

Basic Information on AUTAUGA COUNTY, ALABAMA

Per 1960 Census, conducted by the Bureau of the Census

Population	18,739
Non-whites	42.2%
Number of families	4,285

ONE HALF OF THESE FAMILIES HAVE INCOMES OF LESS THAN \$3,200

MORE THAN A THIRD OF THESE FAMILIES HAVE INCOMES OF LESS THAN \$2,000

ONLY FIVE PER CENT OF THESE FAMILIES HAVE INCOMES OVER \$10,000

Education

TWENTY TWO PER CENT OF THE POPULATION OVER <sup>25</sup> YEARS OLD HAS

COMPLETED LESS THAN FIVE YEARS OF SCHOOL.

ONLY ONE QUARTER OF THE ADULT POPULATION HAS COMPLETED HIGH SCHOOL  
IN THE WHOLE COUNTY, THERE WERE ONLY 54 PEOPLE ENROLLED IN COLLEGE  
IN 1960.

Housing

ONLY 38.5% OF THE HOUSES IN THE COUNTY WERE STRUCTURALLY SOUND  
WITH STANDARD INDOOR PLUMBING

THE MEDIAN RENT FOR HOUSING IN THE COUNTY WAS \$30/ MONTH.

EXECUTIVE OFFICE OF THE PRESIDENT  
President's Council on Equal Opportunity  
WASHINGTON, D. C.

*will*

August 12, 1965

MEMORANDUM TO: Lee White, Special Counsel to the  
President

FROM: Wiley A. Branton *Wiley A. Branton*

I am enclosing a copy of a memorandum which has been sent by the Vice President to the President regarding the Notice of Hearing to Alabama agencies under Title VI of the Civil Rights Act.

HEW and Labor are prepared to send the notices of hearing on Monday, August 16, unless they hear to the contrary from the White House. Agriculture will wait a few days longer until the Farm Bill has been disposed of.

I am enclosing a copy of the memorandum from HEW and Agriculture for your information.



THE VICE PRESIDENT

WASHINGTON

Thursday, August 12, 1965  
10:30 a.m.

MEMORANDUM TO: THE PRESIDENT

FROM: THE VICE PRESIDENT

SUBJ: Title VI Notice of Hearing to Alabama

The Alabama State Director of Civil Defense and the State Director of Pensions and Security (who administers the welfare programs of the State) have refused to submit statements of compliance required by the regulations of the Department of Defense, the Department of Health, Education and Welfare, and the Department of Agriculture under Title VI of the Civil Rights Act. Other Alabama State officials have submitted the necessary forms and have undertaken action leading to compliance with the Act, including education and health programs. All avenues of persuasion and negotiation have been explored and found fruitless and our only recourse is to proceed to a hearing. Enforcement procedures under Title VI require a hearing under the Administrative Procedures Act and notice to Congress prior to any cut off in funds.

The defiance of the two State agencies covers the civil defense program of the State, the distribution of surplus food from the Department of Agriculture in twenty counties and a food stamp program in two counties, as well as state-wide administration of the benefits of Health, Education and Welfare programs of old age assistance, aid to families with dependent children, aid to the blind and aid to the permanently and totally disabled, as well as the provision of certain child welfare services.

The Department of Defense, Office of Civilian Defense, has commenced enforcement proceedings through a notice of hearing which is now set to be heard on August 24. The Departments of Agriculture and Health, Education and Welfare are now preparing notices of hearing under Title VI covering their programs. Notice of hearing, or even the completion of the hearing, does not result in automatic cut off of funds. It is fully expected that the enforcement proceedings will result in compliance, and the regulations provide sufficient leeway so that the timing of the cut off of funds is at the discretion of the agency after the hearing.

Because the programs involved touch upon the basic needs of so many individuals, the Departments of Agriculture and the Health Education and Welfare have identified alternative ways of providing minimum service in the event of cut off.

The Secretaries have determined that it would be best to notify the Congressional delegations involved before the action becomes public knowledge, but after decisions and action have been taken. The Governor of Alabama will also be notified before the matter becomes public information. Governor Ellington concurs in the conclusions reached. Notices of hearing will be sent to the Alabama agencies on Monday, August 16, 1965 by the Department of Health, Education and Welfare and the Labor unless your office recommends otherwise. The Department of Agriculture will wait a few days longer until the Farm Bill is safely disposed of.

