are going to get them tonight". At this time the Oldsmobile veered to the right as if it were going to turn into the Air Force Base, but it did not. It veered out and the woman driver stepped on the gas and went on down the highway.

Eugene Thomas followed it at speeds of eighty to ninety miles an hour and exclaimed, "Well, this is a good place' . . . we will take them now". Wilkins told Thomas that he better be careful because the highway patrol radar is "right up there a little piece". However, Thomas continued to chase the Oldsmobile and throughout the chase the discussion was that they were "going to get them tonight". Thomas asked whether he should bump the automobile in order to stop it. Wilkins answered, "No, brother . . . you can't stop it like that; if you get one speck of paint on this automobile, we will get caught . . . . You just get up beside of it, and we will stop it".

When the pursuing car overtook the Oldsmobile Thomas said, "this is it . . . we are going to take them right here and now". Wilkins stuck his arm out the window, with Thomas' pistol in hand, and as the woman driver of the other car turned her head toward them Wilkins fired two shots into the front window of her automobile. At this point, Eugene Thomas said, "Shoot the hell out of them, everybody shoot the hell out of them". Eaton began firing his 22 pistol, loaded with shaved bullets. Wilkins continued to fire as their car passed the automobile. Eaton was leaning out of the car trying to fire. The Oldsmobile continued straight down the highway and the informer stated that the shooters had missed [the target].

Wilkins responded, "Baby brother, don't worry. I didn't miss. That . . . and . . . are dead and in hell".

Wilkins and Eaton threw their cartridge casings out the window. When they reached Bessemer they attempted to arrange alibis.

The dead body of the woman driver of the Oldsmobile was, of course, soon found. The proof showed that she had participated in the march and had given aid and assistance to others who did participate. The informer immediately reported what he had witnessed.

As stated in the outset, these are the bare, unadorned essentials of the evidence upon which the jury returned its verdict. There was extensive, detail corroboration. We have not the slightest doubt that this evidence, credited by the jury in its verdict,

along with the inferences reasonably to be drawn therefrom, was quite enough to support the verdict that these appellants did intentionally conspire against citizens participating in the march and/or petitioning the Governor of Alabama for a redress of grievances.

## II

Section 241 of Title 18, U.S.C. originated as §2 of the Act of April 9, 1866, 14 Stat. 27. It later became §6 of the Act of May 31, 1870, 16 Stat. 141. It has since existed as §5508 of the revised statutes of 1874-1878, as §19 of the Criminal Code of 1909, 35 Stat. 1092, and as §51 of the United States Code, 1926 Codification, 44 Stat. 462. It came to its present form in the 1948 revision of the United States Code. For a comparative table of the various forms of these several statutes, see the Appendix to the opinion of Mr. Justice Frankfurter in *United States v. Williams* (1951), appearing at page 82 of 341 U.S. Reports.

A detailed judicial history of the statute prior to 1892 is to be found in the opinion of Mr. Justice Gray in *Logan v. United States*, beginning at page 281 of 144 U. S. Reports.

Two of the latest decisions of the Supreme Court of the United States are, of course, *United States v. Guest*, 383 U.S. 745, 86 S. Ct. 1170, 16 L. Ed. 2d 239, and *United States v. Price*, 383 U.S. 787, 86 S. Ct. 1152, 16 L. Ed. 2d 267, (both decided March 28, 1966).



Price was concerned with an alleged conspiracy to deprive three individuals of their Fourteenth Amendment rights. Fourteenth Amendment rights were held to be within the purview of 18 U.S.C. 241, and private individuals alleged to have been acting in concert with state officers were held to be acting under color of law.

