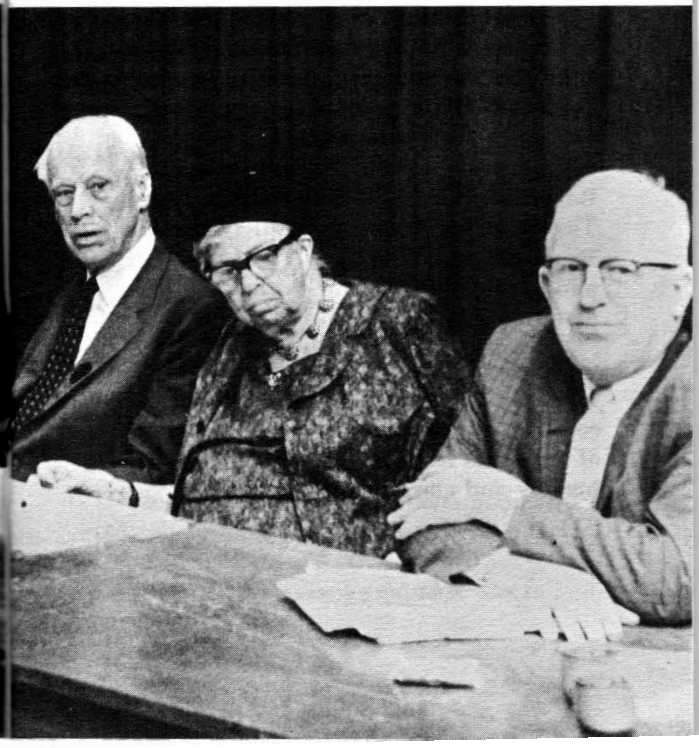


JUSTICE?

The nature of police and court action in Southern states designed to deny equal rights to Negro citizens was set forth at a hearing in Washington in May, 1962, of the *Committee of Inquiry into the Administration of Justice in the Freedom Struggle*.

Mrs. Eleanor Roosevelt presided as chairman. Twenty civil rights leaders— Negro and white, field secretaries of CORE and the Student Non-violent Coordinating Committee, and others—testified.



The pattern emerged:

Police intimidation by acquiescence or complicity in white mob violence, by mass arrest of peaceful demonstrators on dubious charges, by brutality on streets and in jails.

Judicial intimidation with the purpose of blocking civil rights by mass convictions; by placement of the highest charges, including criminal anarchy, against leaders; by the attempt to bankrupt organizations with astronomical bail and bond; by the attempt to stop civil rights action by injunction, and by isolating leaders in jails.

Testimony indicated that police viciousness and judicial intransigence have increased with the new strength of the civil rights movement.

In these stories the federal power is often inaccessible. Frequently men of the FBI, though present, might as well not have been.

Committee members who heard testimony were Norman Thomas; Roger Baldwin; Dr. Kenneth Clark, psychologist; John Bolt Culbertson, lawyer of South Carolina; Joseph L. Rauh Jr., of Americans for Democratic Action; Boris Shishkin, AFL-CIO; the Rev. Gardner Taylor of the Concord Baptist Church, Brooklyn, N. Y., Telford Taylor, lawyer and prosecutor of the German generals at Nuremberg.

Rowland Watts of the American Civil Liberties Union and Carl Rachlin, CORE's counsel, questioned witnesses. Selections of verbatim testimony lightly edited for brevity and clarity, follow.

Charlotte Devree, editor for CORE

*First witness **RONNIE MOORE**, chairman of Baton Rouge, La., CORE, is twenty-one years old. A sophomore at Southern University majoring in sociology with the intention of becoming a minister, he was expelled last January for leading student civil rights action. Charged with criminal anarchy, he goes to trial in Baton Rouge in mid-September, 1962.*

He said that in November, 1961, he helped organize a CORE chapter at Southern University, the largest Negro university in the world, and that month tried to negotiate with merchants of twelve stores in nearby Baton Rouge toward desegregation of lunch counters and jobs. When merchants refused to see him CORE started a selective-buying program and, on December 7th and 8th, he directed a CORE workshop for about 170 students.

Q. What is a workshop, Mr. Moore?

A. Something like a school. We teach the rights of American citizenship, the right to picket, and we expose persons to the philosophy of non-violence.

Q. What was the outcome of the workshop?

A. The students went into the community, sat-in at the lunch counters.

Q. You were denied service, you were told to leave and you did leave?

A. Right.

Q. Then what happened?

A. On December 14th we decided to exercise our right to picket. We regarded that in America we had this right, and we still believe we have this right. Twenty-three students who picketed the stores for a minute and a half were arrested for obstructing the sidewalks.

Q. Were they obstructing the sidewalks?

A. They were picketing like the labor unions picket, in orderly manner, walking on the end of the sidewalk.

Q. Then what happened?

A. That evening I and a few others addressed a rally on campus. We discussed the unlawful arrest of the students, and decided we should go down to Baton Rouge the next day in non-

violent fashion to redress our grievances with the parish officials.

Q. How did you intend to do that?

A. We intended to ride buses and catch cabs and go in automobiles down to Third Street and march two by two to the court house. We would sing and make a few statements in protest of the denial of the right to picket.

Q. Did you do that?

A. Well, as students moved off campus they were arrested, about fifty. Bus drivers were arrested.

Q. For what?

A. They claim the buses were overloaded and a lot of things, and ordered students back to the campus. As police pulled students off the buses, students continued to walk for seven miles to the courthouse.

Q. How many students participated?

A. Around 3,000 to 4,000.

Q. You were not in the walk but were operating a sound truck, directing students?

A. Right. I was arrested for illegal use of a sound truck. I created a nuisance by a protest of segregation in an all-Negro neighborhood.

Q. In your opinion you were welcome?

A. I think so.

Q. Is a license required?

A. A license is not required.

Q. Are sound trucks used generally in that area?

A. Politicians use them each and every year.

I was in jail about six hours, then my attorneys posted \$1500 cash bond, and I came downstairs from the cell, and as I was going out of the door I was re-arrested, charged with conspiracy to commit criminal mischief, taken back to jail, and an additional \$2000 bond.