UNITED STATES GOVERNMENT

# Memorandum

HEW OS



TO : Mr. Wiley A. Branton, Executive Secretary  
President's Council on Equal Opportunity

DATE: August 11, 1965

FROM : James M. Quigley *J. M. Quigley*  
Assistant Secretary

SUBJECT: Alabama -- Welfare Statement of Compliance

The Alabama Board of Pensions and Security which is the State agency responsible for the administration of the public assistance (old-age assistance and medical assistance for the aged, aid to families with dependent children, aid to the blind, and aid to the permanently and totally disabled) and child welfare services programs in Alabama has refused to file the statement of compliance required under Section 30.4(b) of our Civil Rights Regulation. The Commissioner of Welfare, Dr. Ellen Winston, proposes that a notice of hearing be sent on August 16, 1965 to the Alabama agency for a hearing in Washington on September 16, 1965.

## Background

The State agency was asked to submit a statement of compliance by March 3, 1965. The State Commissioner of Welfare advised us that the State Board (of which Governor Wallace is Chairman ex officio) had instructed him not to submit one because it thought our request unauthorized under Title VI. On April 21, Commissioner Winston and General Counsel Willcox of this Department met with Commissioner King, at which time he stated that if a court held this to be a legal requirement, he would sign. At the conclusion of the meeting Commissioner King said he would talk with the State Board further to ascertain if the State wished to sign. Two weeks later he advised Commissioner Winston that the State Board had authorized a suit to contest the validity of the regulation, but such a suit has not yet been filed.

It is clear that compliance cannot be secured by voluntary means, and we feel there is no alternative to going forward with compliance proceedings. Since continuing programs are involved there will be no withholding of funds for these programs until thirty days after a report and order for withholding have been filed with the Congressional committees. Including the time required for notice to the State and for the hearing proceedings and appeals, a final order could not be issued before sixty days (and probably longer) from the time the notice of hearing is sent to the State. It thus would appear that any cut-off of funds is, at the very least, three months away.

About ninety million dollars per year of Federal funds, matched with some thirty million dollars of State funds, are involved in all of these programs. Over eighty percent of these funds are used for old-age assistance with well over one-hundred thousand recipients, about sixty percent of them white. The next largest program is aid to families with dependent children, which uses a little more than ten percent of the funds involved here, and serves about seventy-seven thousand individuals from eighteen thousand families, about sixty percent of whom are Negroes.



5010-108

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

We have carefully considered the possibility of alternative programs to alleviate the hardships that would result should the State discontinue these programs, but we have no authority to provide either emergency or stand-by help in these types of programs. We do not believe, however, that the State would discontinue the programs in the event of an adverse decision. Should the State drop the programs the big political and economic impact would be in old-age assistance where the majority of recipients are white. About half the recipients of aid to the blind and sixty percent of the recipients of aid to the permanently and totally disabled also are white.

As you know, Alabama is the only State that has not submitted the merit system material on nondiscrimination in employment practices as required by the January 1963 standards. This affects some health grant programs and the welfare grants administered by HEW, employment security grants administered by Labor and civil defense grants administered by the Department of Defense. Proceedings on this do not concern the Civil Rights Act and would be separate from the action proposed above. The result of the merit system compliance action, however, could be the termination of grants.



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON

August 9, 1965

To: Wiley Branton, Executive Secretary  
President's Council on Equal Opportunity

From: William M. Seabron  
Assistant to the Secretary

Subject: Non-compliance in Alabama -- Proposed Actions

Background

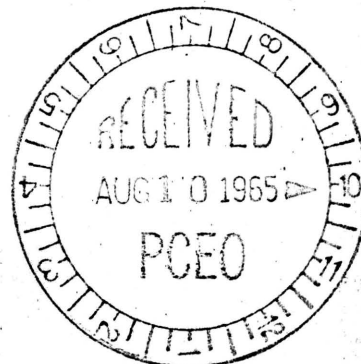
All efforts by this Department to obtain an assurance of compliance from the Alabama Department of Pensions and Security have failed.