In *United States v. Guest*, *supra*, all those indicted were private individuals. In one respect, the indictment was held sufficient to charge a violation of Fourteenth Amendment rights under §241. In the opinion of the Court, 388 U. S. 755, we find the following language:

"It is a commonplace that rights under the Equal Protection Clause itself arise only where there has been involvement of the State or of one acting under the color of its authority. The Equal Protection Clause 'does not . . . add any thing to the rights which one citizen has under the Constitution against another.' *United States v. Cruikshank*, 92 U.S. 542, 554-555. As Mr. Justice Douglas more recently put it, 'The Fourteenth Amendment protects the individual against state action, not against wrongs done by individuals.' *United States v. Williams*, 341 U.S. 70, 92 (dissenting opinion). This has been the view of the Court from the beginning *United States v. Cruikshank*, *supra*; *United States v. Harris*, 106 U.S. 629; *Civil Rights Cases*, 109 U.S. 3; *Hodges v. United States*, 203 U.S. 1; *United*

*States v. Powell*, 212 U.S. 564. It remains the Court's view today. See, e. g., *Evans v. Newton*, 382 U.S. 296; *United States v. Price*, post, p. 787."

The Court went on to say that the involvement of the State need not be either exclusive or direct.

Guest further held that if the predominant purpose of a conspiracy is to impede or prevent exercise of the right of interstate travel, or to oppress a person because of his exercise of that right, then, whether or not motivated by racial discrimination, the conspiracy is a proper object of 18 U.S.C. §241.

In the case now before us, we are dealing exclusively with the acts of private individuals and the Government expressly concedes that the case presents no Fourteenth Amendment question.

That being true, we must determine whether the alleged conspiracy violated "safety and protection to persons in the exercise of rights dependent on the laws of the United States, including, of course, the Constitution and treaties as well as statutes \* \* \*", *United States v. Waddell*, 112 U.S. 76, 79 (1884).

We now quote what the Supreme Court said in *Logan* concerning *Cruikshank*, *supra*:

"In *United States v. Cruikshank*, 92 U.S. 542, at the same term, in which also the opinion was delivered by the Chief Justice, the indictment

ment was on section 8 of the Enforcement Act of 1870, (reenacted in Rev. Stat. §5508, under which the present conviction was had,) and the points adjudged on the construction of the Constitution and the extent of the powers of Congress were as follows:

1st. It was held that the First Amendment of the Constitution, by which it was ordained that Congress should make 'no law abridging the right of the people peaceably to assemble and to petition the government for a redress of grievances, did not grant to the people the right peaceably to assemble for lawful purposes, but recognized that right as already existing, and did not guarantee its continuance except as against acts of Congress; and therefore the general right was not a right secured by the Constitution of the United States. But the court added: '*The right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or the duties of the national government, is an attribute of national citizenship, and, as such, under the protection of, and guaranteed by, the United States.* [Emphasis added]. The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances. If it had been alleged in these counts that the ob-

ject of the defendants was to prevent a meeting for such a purpose, the case would have been within the statute, and within the scope of the sovereignty of the United States.' 92 U.S. 552, 553."

In *United States v. Cruikshank*, supra, the Court said this:

"From this it appears that the right of suffrage is not a necessary attribute of national citizenship: but that exemption from discrimination in the exercise of that right on account of race, &c. is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States; but the last has been."

Since *Cruikshank*, it has been well settled that the right to vote in elections for the selection of federal officials, in accordance with applicable State law, is a right secured by the federal Constitution. See *United States v. Classic*, 313 U.S. 299, 61 S. Ct. 1031, 85 L. Ed. 1368; *Ex parte Yarbrough*, 110 U.S. 651, 4 S. Ct. 152, 28 L. Ed. 274; *United States v. Mosley*, 238 U.S. 383, 35 S. Ct. 294, 59 L. Ed. 1355. Conspiracies to injure, oppress, threaten, or intimidate any citizen in the exercise of or for having exercised this right are in violation of 18 U.S.C. §241, *United States v. Saylor*, 322 U.S. 385, 64 S. Ct. 1101, 88 L. Ed. 1341;

*Fields v. United States*, 4 Cir., 1955, 228 F.2d 544; *Crolich v. United States*, 5 Cir., 1952, 196 F.2d 879, cert. denied, 344 U. S. 830, 73 S. Ct. 36, 97 L. Ed. 646 (1952).