Q. Do you know what criminal mischief is?

A. It was brought out that criminal mischief had something to do with the non-violent workshop.

Q. The additional bond was posted?

A. Twenty-one days later, when I was released.

Q. Have you comment about treatment in jail?

A. Well, there were three incidents of police brutality. I made three requests to see a doctor. They were ignored, so I knocked on the door to go out. One officer reached through the bars and choked me and slapped me.

I spoke of the incident to students there and Dave Dennis, of CORE, approached the door to inquire about the beating. They opened the door to the Negro cell and reached in and grabbed Dennis. One officer pulled him up and slammed him against the iron bars and put him in solitary. Jerome Smith, of CORE, was beaten.

When we came out of jail we reported these incidents to the local FBI and they went to investigate with local police officers, and came out with "no violation of civil rights."

Norman Thomas: That is civil rights as understood in Louisiana?

A. Apparently so.

(On January 4th, Ronnie Moore and seventy-two other students returned to Southern University with the pledge of Dr. Felton G. Clark, its Negro president, that he would not expel them although the all-white State Board of Education demanded their dismissal. On the night of the 17th when it became known that Dr. Clark would expel seven CORE leaders, 1500 students gathered before his home to ask why. Dr. Clark refused to appear. The next morning he announced the closing of the university by five o'clock that afternoon and ordered all students off-campus by that hour. After attending court, Ronnie Moore returned to campus shortly before five, and after half an hour met his friend, Weldon Rougeau, at the gymnasium).

Q. Were you arrested?

A. Yes. It was raining so we went under the ramp of the gym and two officers came up and asked our names and said, "You are under arrest for criminal trespass and for disturbing the peace."

Q. Were there other students on campus?

A. Yes, over 500.

Q. Were any of them arrested?

A. No. The officers pointed out that all seven CORE leaders will be arrested. "You find the seven, you arrest them."

Q. Were you doing anything other than standing out of the rain?

A. I wasn't, no. We were talking.

Q. You were taken back to jail?

A. Yes, placed under \$3000 cash bond.

Q. Bringing your collective bond to \$6000?

A. Right.

Q. Do you know the maximum penalty for disturbing the peace?

A. Six months in jail and a \$50 or \$100 fine, something like that.

Well, we, (Moore and Rougeau) had to stay in jail in the same cell. It was a solitary confinement cell seven by seven feet. We stayed there fifty-eight days until bond could be raised.

Q. An additional charge was placed against you on February 12th?

A. Yes, the charge was criminal anarchy. It means I advocated in public and private opposition to the state of Louisiana by unlawful means.

Q. Bond?

A. \$12,500.

Q. What is the penalty for criminal anarchy?

A. The count is ten years in the state penitentiary at hard labor.

Roger Baldwin: You are the first person likely to be tried under the criminal anarchy statute in Louisiana?

A. First likely to be tried.

Telford Taylor: Did you say there is no specification in the indictment as to what the basis of this criminal anarchy charge is?

Carl Rachlin: None whatsoever. I hope to stay proceedings until a bill of particulars is supplied and test whether this is a denial of due process, if necessary all the way to the Supreme Court. Because, if Ronnie Moore should be convicted the sentence could be more than five years, and it's my understanding of Louisi-

ana law that if the sentence is more than five years we may not have a right to bail and he will rot in jail while we appeal the case, which may take years, as you know.



The Rev. ELTON B. COX congregational minister of High Point, N. C., and CORE field secretary, helped direct the non-violent workshop, addressed the student rally at which it was decided to march to Baton Rouge, and after Ronnie Moore's arrest took charge of the protest at the court house.

The Rev. Cox: When we arrived there was the whole fire department waiting for us, and 300 sheriff's deputies and the city police force. With officials we discussed the program. We intended to sing one stanza of "God Bless America," recite the Lord's Prayer, make allegiance to the flag and hear an address by me, to protest the arrest of the twenty-three. An officer said, "Get on with it, get it over."

At the close of the program the students upstairs in the jail sang back to us. When the songs came out of the jail students in the street shouted in praise. It was at this moment that the tear gas shells were thrown, about forty-seven just in front of the court house. Students ran, trying to get to higher ground.



When we regathered and marched on Third Street and Main Street we were tear-gassed again and they sicked the dogs on us. The city of Baton Rouge has two German shepherd police dogs. Dogs attacked the college students, tore the students' coats. More than 300 students were treated later at the college infirmary for dog bites, or being trampled, or inhaling tear gas.

I was arrested, charged with failing to obey an officer, and criminal mischief, and remained in solitary confinement for ten days.

Q. What was the original bond?

A. \$2000. When this was brought to jail by my attorney, they raised my bond to \$4000.

Q. Any reason given for doubling your bond?

A. Not to me.

Q. Was this additional \$2000 posted?

A. Yes, and when the attorney came to get me out of jail for \$4000, they raised it to \$6000, and when he returned with \$6000, they raised it to \$8000. This in a sequence of days. He protested and they reduced it to \$6000, and I was bonded out on that.

Q. Have you been tried?

A. Yes, in a very hostile situation. The Fire Department was called out to maintain what they call order in the hall ways. In the courtroom deputies were lined up along the wall, very often holding their hands on their thirty-eights, looking very hostile. I was cursed many times.

They said I was trying to overthrow the social system of the South by talking about integration—

Dr. Kenneth Clark: Weren't you?

A. Indeed, so I am trying with most of my remarks.

(The Rev. Cox was found guilty, sentenced to twenty-one months, fined \$5,700. He was out on appeal bond of \$8,125).



ROBERT ZELLNER of SNCC told of his arrest with Charles McDew in Baton Rouge. The two had tried to bail out Dion Diamond, also of SNCC, arrested on campus, charged with criminal anarchy. Bail having been raised from \$6000 to \$13,000, they were unsuccessful and left town, returning later to visit Diamond in jail.

Mr. Zellner: They told us we could not see him. We asked if we could leave him some fruit, cigarettes and reading material. They said we could. We left the jail and bought some books, fruit, cigarettes, and returned to give him this, and they put us in jail.

Q. What were you charged with?

A. Vagrancy, though we had about \$150. Also, criminal anarchy.

Q. How long did you stay in jail?

A. Twelve days.

Q. Has the indictment been dropped against you.

A. No. I assume they won't try it but they haven't dropped it. They haven't released the \$6000 bond.



ROBERT MOSES of SNCC, Harvard graduate, told of working on voter registration in southern Mississippi in the summer of 1961, and of the killing, on September 25th, of Herbert Lee.

