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**Investigative Status of Public Accommodation Suit
against Piggie Pork Restaurant chain in South Carolina**

We have established that this chain of six restaurants (five of them drive-ins) in Columbia, Florence and Sumter, S.C. have refused to comply with the 1964 Civil Rights Act and serve Negroes on an equal basis with white customers.

The restaurant owner and operator is Lloyd M. Bessinger, an avowed segregationist, who has stated he believes his restaurants are not covered by the Act since his food supply (mainly barbeque) emanates from South Carolina and because he will restrict his sales to local residents. Our investigation has showed a substantial amount of food products served in the restaurants originate out-of-state.

Surveillance

The FBI has interviewed approximately 65 persons who have been served in August and September, 1964 in all five drive-ins in their automobiles bearing non-South Carolina license tags.

Only one party - on August 2 - was refused service because of an out-of-state license plate. This occurred at one of the Columbia drive-ins and has not re-occurred. Customers who arrive in out-of-state cars are served automatically and with no questions asked.

Management Instructions

Bessinger claims he sent on June 26 the following memorandum to each restaurant manager:

You are hereby ordered by the company not to serve interstate travelers. The company requires you to cater to white South Carolinians only. Also, you are required to purchase only merchandise that is grown, processed and manufactured in South Carolina only.

Investigation File

✓ Marlin

We have a copy of this memorandum but have not checked each manager to determine if it was actually received. In any event, it is not being obeyed.

Bessinger also showed the FBI a sign he had printed which reads "We Do Not Serve Interstate Travelers", and claimed the sign is posted in all restaurants but the one in Sumter, which had to be temporarily removed. The FBI observed all five drive-ins and determined that only one restaurant -- Piggie Pork #1 -- had the sign displayed.

Florence, S.C.

The Florence restaurant has allegedly been leased to its manager, Joseph W. Spivey. Both Bessinger and Spivey claim that Bessinger no longer controls the operation and that Spivey now sets policy. Spivey says he will serve Negroes and in fact has served one Negro.

Our investigation discloses that on September 30 a Deputy U.S. Marshal and a guard (both white) were transporting three federal prisoners from Savannah, Ga. to Petersburg, Va. and Washington. One of the prisoners is a Negro and they were all served at the Florence Piggie Pork. Perhaps this is the Negro that Spivey refers to.

Bessinger says the lease is dated September 9, 1964 and Spivey says it is for one year with the option to buy. The contract specifies the restaurant must continue to be called Piggie Pork until Spivey is the owner.

I see no reason to drop the Florence restaurant from our complaint at this time.

Advertising

Bessinger claims, and the advertising agency confirms, that as of September 1, 1964 all highway billboard advertising has been cancelled. Some of the signs remain, however.

Little Joe Sandwich Shop

This restaurant is located in downtown Columbia and there is no practical way of determining which non-South Carolina residents eat there.

Our investigation has charted the proximity of the restaurant to downtown hotels and has determined that a booklet advertising the restaurant, among others, is available at these hotels, the bus stations, seven motels, six restaurants, the Chamber of Commerce office, the Museum and the Airport.

We have also surveyed past and future conventions scheduled for Columbia, football and basketball games played there and an annual track meet. Official estimates are that about 10% of those who attend football games in the University of South Carolina Stadium are from out-of-state; 15-20% of those attending the track meet and 10-20% of the patrons of the Art Museum. The conventions are mainly local and state-wide but a few contain out-of-state delegates.

Witness Availability

A number of these persons who were served at the various drive-in restaurants even though they arrived in out-of-state cars reside nearby. Rule 45(e)(1) F.R.C.P. permits subpoenas up to 100 miles from the place of hearing outside the district and we will easily be able to obtain enough witnesses by subpoena to prove that service is given to interstate customers.

The trial of this case would be held in Columbia, S.C. Within 100 miles of Columbia are Charlotte, N.C. (93) and Augusta, Ga. (72). Six potential witnesses live in these cities and another five or so are servicemen stationed in South Carolina but owning cars with out-of-state license tags.