In *Powe v. United States*, 1940, 109 F.2d 147, 151, this Court held that the right to speak freely and print about matters in general was not secured by the Constitution and laws of the United States, but the Court went ahead to quote from *Cruikshank*, 92 U. S. at 552, the language we have already cited, "if it had been alleged . . . that the object of the defendants was to prevent a meeting for such a purpose, the . . . would have been within the statute, and within scope of the sovereignty of the United States".

The Selma to Montgomery march (assembly) was not in connection with any specifically impending federal election. The proceedings in *Williams v. Wallace*, *supra*, were expressly pleaded in the indictment, however, by title and number. Those proceedings directly concerned the denial of the right to register to vote in federal elections and with an assembly for the purpose of protesting that condition. Therefore, guided by the cited language in *Cruikshank*, we hold that any citizen of the United States participating in the march was exercising an attribute of national citizenship, guaranteed by the United States, and that a conspiracy against those participating would be a violation of 18 U.S.C., §241.

We thus find it unnecessary to pass upon the contention of the Government that the rights of the par-

ticipants emanated from the Court Order, that the Court Order emanated from the Constitution and laws of the United States, and that such Court Order thus conferred a right within the ambit of §241.

In touching upon this point, however, we would point out that the Court Order was directed solely to state action and the Government admits that there was none here involved. Moreover, we are impressed with the consideration that if a right or privilege is secured by the Constitution or laws of the United States it requires no advance validation by a court order. Likewise, if not so secured it would be hard to see how a court order could do that which the Constitution or the federal laws had failed to do. The Court Order was, however, a very pertinent factor in the alleged offense in that it described times, places, and the nature of the federally guaranteed rights to be exercised. It thus fully informed the defendants of the offense charged against them and it limited the bounds within which the prosecution had to operate.

### III

#### APPELLANTS' ATTACK UPON THE CONVICTION

The defendants in the Court below made a timely motion to dismiss the indictment on the ground that it did not state an offense against the United States. What we have already said in Section II provides the answer to this point.

What are the essential requisites of a valid indictment for a violation of §241?

It must allege that it was the intent of the defendants, by their conspiracy, to hinder or prevent the enjoyment of some right granted or secured by the Constitution, and must charge positively and not inferentially everything essential, *United States v. Cruikshank*, *supra*.

It is not necessary, however, that the indictment should set out in detail the evidence of conspiracy or to describe it with the same degree of particularity required in an indictment for the substantive offense, *Crollich v. United States*, *supra*.

Neither is it necessary to aver any overt act. Any averment must necessarily be referred to the charge of conspiracy as describing or particularizing such charge, *Smith v. United States*, 8 Cir., 1907, 157 F. 721, cert. denied, 208 U. S. 618, 28 S. Ct. 569, 52 L. Ed. 647 (1908). See also, *Montoya v. United States*, 8 Cir., 1919, 262 F. 759.

On the other hand, an indictment [under former section 51] which charged that defendants conspired to injure, etc., certain named persons, male citizens of Kentucky over 21 years of age, "in the free exercise and enjoyment of a right and privilege secured to them" was bad as indefinite, in that it failed to state what particular right and privilege was meant, though it continued with a recital that the defendants were officers of an election precinct, conspired together "for the purposes aforesaid", and "to carry out and effect the object of the same" failed to open

the polls promptly, and by a tardy discharge of their duties and frequent absences prevented the persons named from voting, *McKenna v. United States*, 6 Cir., 1904, 127 F. 88.

Not only must a specific intent to interfere with a federal right be alleged in the indictment but it must be proven by the evidence beyond a reasonable doubt, *Buchanan v. United States*, 8 Cir., 1916, 233 F. 257; *United States v. Guest*, *supra*.