Mr. Moses said that police rode around the area where voting schools were held, intimidating people; that some who attended meetings lost their jobs; that in Liberty a cousin of the sheriff attacked him in sight of officers, his head wound requiring eight stitches.

Q. Mr. Moses, did you know a person named Herbert Lee?

A. Yes, he was a Negro farmer who lived near Liberty.

Q. Would you tell the Committee what Mr. Lee was doing and what happened?



A. He was killed on September 25th. That morning I was in McComb. The Negro doctor came by the voter registration office to tell us he had just taken a bullet out of a Negro's head.

We went over to see who it was because I thought it was somebody in the voting program, and were able to identify the man as Mr. Herbert Lee, who had attended our classes and driven us around the voting area, visiting other farmers.

That night we went into the county to track down people who had seen the killing. Three Negroes told more or less the same story.

That they were at the cotton gin in Liberty and Mr. Lee drove up to gin the cotton in his truck, followed by Mr. Herst in his car. He is representative to the Mississippi state legislature.

Q. Mr. Herst is white?

A. Mr. Herst is white. That he got out of his car and went over to the cab of Mr. Lee's truck. That they began talking. That Mr. Herst was waving a gun. That Mr. Lee got out of his cab on the right side. That Mr. Herst ran around the front and shot Mr. Lee one shot in his temple.

A Negro witness said a deputy sheriff asked him, "Did you see the tire tool?" The witness said he didn't see any tire tool in Mr. Lee's hand. The deputy replied, "Well, there was one."

The witness testified at the coroner's jury that there was a tire tool. When they had a grand jury, about a month later, the witness came to us to know whether he should testify that there was a tool, which he said there wasn't, though he had testified this at the coroner's jury.

We called Washington and Justice Department officials explained that they could not guarantee protection for individual witnesses. The man testified at the grand jury that there was a tire tool.

Q. The grand jury found no basis for an indictment against Rep. Herst, is that correct?

A. Yes.

ALBERT BIGELOW, *Quaker of Cos Cob, Conn., told of apparent police cooperation with the mob that attacked and burned the bus carrying the first Freedom Riders at Anniston, Ala., in May, 1961. He credited Eli Cowling of the state highway police, who was on the bus in plainclothes and kept the mob off, with saving riders' lives. Mr. Bigelow's story refers to police action outside the bus.*

Mr. Bigelow: As we came into the station there was a mob of about 150. There were no police in sight. The crowd started to attack the bus. They cut a tire. None of us got off the bus. We were there fifteen minutes before any police appeared. Then one policeman in a brown uniform came and talked in a very friendly way to the men.

Eventually police formed a path through this crowd and we were able to leave.

Q. How many police at the time you left?

A. I saw, I think, three.

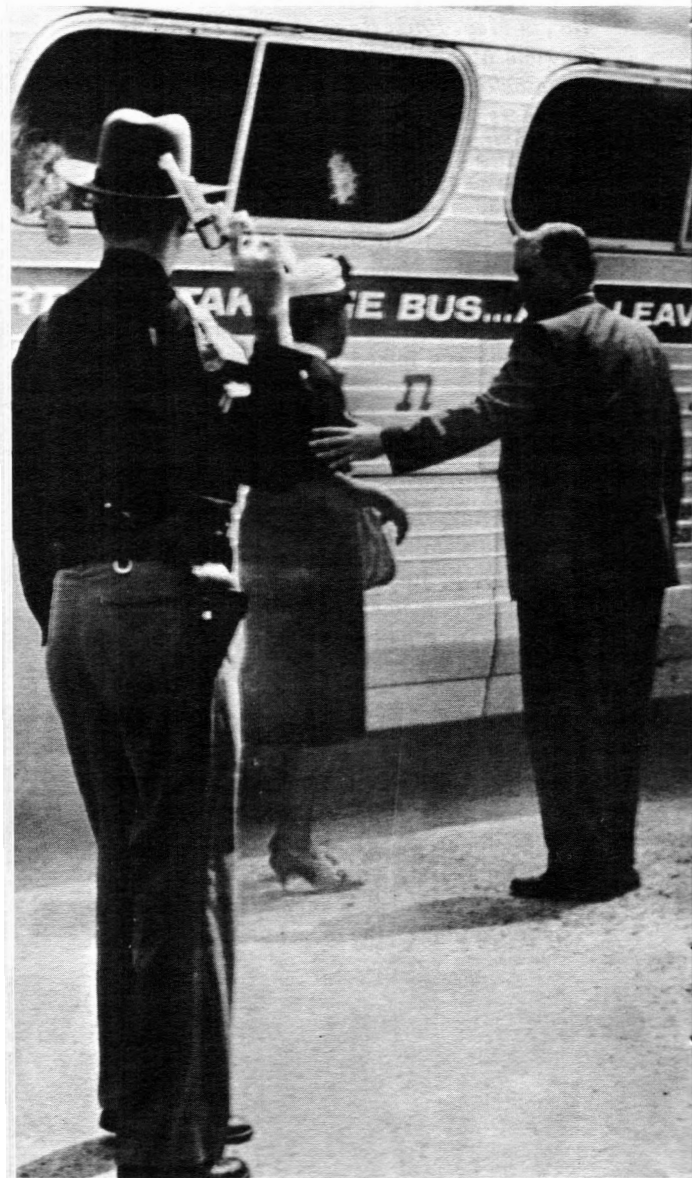
About six miles out of Anniston the tire blew. A mob, following in automobiles, surrounded the bus, in a more angry mood than in Anniston. They had pipes and chains as well as clubs. Mr. Cowling stood at the door of the bus.

They really went to work on the bus for about fifteen, perhaps twenty minutes. The safety glass was all sagging. Now, a state policeman in uniform drove up. He did absolutely nothing about the vandalism. He seemed to almost collaborate with the mob. He called on the radio in his car in a very leisurely manner.

In five minutes the bus burst into flames.



People in the back got out of the window. We got out of the front door. Some were clubbed as they got out. Many had smoke poison. Mr. Cowling directed two state police who had arrived tardily; they fired pistols in the air. The mob drew away.