Programs Involved

The Alabama Department of Pensions and Security administers two USDA programs. These are the Direct Distribution Program which provides surplus foods for needy families and institutions other than schools and the Food Stamp Program which enables needy households to obtain additional food for their food dollar. Both are programs of the USDA Consumer and Marketing Service.

The Direct Distribution Program is operated through the State agency by the local welfare agencies in 25 counties. The dollar value of this program in fiscal year 1964 was \$5,183,000 and is estimated at \$5,500,000 for fiscal year 1965. In June 1965, 111,661 needy people participated in this program. The program may expand to two more counties -- Cleburne and Dallas.

The Food Stamp Program is a new program operating to date in two counties -- Jefferson and Walker. The Federal contribution through June 1965 in the two counties was \$3,694,265. Lauderdale County was approved for participation, but the opening of the program has been delayed pending the State's Title VI assurance. There are no plans to designate additional areas in the State at this time.



### Assistance During Proceedings

Assistance in both programs will be continued during the proceedings required to terminate the program. Neither program will be expanded until the State signs an assurance.

### Proposed Action

Pursuant to USDA Regulations implementing Title VI of the Civil Rights Act of 1964, the United States Department of Agriculture plans on Friday, August 16, 1965, to send to Mr. Reuben King, Commissioner of Alabama Department of Pensions and Security, a notice of hearing. The date offered for notice of the hearing will be set as soon as HEW has set a date. (The entire timetable for action will be coordinated with HEW to avoid placing outgoing Secretary Celebrezze in a difficult position during his confirmation hearing before Senator Eastland's committee.)

### Alternative Assistance to Local Recipients

Although the Department anticipates that, when pressed, Alabama will comply, consideration is being given to means of easing undue hardships which may arise if the Department programs were terminated in the State. The following alternatives, which apply to both programs, have been discussed:

1. administer the programs directly through those local welfare agencies which will assure compliance
2. administer the program through community action programs established under the auspices of the Poverty Program
3. administer the program through non-profit private agencies
4. administer the program directly through the Department

The second alternative will require lengthy pre-planning since the community action programs in most counties are not yet established. Many of the private agencies that might be utilized if the third alternative were advisable would have great difficulty in administering the program efficiently. However, more detailed consideration of the feasibility of the above alternatives can take place in the two to six-month interim between the notice of hearing and the actual cut-off of Federal assistance.

Policy Consultation

Mr. Birkhead, Assistant to the Secretary for Congressional Liaison, and Mr. Seabron will brief Secretary Freeman and Under Secretary Schnittker. They will ask the Secretary to confer with Secretary Celebrezze.

Mr. Birkhead is meeting with both Alabama Senators and three Congressmen to give them notice of this Department's action. (He will not discuss HEW's situation.) The Department will not contact Governor Wallace directly. If the Secretary advises, however, Mr. Birkhead will talk with Governor Ellington. The Governor would be asked to use his own judgment on whether to talk to Governor Wallace.

The Office of Information will prepare a news story which will be held for release when appropriate.

*Wm M Seabron*

PRESIDENT'S COUNCIL ON EQUAL  
OPPORTUNITY

August 16, 1965'

Dee --

Here's another copy of  
the memo we discussed.

Dave



THE VICE PRESIDENT  
WASHINGTON

Thursday, August 12, 1965  
10:30 a.m.

MEMORANDUM TO: THE PRESIDENT

FROM: THE VICE PRESIDENT

SUBJ: Title VI Notice of Hearing to Alabama

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DEPARTMENT OF JUSTICE

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Norbert A. Schlei	Leg. Counsel	RECEIVED	5131
2.			MAR 11 11 19 AM '65	
3.			OFFICE OF LEGAL COUNSEL	
4.				

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| <input type="checkbox"/> SIGNATURE                                | <input type="checkbox"/> COMMENT          | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> AS REQUESTED     |
| <input type="checkbox"/> SEE ME                                   | <input type="checkbox"/> NOTE AND RETURN  | <input type="checkbox"/> NOTE AND FILE    |
| <input type="checkbox"/> RECOMMENDATION                           | <input type="checkbox"/> CALL ME          | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |   |   |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |   |

REMARKS: In addition to the attached items, we have sent sixteen Deputy U. S. Marshals from other districts into Montgomery to supplement the regular force of six in the Middle District of Alabama. I assume, however, that no public disclosure of this would be made at this time.