These appellants had full notice of the proceedings and Court order in *Williams v. Wallace*. They took an active part in protesting the order. The Court order, including the plan of march, was introduced in evidence and submitted to the jury. Appellants never at any time objected to or took exception to the form of the indictment but stood on the proposition that it charged no offense under the laws of the United States. The District Court correctly denied the motion to dismiss.

Appellants urge that reversible error was committed in the denial of their motion for a bill of particulars in which they sought the names of any others with whom they were charged to have conspired, demanded specification of the overt acts, if any, committed in furtherance of the alleged conspiracy, and demanded the names of the persons conspired against. It will be noted from what we have already said that in a §241 prosecution it is not necessary that overt acts be averred. In the hearing on the motion,

Government counsel verbally stipulated that there were no other known conspirators. As to the names of those conspired against, the Government responded, "We contend that the defendants conspired to injure members of a class of people; the people are those persons that were engaged in the march from Selma to Montgomery, and those persons are identified; we don't claim any individual person". There was no effort at the trial to prove the names of other conspirators; further, the proof was all directed to oppressive action taken against marchers as such. Obviously, the appellants themselves did not know and could not have known in advance the names of those participating in the march. They did not know the individual names of those whom they later encountered in Montgomery or on the highway to Selma or on the return trip to Montgomery. The proof, as already discussed, was sufficient to support a jury finding that the appellants were conspiring against persons whom they believed to have participated in the march. Apparently they cared not what their names were. The prosecutor is not required to detail his evidence in response to a bill of particulars; it is only necessary that defendants be advised of any essential detail omitted from the indictment, 8 Moore, *Federal Practice* 7-28 (1965 ed.). At the hearing on the motion the defendants, in fact, learned all they could have obtained had the motion been granted. There was no error in this regard.

The record reveals that much of the trial was centered on the shooting of the woman in the automobile,

but this was competent to show intent, an indispensable element of the offense and one which had to be proven by the evidence beyond a reasonable doubt. The appellants were not on trial for the shooting; yet it hardly can be disputed that the acts of the parties were highly relevant as to the presence or absence of guilty intent.

Appellants next say that the evidence was insufficient to support the verdict. Leaving aside the omission of a motion for a directed verdict at the close of all the evidence, as required by Rule 29, F. R. Cr. P., which operates as waiver of the benefit of the earlier motion, we have no hesitation in holding, as reflected in our preceding discussion of the proof, that the evidence was more than ample to sustain the conviction.

Appellants next complain of the admission of at least eight different categories of documentary, pictorial, and physical evidence, as well as testimony. These contentions have been carefully considered but we can perceive no good service to be performed by unduly prolonging an already lengthy opinion in a discussion of these points. Counsel are to be commended for the diligent manner in which they have raised these points but we perceive no basis for saying that any error was committed in this respect. As to the search of the home of one of the appellants there was no objection below, see Rule 41 (e), F. R. Cr. P.

It is next complained that the trial court should not have allowed the Government to close the arguments to the jury and that he should not have charged, al-

though appellants requested it, that defendants' failure to testify could not be considered in determining their guilt or innocence. These contentions are without merit.

There was no error in the original charge to the jury. In fact, upon its completion and upon being given an opportunity to state any objections or exceptions defense counsel very properly stated that they were entirely satisfied with it.

The author of this opinion has heretofore stated his individual views of the Allen charge, given after the jury for some time had been considering its verdict. To date, however, the decisions are to the contrary, see *Thaggard v. United States*, 354 F.2d 735, cert. denied, 383 U. S. 958, 86 S. Ct. 1222, .... L. Ed. 2d .... (1966).

The crucial issue in this case was whether the acts alleged and shown to have been committed constituted a violation of 18 U.S.C., §241. Being of the opinion that the question must be answered in the affirmative, and so answering it, the judgment of conviction must be

AFFIRMED.