(Riders were at the Anniston hospital from early afternoon until about 9:30 p.m. The mob regathered in the parking lot. Riders telephoned the Rev. Shuttlesworth, in Birmingham, for cars).

Mr. Bigelow: The manager of the hospital was going to tell us to leave, into a town in which mobs were turning over cars. I saw the Anniston police chief in a friendly, long conversation in the parking lot with the leader of the mob.

Q. Did you appeal to Governor Patterson for assistance?

A. Newsmen asked him. He had said he wouldn't supply protection for agitators and invaders. Then these incredibly brave Negroes came up from Birmingham. We got into their cars. They drove us sixty miles to Birmingham where we spent the night in Negro homes.

Mr. Thomas: Were you ever invited to identify people in the mob?

A. Members of the New Haven FBI came to my home and showed me photographs. I was able to identify at least five.



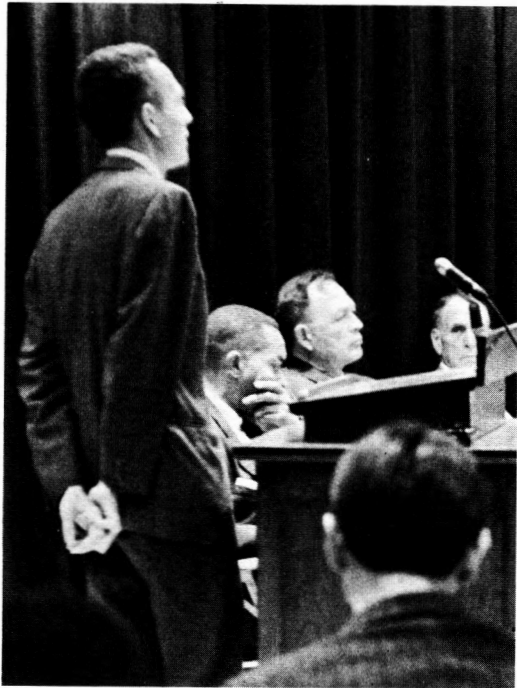
JAMES PECK, editor of the *CORElator*, followed.

Mr. Peck: Regarding the men that were arrested for burning the bus. First there was a mistrial because one of the jurors belonged to the Klan and had perjured himself. Finally the men pleaded guilty to bombing and burning the bus and received suspended sentences.

J. B. Culbertson: It appears they perpetrated that crime on the bus up in the United States District Court where the judge was appointed by the president of the United States. It is one of the problems that President Kennedy will have.

If you have that type of federal judge, they will pat the fellows on the back and say, don't do it any more, we are going to let you go this time. If we expect that type of judge in the federal court, what can we expect in the state court?

I hope and pray our administration will not appoint members of the White Citizens Council to the judiciary.



Mrs. Eleanor Roosevelt: I think you have to realize that under our political system judges have to be endorsed by the senators and congressmen of their district. Unless you can awaken public opinion to have some effect in the South, on these representatives who are elected, you are asking the President to risk a vote on his policy bills.



Now this is in our system and points up, I think, the need for the individual citizen to be awakened and held responsible, because it is the people in these areas who are responsible.

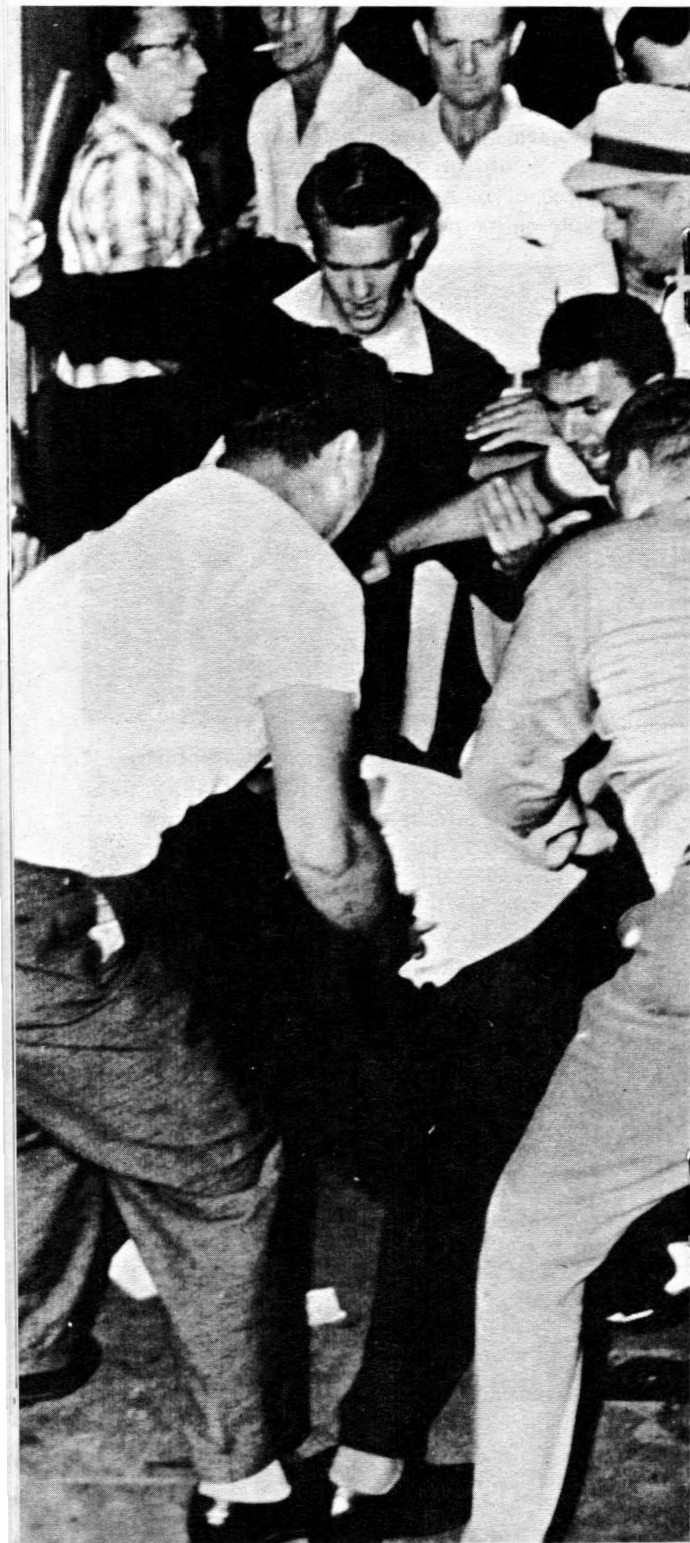
They elect their representatives. They are the ones who feel this way. I think they will respond to the real feeling of the rest of the country if it is brought out what they are doing to their country.

