

SET FOR PRE TRIAL

ON: 9-24-68

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

Sheet # 1.

D. C. Form No. 106A Rev.

2.

TITLE OF CASE	ATTORNEYS								
<p>UNITED STATES OF AMERICA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">VERSUS</p> <p>JAMES C. CLARK, JR., Sheriff of Dallas County; BLANCHARD McLeod, Circuit Solicitor for the Fourth Judicial Circuit, State of Alabama; JAMES HARE, Judge for the Fourth Judicial Circuit, State of Alabama; BERNARD REYNOLDS, Judge of Probate of Dallas County, Alabama; and CITY OF SELMA, ALABAMA,</p> <p style="text-align: right;">Defendants.</p> <p>Suit for preliminary and permanent injunction restraining defendants from ^{attempting to} intimidate, threaten, or coerce any person for purpose of interfering with exercise by Negroes of the rights secured by sections 201 and 202, of Civil Rights Act of 1964, and by 42 USC Sec. 1971,</p> <p><i>Three Judge Court Case.</i></p>	<p>For plaintiff:</p> <p>Nicholas deB. Katzenbach, Acting Robert F. Kennedy, Attorney General Burke Marshall, Asst. Atty. General John Doar, Attorney Department of Justice Washington, D. C.</p> <p>Vernol R. Jansen, Jr. United States Attorney 311 Federal Building Mobile, Alabama</p> <p>For defendant: CITY OF SELMA, ALABAMA:</p> <p>Royal-Randolph-Smith 1104$\frac{1}{2}$-Water-Avenue Selma, Alabama</p> <p>For ALL REMAINING DEFENDANTS:</p> <table border="0"> <tr> <td>McLean Pitts</td> <td>J. E. Wilkinson, J.</td> </tr> <tr> <td>Pitts & Pitts</td> <td>Selma, Alabama</td> </tr> <tr> <td>P. O. Box 722</td> <td>Thomas G. Gayle</td> </tr> <tr> <td>Selma, Alabama</td> <td>Selma, Alabama</td> </tr> </table> <p style="text-align: right;">36701</p> <p>Copy of orders and notices to:</p> <p>Blanchard McLeod Circuit Solicitor, Camden, Alabama.</p>	McLean Pitts	J. E. Wilkinson, J.	Pitts & Pitts	Selma, Alabama	P. O. Box 722	Thomas G. Gayle	Selma, Alabama	Selma, Alabama
McLean Pitts	J. E. Wilkinson, J.								
Pitts & Pitts	Selma, Alabama								
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Selma, Alabama	Selma, Alabama								

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed	Clerk	15 00				
J.S. 6 mailed	Marshal					
Basis of Action: Civil Rights Act of 1964.	Docket fee Witness fees					
Action arose at:	Depositions Dora M. Barther		David	H. Marlin	and	Kenneth G. McIntyre

