

RECORD OF TELEPHONE COMMUNICATION

Calling Party: **Marvin Smith**
Assistant United States Attorney
Columbia, South Carolina
Received By: **David Marlin**
Date & Time Received: **September 28, 1964 - 5:15 p.m.**

Place Involved: **Columbia, Florence, and Sumter, South Carolina**

Date of Incident:

Details:

Mr. Smith called about the situation that has developed in Columbia, Florence, and Sumter, South Carolina concerning the interview by FBI agents with various customers of the drive-in restaurants operated by Lloyd M. Bessinger.

Our investigation request asked the Bureau to maintain surveillance over the 5 drive-in restaurants and obtain the identities of 10 out of state automobiles at each drive-in. We then requested an interview with the driver concerning his experience at the restaurants. Mr. Smith said the Bureau interpreted the requests in Florence and Sumter to mean conducting interviews on the premises.

In Sumter the manager granted permission for the Bureau to talk to customers while on the drive-in premises but this permission was subsequently refused by Mr. Bessinger. When permission was withdrawn, the interviews were conducted by the Bureau immediately after the car left the premises.

Action Being Taken:

Additional Action Requested:

Distribution: **Doar**
Barrett
Trial File
✓ Marlin

Continuation of conversation between Marvin Smith and David Marlin.

In Florence one man who was stopped with Kentucky license plates refused strenuously to be interviewed.

Bessinger has issued statements to news media that this was an attempt by the FBI to interfere with his business and has threatened to sue the FBI and the Department. According to Smith, Columbia television and radio stations last night were filled with Bessinger and his protest.

Dick Lavin of the Bureau called this morning and read a teletype concerning what had happened yesterday in Sumter and I told him that our intention was for the interviews to be conducted in the home of the automobile drivers and not on or near the restaurant premises. He said he would send a teletype to that effect immediately.

Smith said those instructions had still not reached Columbia but the Columbia agents had refrained from interviews at this request. I clarified the matter.

According to Lavin and Smith, one problem the Bureau has had that prompted this type of interview was the short time limit on completing the investigation the Bureau imposes on itself.