We are not a divided people in this country. We are of one country and we have to awaken this feeling in the country.

(Mr. Peck was among riders on the second bus arriving at Anniston two hours after the first).

Mr. Peck: There were no police on hand. Word soon got around of what had happened. Other passengers got off our bus. As the bus was about to leave, eight white men climbed aboard. The driver announced that if Negroes did not move back he would not drive on.

There were no police. The gang started forc-



ibly moving our men back. Walter Bergman and I went forward to try to intercede. The next moment I was flat on my face on the floor. The leader slugged me and then he slugged Bergman. They slugged us and kicked us until we were all in the back of the bus.

Bergman looked very bad. His face was all swollen and he was bleeding. We didn't know he had received this very serious injury for which he is still in the hospital. I was bleeding.

These men sat in the very front seats. The bus proceeded to Birmingham.

As we got off the bus we saw a mob carrying ill-concealed metal pipes. This was no surprise. I had called Rev. Shuttlesworth. He said, "You are going to get this greeting. It has been in the organization for the past week. There is going to be a mob."

They carried me into this alleyway and went to work with pipes and fists. Before long I was unconscious. Later Walter Bergman found me and helped me into a cab.

Q. This was Mothers Day, 1961?

A. Yes, Mothers Day, Police Chief Connor later explained the absence of police by saying his men were all visiting their mothers. I mean all, because there were none there.

Dr. Clark: How long were you in the hospital?

A. Oh, from six in the evening until two in the morning, after they had completed the fifty-three stitches in my head.

Dr. Clark: were you in communication with the FBI?

A. Yes, in New Orleans, a couple of days later.

Dr. Clark: Did the FBI ask you, using pictures that had appeared in the public press, to identify your assailants?

A. I don't believe they asked that.

Rowland Watts: Would it be fair to say that the FBI took your story and made no effort to explore it, to get identification?

A. That is exactly it.





JEROME SMITH, *twenty-three years old, CORE field secretary in New Orleans, La., followed.*

Q. How many times have you been arrested in civil rights activities?

A. It's complicated. In 1960, in New Orleans, about seven times for sitting-in. In April, 1961, I served thirty days there for picketing. In May, 1961, I served eighty days in Jackson, Miss., for my part in the Freedom Rides. In December, 1961, I was arrested in Baton Rouge. I took part in the mass march. I served twenty-one days and was beaten in jail. I was arrested in August, 1961, in New Orleans, for protesting police brutality. I have no official count of the rest.

Dr. Clark: Have you a count of beatings?

Mr. Watts: We have counted twelve so far. Perhaps we have overlooked a few.

Q. On November 29th, five days after the ICC ruling outlawing discrimination in interstate travel, a group from New Orleans CORE went to McComb to test the Greyhound station?



A. Yes, five of us. We arrived in the morning but the station was closed. Later when we returned we were met by a mob. George Raymond and several girls were kicked, coffee was thrown on George, I was beaten by brass knuckles and what have you. Tom Gaither was pitched into the street several times.

There were no police in the station, none on the outside of the station. I was informed later that the police station is a block or two from the bus station.



Mr. Rachlin: Subsequently the mayor of McComb obtained an injunction against CORE forbidding it from participating in any civil rights activities in McComb. The owner of a lunch counter inside the station was a plaintiff. He had never served Negroes at his counter. He admitted to a violation of federal law, yet the federal judge did not find difficulty in issuing the injunction.



FRANK NELSON, *civil engineer of New York City, was in New Orleans in August, 1961, expecting to go to Jackson, Miss., for hearing as a Freedom Rider.*

Mr. Nelson: On August 13, myself and two other Freedom Riders, also white, were awaiting dinner in New Orleans at the home of a Negro CORE member and her family. Half a dozen

police came into the house and began to question us.

Q. Did you ask if they had a warrant?

A. They said no, they didn't need one. We were taken to the police station, questioned and booked on no visible means of support, though we had money.

We were put in a wagon for transfer to another station. In the wagon we found another white male prisoner. As we stopped outside the parish station he started swinging at us. Police opened the door, came in swinging blackjacks and kicking at us. They threw us out.

As I landed on the ground an officer grabbed me and while hitting me over the head with his blackjack yelled, "He's trying to escape."

John Dolan got thrown out face first and an officer leaped onto him. We were told to stand, face the wall, put our hands on the wall. Police beat us with blackjacks, with cursing between. About a dozen officers watched.

They took us inside for questioning. George Blevins had a bad cut on his head, his shirt was covered with blood. An officer grabbed him by the hair and dug his hand into the wound. Later George had four stitches.

John Dolan was taken into a little alcove. I edged forward so I could see. They were slapping him and hitting him with a blackjack and kicking him in the stomach and groin, trying to get him to tell where other Freedom Riders were.

After hospital treatment we were put in jail. We asked to phone our lawyer and they gave us a flat *no*.

Our lawyers came. Later we were tried and acquitted of no visible means of support. But charges of simple assault, aggravated assault and attempt to escape stand against us. We had to put up \$1,000 bond apiece. There has been no further trial.

Later the FBI called us in for investigation. I was not given pictures to identify but volunteered information. Far as I know, nothing came of the investigation.



ERIC WEINBERGER of Norwich, Conn., was sent by CORE to Brownsville, Tenn., in December, 1961, to teach unemployed Negro sharecroppers to make leather bags for sale. Some sharecroppers, evicted after registering to vote, continue to live in tents.

Mr. Weinberger showed the Committee a sample of the soft leather tote bag.

Mr. Weinberger: It was designed by a teacher in a Quaker school.

Within three hours of my first arrival in Brownsville I was urged, Mr. Weinberger, get out of town. Police were following me.

After taking a few bags to New York and arranging for orders I went back to Brownsville in February and conducted classes. We began making bags. This went on for three days.

There was a young man with me, Jeffrey Gordon, taking a trip. I offered him a lift to Memphis, fifty miles away. About ten in the morning we got into the station wagon and headed up to Memphis.