The FBI declines to tell us how many agents have been sent to the Selma area, and say they will deal directly with the White House on this matter.

cc: Mr. Harold Reis  
Room 5115

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	St. John Barrett		March 11, 1965

ASSISTANT ATTORNEY GENERAL  
WASHINGTON

NORBERT A. SCHLEI

3/11/65

Dear Lee:

Here is the information  
you requested.

Note that the memo on  
federal efforts in Alabama  
does not include the full  
picture on what the FBI is  
doing there, as indicated  
by the green note to me from  
Slim Barnett. I assume this  
will come to you from other  
sources.

Regards,  
Norbert

FEDERAL EFFORTS IN SELMA, ALABAMA  
March 11, 1965

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1. The Attorney General is participating in the case of Williams v. Wallace, in Federal court, Montgomery, Alabama, seeking injunctive relief against Governor Wallace, Colonel Lingo and Sheriff Clark to restrain them from interfering with peaceful demonstrations for Negro rights. Judge Johnson ordered the United States into the case on March 9. The Attorney General filed a complaint in intervention on March 10 and a hearing on a motion for preliminary injunction is being held today, March 11.

2. The United States is plaintiff in six lawsuits pending in the Southern District of Alabama relating to the civil rights of Negroes in Dallas County. In one of these, United States v. Atkins, Judge Thomas, on February 4, entered a stringent order against discrimination in voter registration invoking the voting referee procedures under the 1957 Civil Rights Act. Three of the suits alleging intimidation of prospective Negro voters name Sheriff Clark as a defendant. One of the suits, United States v. Warren Company, seeks relief against racial discrimination in places of public accommodation in Selma.

3. The FBI is conducting full investigations of all recent complaints of police brutality in Selma. These include a full investigation of the action of state troopers and members of the Dallas County posse in dispersing civil rights marchers after they left Selma to walk to Montgomery on Sunday, March 7. The assault on Reverend Reeb on March 9 is also the subject of a full investigation.

4. The FBI has taken into custody two men who have been charged as participants in the assault on Reverend Reeb on March 9. The two men, who had been released from state custody on \$7500 bond at the time they were taken into federal custody, are now being held on \$5000 bond each for violation of Section 241, Title 18, United States Code. A third man is still in state custody.

5. Nine attorneys from the Civil Rights Division of the Department of Justice have been sent to Selma, and two to Montgomery.

6. Three representatives of the Community Relations Service, including Governor Collins, the Director, are in Selma.

**GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP**

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
1. <b>Honorable Lee C. White</b>											
2.											
3.											
4.											
5.											

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> ALLOTMENT SYMBOL                         | <input type="checkbox"/> HANDLE DIRECT              | <input type="checkbox"/> READ AND DESTROY |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> IMMEDIATE ACTION           | <input type="checkbox"/> RECOMMENDATION   |
| <input checked="" type="checkbox"/> AS REQUESTED                  | <input type="checkbox"/> INITIALS                   | <input type="checkbox"/> SEE ME           |
| <input type="checkbox"/> CONCURRENCE                              | <input type="checkbox"/> NECESSARY ACTION           | <input type="checkbox"/> SIGNATURE        |
| <input type="checkbox"/> CORRECTION                               | <input type="checkbox"/> NOTE AND RETURN            | <input type="checkbox"/> YOUR COMMENT     |
| <input type="checkbox"/> FILING                                   | <input type="checkbox"/> PER OUR CONVERSATION       | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT                              | <input type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/>                  |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |   |   |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |   |

**REMARKS**

Here is the brief report on the Birmingham situation which you requested. It was gathered from two of our advisory committee members who are particularly close to the situation. It indicates that there will be new demonstrations in about a month unless the City delivers on certain specified commitments. There seems to be some likelihood that the demands of the civil rights groups will be met, but in view of Birmingham's past history this cannot be predicted with certainty. If you would like any further information on this, please let me know.

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
<b>William L. Taylor</b>											
<b>General Counsel</b>						TELEPHONE		DATE <b>1/30/64</b>			

UNITED STATES GOVERNMENT

# Memorandum

1267  
Civil Rights -  
Alabama

TO : General Counsel

DATE: January 29, 1964

FROM : Acting Director, SAC

SUBJECT: Birmingham

At your request I have just telephoned two members of the Alabama Advisory Committee to make inquiries about the current racial situation in Birmingham. My first call was to Lucius Pitts, president of Miles College, and the second was to James A. Head, president of Southern Metals Corporation. I consider both of these men well informed on the situation in their home city, and both are playing important moderate roles.