DATE	PROCEEDINGS	Date Order or Judgment Noted
9--2-64	Complaint filed,	
9--3-64	Summons issued, with copy of s. & c. for service on each defendant,	
9-21-64	Summons returned executed on each defendant,	
9-23-64	Motion to dismiss filed by defendants,	
9-25-64	Notice of taking depositions of, LLOYD LEON WALTERS, NELLIE MAE WALTERS, JOHN E. WARREN and GERALD A. GILBERT, filed by plaintiff with certificate attached showing copy mailed to each defendant,	
10--2-64	Order entered by Judge Elbert P. Tuttle, Chief Judge, Fifth Circuit, appointing Judge Richard T. Rives, Judge Frank M. Johnson Jr., and Judge Daniel H. Thomas as the three-judge panel in this case, see Min. Entry No. 17,350,	
10--5-64	Copy of the entire file mailed to Judge Richard T. Rives, and copy mailed to Judge Frank M. Johnson Jr.	
10--6-64	Notice to all parties of hearing on the merits in this case set for Dec. 7, 1964, at Selma, Alabama,	
10--8-64	Copy of M/E No. 17,350 mailed to attorneys of record,	
10-9-64	Motion to prevent taking of depositions filed by defendants	
10-12-64	Copy of motion mailed to Judges Rives and Johnson.	
10-13-64	Order entered DENYING oral argument on motion to prevent taking of depositions, parties to file typed briefs on or before October 20, 1964, taking of depositions STAYED pending court's ruling on motion to prevent taking of depositions. (Minute Entry No. 17,371).	
	Copies of order mailed to attorneys of record, and 2 judges,	
10-20-64	MEMORANDUM in opposition to defendants' motion to prevent taking of deposition filed by U.S.,	
	Copy mailed to 2 judges,	
10-28-64	Brief of Defendants in Support of Motion to Dismiss filed,	
11-10-64	Brief of Plaintiff in Opposition to Motion to Dismiss filed,	
11-16-64	Notice of taking of deposition of RICHARD WASSERSTROM filed by defendant, with certificate of service attached.	
11-17-64	ORDER entered by Court withholding its ruling on Motion to Dismiss filed by def's on 9-23-64 until additional arguments are heard; and DENYING defendants Motion to prevent taking of depositions, and directing defendants to forthwith file their answers in this case, see M/E No. 17,530, copy mailed to all parties,	
11-23-64	ANSWER filed by defendant, City of Selma, Alabama,	
11-23-64	ANSWER of each defendant filed, with certificate of service attached,	
11-23-64	Motion for names and addresses of persons having knowledge of the relevant facts, filed by defendant,	
11-27-64	Order entered DENYING motion for names and addresses, as drafted; but directing plaintiff in each case to file on or before December 1, 1964 names and addresses of all witnesses it intends using in each case, 3437-64 and 3438-64. (Minute Entry No. 17,579.)	
11-27-64	Copies of order mailed to Katzenbach, Doar, Smith, Pitts, Wilkinson, Gayle and McLeod at 11:45 this date. 3 copies delivered to U. S. Attorney. Copies mailed to the two judges.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12--1-64	Motion filed by defendants for production, inspection and copying of documents,	
12--1-64	Plaintiff's List of Expected Witnesses filed,	
12--4-64	Deposition of Kenneth G. McIntyre, filed Deposition of David H. Marlin, filed	
12--8-64	Trial begun, opening statement made by plaintiff, witnesses examined, exhibits offered in evidence and case not completed at 5:15 p.m. on this day, trial of case recessed until 9:00 o'clock a.m. on 12-9-64.	
12-9-64	Trial resumed, witnesses examined, exhibits offered and this case not completed at 5:15 p.m. on this day, trial of case recessed until 9:00 o'clock a.m. on 12-10-64.	
12-10-64	Trial resumed, witnesses examined, exhibits offered and this case not completed at 5:15 p.m. on this day, trial of case recessed until 9:00 o'clock a.m. on 12-11-64.	
12-11-64	Trial resumed, witnesses examined, exhibits offered and the Plaintiff rests it case, and the trial of this case not being completed at 5:35 p.m., on this day, trial of case recessed until 9:00 a.m. on 12-12-64.	
12-12-64	Motion for Judgment for the Defendants filed by attorneys for defendants, Objection to Motion for Production of Documents filed by Plaintiff, Trial resumed, witnesses examined, exhibits offered and the trial of this case not being completed at 4:50 p.m. on this day, the trial of this case is recessed until Dec. 21, 1964 at 9:00 o'clock a.m.	