We got about three blocks. There was a police car waiting for us. A deputy said to follow him to the courthouse.

There, the deputy said we would have to spend the night in jail.

Q. Did he give you a reason?

A. No.

Q. Was he charging you with any crime?

A. He wouldn't tell us whether we were under arrest. We refused to go with him. He started to grab us and we didn't cooperate. We were dragged out of the court house by the feet with our heads bouncing on the cement steps, and put in the county jail.

Three hours later they came for fingerprints. Jeffrey was first. He didn't cooperate. He was dragged out of the cell by a device, a clamp over the wrist.

Q. Metal clamp or leather?

A. Metal, like a single handcuff, adjustable to various sizes of wrists. But they keep tightening it.

Then I was dragged out by this instrument. I felt this was a horror of police injustice and when they put my hand on the ink pad, I would move my finger a half inch to smear it.

This infuriated them. I was beaten and punched in my eye. The wrist clamp was used to an extreme. This finger was bent back to the ultimate. I passed out several times. They slapped me back to consciousness.

My pants were torn off. An electric stock probe, used in stockyards to make cattle move along, was used around the private parts, it was very painful stuff. I was picked up and held in the air by the private parts.

They gave up. They did not get the fingerprints. The beating lasted fifteen minutes. I was dragged back to the cell. The deputy came by to curse me.

Next day I was taken to the adjacent cell, tied with a rope to the base of the cell. The clamp was used on the hand they wanted to fingerprint. A plier was used to pull the fingers and they got the prints. We were released at the end of seventy-two hours.

Q. Were you charged with any crime?

A. No. The deputy wanted to hold us because we were at the house of a Negro but the sheriff said there was no statute on that. They released a story to the paper that we were held in connection with a burglary but nobody asked us about burglary.

After going to Memphis I returned, was arrested within 24 hours for speeding, convicted and fined \$50. I knew I wasn't speeding and went to jail for two weeks, fasting.

Mr. Baldwin: Did you make a complaint against this scandalous treatment?

A. No. The FBI was sent around. I didn't wish to make a statement.

Mr. Baldwin: Because?

A. Because these police have community support. If one man with the worst reputation were removed from the force, they can find another

to replace him.

Q. How is the bag project now?

A. Orders are coming in at a nice rate.



DR. ROBERT McAFEE BROWN of *Union Theological Seminary, New York City*, had been among ministers on a *Freedom Ride*.

Dr. Brown: Our ride was distinguished from others in that we could wear the clerical collar.

Our trip was from Washington to Tallahassee. The entire time we were in South Carolina there was police escort for our bus. In Sumter, we were never without police protection.

In Savannah, police were on hand. At the Tallahassee air terminal a crowd of white men was hostile. There were many police. In most places, the presence of police was a deterrent.

Mr. Rachlin: It is possible to be protected if officers have the desire.

Mr. Baldwin: And if you are a cleric.



HENRY THOMAS, 20 years old, *CORE* field secretary. In *Huntsville, Ala.*, in *January, 1962*, he organized student sit-ins. Police, he said, followed him "all the while. Sometimes kept a 24-hour tag on me."

On the 15th, he noticed a strange odor in his car. Police standing nearby denied having seen anyone tamper with it.

Mr. Thomas: Someone had torn the battery leads, but we got the car started. After about a block I got a stinging sensation in the seat of my pants. It was very bad. A little later I was in so much pain, I couldn't concentrate on anything.

We found a doctor and he smelled my coat and said, "That's just like mustard gas."

I was put in hospital, under sedation.

Later doctors at the Redstone Arsenal said there is not supposed to be any of this stuff loose, it must be homemade and could be very powerful.

Police were more interested in what I was doing in town than in what happened. They concluded some of my friends did this to me.

Q. Can you say who Marshall Keith is?

A. He was a white man who worked at the Arsenal. He came to our meetings and sat-in once with the students.

Next morning, about two o'clock, he was taken from his home at gunpoint, blindfolded and taken to a remote part of the city, stripped of his clothes and this chemical sprayed on him. He was left out there and made his way to a Negro home and got medical attention.

Q. He was a Huntsville boy?

A. He was a Huntsville boy. We could not contact him after he was released from the hospital. I was told his grandma had been threatened, that he had resigned his job. He left town for New York City. That was the last we heard of him.



GERALD JOHNSON, *student at Talledega College, Talledega, Ala., took part in sit-ins, kneel-ins and picketings there in April, 1962. Fifty-three faculty and students were arrested.*

Mr. Baldwin: How much integration is there in Talledega?

A. We have got nothing.

April 6th was our first march downtown. That day six of us tried to go in the public library. We tried many days. We could never get in.

When we picketed the theatre, tear gas was thrown. Mustard oil was thrown on me and on my buddy.

When we picketed a store, white men jumped on a Negro, beat him and pushed him through a plate glass window. He was arrested for breaking and entering. A white man was

arrested. When the policeman searched the white man he handed to the policeman a knife. The policeman put the knife in his pocket, searched the man and gave him the knife back.

On the 27th we organized a march of 250 students to go downtown. On the first corner we could see the fire truck and police there to stop us. We said we couldn't turn back. Police-men came down the line saying we would be arrested, tear gas would be used, and water hoses, and if necessary, bullets. Nobody moved.

So they started pushing us. They beat us and poked us in the back with these clubs. One policeman had a sharp instrument at the end of his club. He put it in my back with all his might. The president of the college, Dr. Arthur D. Gray, was beaten.

A state policeman came up behind us, putting the club between our legs, swinging upwards. But we walked with our knees together and all of the clubs were caught on the knee.

That same week-end we were served with an injunction by a state court. This injunction has killed entirely our movement.