1. Dr. Pitts. He describes the situation as having quieted down to a dull roar. There is some progress being made primarily in the desegregation of public facilities and in a growing number of interracial dialogues in churches and homes. However, this dialogue has not affected the masses and generally communication is the biggest problem.

The present situation is that there will be demonstrations renewed in Birmingham in 35 to 40 days unless significant steps are taken. These steps, Pitts feels, are:

- a. The hiring of the first Negro policeman followed by the hiring of others;
- b. The hiring of Negro firemen and other city employees;
- c. Appointment of Negro members to some of the 41 Boards and Committees that govern Birmingham public affairs (primarily the Boards and Committees of the Chamber of Commerce).

Atlanta poses the threat to Birmingham of spreading, and unless some signs of interracial harmony occur, things will blow up again.

The Blaik-Royall visit allowed both Negroes and whites to air their grievances and differences, but when no report was issued the whole effort went down the drain. Negroes feel it did no good at all. The feeling is that the Federal Government has been lulled to sleep by the dull roar. Pitts even asked if I had any good ideas they might use.

Pitts himself is working in several areas. Through the Central Committee (Negro) formed early in the demonstrations, a large voter registration campaign is in progress. Since Pitts feels that while the Negroes do not want demonstrations, they are willing to undertake them, he is dedicating his efforts to finding alternatives, mostly through the

medium of interracial communication.

There is a pressure of time present. It will not take an event to set off the demonstrations, merely the passage of a sufficient number of days and the warming up of the temperatures.

2. Mr. Head. He describes the situation generally as one of some progress, moving ahead three inches for each one moving back.

Head operates outside an organizational context mostly in his private capacity, talking to white businessmen and to Negro leaders. In his conversations with A.G. Gaston, he gets wind of the nature of the Negro grievances and tries to do something about them. Both Head and Gaston feel the voter registration drive is worth while. Gaston told Head that demonstrations would occur unless some marked improvements were shown quickly. Head feels that Negro policemen will be hired within the next 30 days. He basls this on the statement by City Councilman Siebel, who has just this week finished his "Study" of the situation and recommended that the hiring be done.

Gaston told Head that the membership of Negroes on Committees and Boards was important, and when Head put this to some of his white businessmen friends they objected strongly. However, Head predicts that a substantial number of such appointments will be made by the end of this year. Appointments have already been made to the Boards of the Architects' Society, the Jefferson County Medical Society, and the Mental Health Board. More improvement along this line is expected because of the favorable attitude of Frank Newton of the Telephone Company, who is president of the Chamber of Commerce. Head thinks Newton should be encouraged by people in Washington for what he is doing.

Head feels that the changes that have occurred have been relatively well accepted by the white community. Among the accepted changes are integration of public facilities: buses, parks, golf courses, the limousine from the airport, the attendance of Negroes sitting with whites at the Ice Show and at the recent meeting of the State Mental Health Society.

Head uses the threat of renewed demonstrations when he talks to white businessmen about hiring Negroes. Employment is already taking place on a quiet basis: Head's own company now has its first Negro shipping clerk and outside salesman (who works predominantly with Negro customers but also with some whites). The next area of improvement in employment will be the hiring of sales clerks, especially in bargain basements.

Birmingham is not ready to integrate its hotels and restaurants. Before the community will be ready, the things that are currently being pursued--voter registration, employment, and sensible school integration--will have to have been accomplished. Integration of public accommodations must and will come after that.

Summary. It is important to note the area of agreement on the things that will head off demonstrations; that is, Pitts says they will occur in 30 to 40 days unless Negro policemen are hired and Negroes are appointed to Committees and Boards; Head indicates that Negro policemen will be hired within 30 days and that there will be some additional appointments to Committees and Boards. The voter registration is to be encouraged. Further work needs to be done on private employment; people like Frank Newton need to be encouraged. There seems to be a strong chance that controlled progress may be maintained in Birmingham if things are handled correctly.



Philip L. Hammer