12-12-64	Affidavit of Burke Marshall filed by plaintiff, Affidavit of Assistant Secretary of Defense filed by plaintiff,	
12-21-64	Trial resumed, witnesses examined, exhibits offered and this case not completed at 5:35 p.m. on this day, trial of case recessed until 9:00 o'clock a.m. on 12-22-64,	
12-22-64	Trial resumed, witnesses examined, defendant's rests and case taken under advisement by the Court; Plaintiff given until Jan. 15, 1965 to file brief, Defendant given until Feb. 14, 1965 to file reply brief, Plaintiff given five (5) days after Feb. 14, 1965 to file a rebuttal brief,	
12-22-64	Plaintiff's supplemental list of expected witnesses filed (two (2) supplements.)	
1-25-65	Plaintiff's Trial Brief filed,	
2-16-65	Order entered by three-judge court granting request of defendants for extension of time to March 8, 1965 within which to file their brief. (Minute Entry No. 17,923).	
2-18-65	Copies mailed to attorneys, and the two judges.	
	(SEE NEXT PAGE)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-16-65	Opinion filed on April 16, 1965, Minute Entry No. 18,247, directing that an injunction issue as to Sheriff Clark, his deputies, posse members, etc.; no injunction to issue as to Judge Hare, Solicitor McLeod, Probate Judge Reynolds, and City of Selma. Jurisdiction as to all matters is retained. Costs incurred taxed against the Defendant Clark.	
4-16-65	Preliminary Injunction issued by the Court against Sheriff James Clark, Min. Entry No. 18,248.	
4-16-65	Injunction Issued; and copies delivered to the U.S. Marshal for service.	
4-19-65	Two Copies of Min. Entry No. 18,247, two copies of Min. Entry No. 18,248, and two copies of the Injunction delivered to U.S. Attorney at Mobile.	
	One Copy of Min. Entry No. 18,247, mailed to Mr. John Doar in Washington, D.C., on April 17, 1965.	
	One copy of Min. Entry No. 18,247, one copy of Min. Entry No. 18,248, and one copy of the Injunction was mailed to Messrs. McLean Pitts, J. E. Wilkinson Jr., T. G. Gayle, and Blanchard McLeod on April 19, 1965.	
4-21-65	Writ of Injunction returned executed, showing copy of Writ and Preliminary Injunction served on each defendant,	
4-26-65	Motion for an order amending injunction issued on 4-16-65 filed by Plaintiff with notice of motion attached,	
6--1-65	ORDER entered GRANTING motion to amend injunction by directing defendants Sheriff James G. Clark Jr., Judge Bernard Reynolds Blanchard McLeod and the City of Selma to dismiss certain charges in the County Court and Recorders Court of Dallas County, against certain persons, etc., see M/E No. 18,538 ,	
6--2-65	Amended Writ of Injunction issued, and copies delivered to U. S. Marshal for service on Defendants, James G. Clark Jr., Bernard Reynolds, Blanchard McLeod and the City of Selma,	
6--2-65	Copy of M/E No. 18,538 and copy of Writ mailed to all attorneys of record this date,	
6--8-65	Writ of injunction and order amending preliminary injunction returned EXECUTED on defendants, Clark, McLeod, Reynolds, and Selma, Alabama.	
6-7-65	Notice of Compliance with order of June 1, 1965, filed by defendant, Bernard Reynolds, Judge of Probate of Dallas County, Ala.	
6-21-65	Report to Court in compliance with order of June 1, 1965, filed by Defendants, James G. Clark Jr., Blanchard McLeod and the City of Selma, filed,	
8--6-65	Order directing Clerk to return each exhibit to party offering such Exhibit, Min. Entry No. 18,879. Copy of M.E. 18,879 mailed to Messrs. John Doar, V.R. Jansen Jr., McLean Pitts, J.E. Wilkinson Jr., T.G. Gayle, and Blanchard McLeod on Aug. 11, 1965.	
9-10-65	Transcript of testimony of witnesses Jesse C. Lewellen & James Harris filed by Court Reporter,	

CASE PRE-TRIED ON SEPTEMBER 24, 1968.

(SEE NEXT PAGE)

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-29-69	ORDER entered that the Clerk of this Court, for record-keeping purposes, close this file and let the records of his office show that the case is NO LONGER PENDING (Min. Entry No. 25547)	
6-3-69	Copy of Order mailed to all parties concerned,	