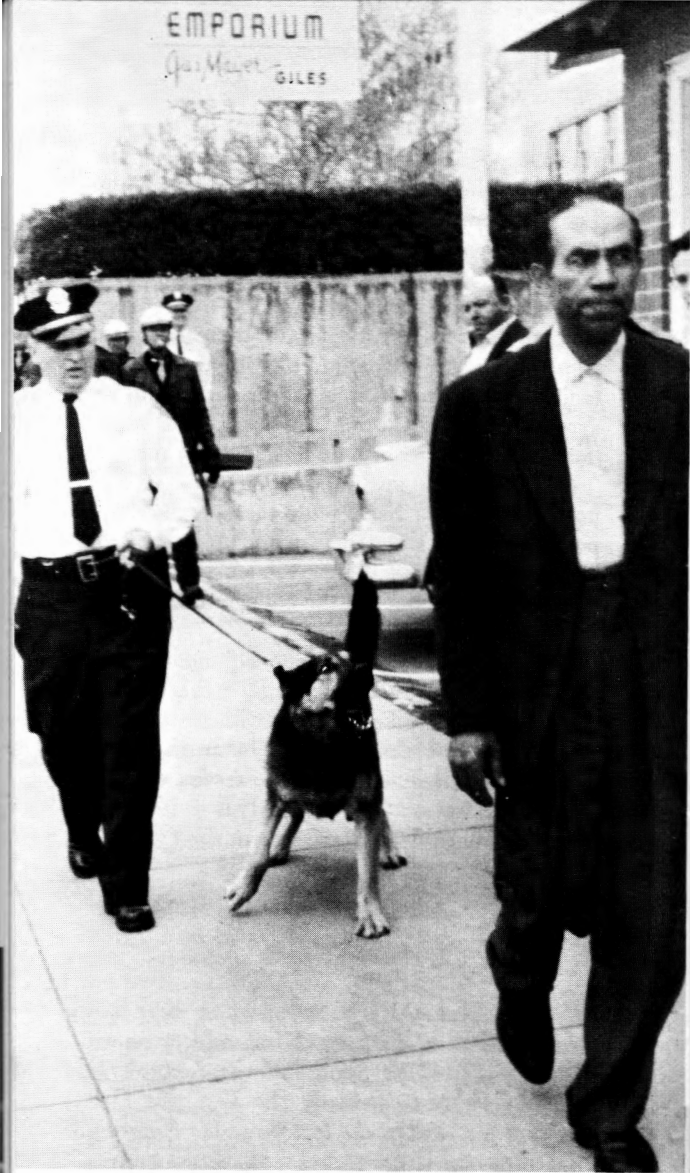
CHARLES McLAURIN, *twenty-one year old Army veteran of Jackson, Miss., told of police use of dogs at the State Fair at Jackson in October, 1961. Commonly the first five Fair days are for whites, the last three for Negroes.*

Q. How different is the Fair for the second three days?

A. The best exhibits are taken down and a lot of the rides.

The NAACP called a boycott. Three of us went down to see if it would come off. We asked people at the ticket booth if they wanted to pay for second best, for segregation. Soon four police surrounded us. We told them what we were doing. They told us to leave. We tried to. They crowded around us, waving their sticks. We couldn't know which way to go.

Police began to run back students in front of



the Fair. I was arrested, and at the gate I saw two policemen with dogs. Another dog was being taken out of a police car.

From the van I could see people running, fleeing over the hill, police after them with the dogs. Later I learned a dog got off the leash and bit a policeman.

Mr. Thomas: The dog had a better sense of justice than some men.

Mr. McLaurin: When the NAACP pickets arrived, police took the signs from them. Seven of us were arrested.

Q. What were you charged with?

A. Obstructing pedestrian traffic. We were found guilty, given six months and \$500 fine. We're out on \$500 appeal bond. The appeal hasn't been heard.

Q. Were police dogs used in Jackson on other occasions?

A. Yes, to break up the people peaceably assembled on the sidewalk at the court building, at the city jail and the library. Where they were holding a Negro dance the police brought out all six dogs to run the Negroes away from the dance.

In most Negro neighborhoods and in jail police use dogs to frighten people into giving information. The dogs really are used to frighten the Negroes.

Joseph Rauh: How long have they been using dogs in this way?

A. I think now over a year.

Mr. Rauh: How long after the sit-ins started did the dogs come into Jackson?

A. Immediately after the sit-ins. I think the dogs were mostly brought in because of the sit-ins.

Mr. Rauh: It is obviously related to keeping Negroes in their place.



(Toward the end of the two-day hearing the following exchange took place).

Mr. Rachlin: Mr. Weinberger would like it on the record that dogs have been used in Tennessee.

Mr. Thomas: That makes another state. It is Tennessee, Georgia, Mississippi, Alabama and Louisiana.

A Voice: And Washington, D.C.



Robert Zellner told the story of **BRENDA TRAVIS**, seventeen-year-old high school student of McComb, Miss., under parole forbidding her to engage in civil rights action and hence unable to appear at the hearing.

Mr. Zellner: Brenda is a very dynamic person with great courage and determination. With two friends, she was arrested in the white section of the McComb bus station, on August 30, 1961. They had bought interstate tickets.

Sixteen then, she was convicted in adult court of disturbing the peace, sentenced to six months, fined \$200, put on bond of \$1000. She spent September in adult jail, awaiting bond.

October 4th she went back to her school. The principal said he'd sent her records off somewhere and she couldn't get back in.

About 115 students walked out of school in protest. Also the killing of Herbert Lee had fired them up. They determined to walk in orderly fashion to the county court house about eight miles away. I joined their march.

But it was late in the afternoon and it was decided to go into McComb. By the city hall there was a large mob. About twenty white men shoulder to shoulder across the sidewalk, with two police in front, stopped the march.

I was the only white person marching. About fifteen police standing around allowed seven or eight men to attack me. Some students stood on the bottom step to pray and were arrested. Then we were all arrested.

Brenda was in jail three or four days. Then the prosecutor and the judge decided she should be treated as a juvenile. Two plainclothesmen took her out of her cell and told her they were taking her to a lawyer. They drove her eighty miles to the Oakley Training School. Brenda didn't know where she was. The men left and a lady told her she was in the reform school.

She was there six months and three weeks. There was no class for her, she only went to one in home economics. She couldn't continue her education and this upset her. The food was very terrible with bugs. It was very degrading there.

Q. Tell about Brenda's release.

A. Professor Einsman, he had been an anti-Nazi in Germany and teaches German at Talledega College, was tremendously concerned when he heard Brenda's story. He said, "I'm going to Mississippi and talk to the judge."

(After several visits Dr. Einsman persuaded the judge to release Brenda in his custody).

Mr. Zellner: So they drew up papers for her release and Dr. Einsman took Brenda to Talledega College, where she is living with his family.



LOUIS LUSKY, attorney of Louisville, Ky., and active in civil rights cases, told of the difficulty of raising bond in civil rights cases.

JAMES FARMER, national director of CORE, said that since the Greensboro sit-ins of 1961, over 5,000 civil rights protestants had been arrested, and that total bond and bail was probably between two and three million dollars.

Mr. Lusky: In the Jackson situation, I think about 150 Freedom Riders have been tried in county court. If there is a conviction, bond requirement goes up to \$1500. Unless bond is produced the defendant may have to remain in jail until the end of the case, and that could be years.

It has proved completely impossible to make bonds in the ordinary way. It has been impossible to get any bond in Mississippi.

It was decided to use a company in Hartford, Conn. This company had been eager to do the business. It is fat business. These people are perfect bond risks.

(Mr. Lusky said that a Jackson agent of the company called Hartford officials to say that if it wrote these bonds, the company would lose Mississippi business; that the Hartford company then refused to write the bonds; that despite great effort no company could be found anywhere to write the bonds, for fear of loss of business in the South).

Mr. Lusky: Total bond requirement in the Jackson cases came to \$372,000.

This statement was made by an official in Mississippi: "We have busted CORE with our bond requirements."

Mr. Farmer: CORE has raised \$350,000 for bond money.

Q. Mr. Farmer, can you state the position of CORE as to the continuation of activities?

Mr. Farmer: I think some segregationists would be very glad to call off the dogs, call off the violence, call off the arrests, if the civil rights forces would call off direct action. That is not possible now. It will not take place. The new mood is to resist segregation with direct action.

We ask that the judicial machinery be no longer used as a weapon to crush the civil rights movement. We ask impartiality. We ask that police be impartial.

(Mr. Farmer told of his incarceration in maximum security in the Mississippi state penitentiary as a Freedom Rider convicted of breach of the peace. He told of mass arrests and convictions in Jackson).

Q. I would like you to go ahead and present your own analysis of these problems, what you think might be done under existing law, and where a change in the law is necessary, what changes might be necessary.

Mr. Lusky: Basically, what the Committee has been hearing is a lot of pretty factual pretty moving and graphic testimony that all relates to this subject, resistance by local communities and governments to the enforcement of Federal Law. There are two modes in which this resistance takes place. In a number of situations that you have heard about, the police play a passive role. What they do basically is to stay away and not even enforce the law against private people who take it upon themselves to preserve a certain way of life by violence or threats or reprisals of one kind or another, and this would include, I would say, failure to enforce the ordinary criminal law as such, as the law against murder.

The other mode of resistance is the active moves of the police for the courts to enforce segregation requirements. The legal problems that arise from these two modes of action are quite different.

As far as the inaction is concerned, and this in my own mind, I call the Alabama method, because it is what happened actually when the Freedom Riders reached Anniston and Birmingham and Montgomery. This is something which there is no doubt that the Federal Government has a right to deal with, either through the Courts or by direct action, and by direct action I mean Federal marshalls to protect people exercising their constitutional rights, or if necessary, the Army, the Navy and Air Force which are legally efforts of the President to enforce the laws.

As far as judicial action is concerned, the Federal District Court in Montgomery has shown what can be done where an injunction was issued against the Montgomery police forbidding them to withhold protection from Freedom Riders, and this is justified if for no other reason because it is a denial of equal protection of the laws. And that is if the police are there and they protect everybody from assault but deliberately stay away when people come who are doing things that the police themselves disapprove of, although lawful.

Fundamentally this mode of Southern resistance is one which can be handled with sufficient vigor by the Justice Department which is well able, which has all the necessary tools to go at it through the courts or by the executive.

The other mode of resistance which I call the Mississippi mode, although there is no clean cut distinction. The Mississippi method is not to allow private violence but to have arrests made of the people who are doing things which, in Alabama, might provoke the mob action. This is much harder to deal with.

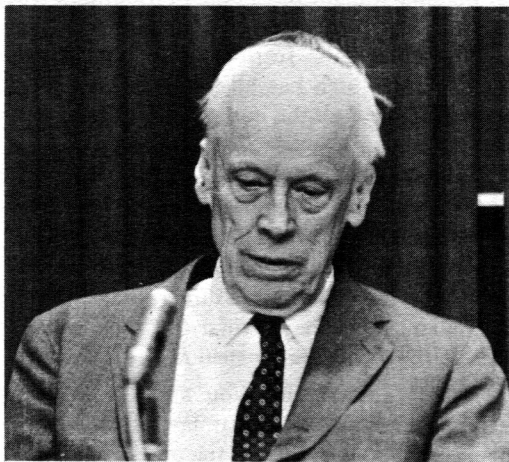
I would just remind you and the lawyers certainly know it, that an unlawful arrest is a form of violence. Actually, the only reason that

it doesn't result in bloodshed is that normally it is not resisted, but one of the very ancient common law writs, writ of false imprisonment, is a writ which was created because of the tendency of an unlawful arrest to provoke bloodshed. The reason that an arrest is lawful is not because it is not violent but because it is legally justified either by warrant or because the arresting officer has seen a crime or has reason to believe—a felony has been committed. The fact that the police in Mississippi are avoiding private violence by themselves accomplishing the purpose of the would-be attackers is, to my mind, no distinction at all. There would be very few prosecutions for safe-cracking if the police stood ready to crack the safes themselves and hand over the contents.

I think it is essential that one way or another the power of the district courts to intervene in these state prosecutions be affirmed. If they don't have it under present law they ought to be given it under a change in law.



Norman Thomas, in summation: We have been talking about dogs today. What would you think of Russia, what would you think of Germany, when you heard evidence of this kind?



This testimony impresses me with the extraordinary restraint of the Negroes. This is the testimony of people who have made an aggressive attack on entrenched wrong without themselves indulging in violence, and this in one of the most violent periods in world history.

The kind of things that American Negroes suffer has prompted violence through the world. We Americans have cause for profound gratitude that so much has been done by non-violent methods, and is being done so effectively. It is a sign of hope for the whole world.

You have evidence of widespread police sadism. I wonder how much of this must be charged to a general failure in the United States to have the administration of justice without cruelty. But it was clear you suffer worse for taking a ride, which you have every legal right to do, than if you were a pickpocket.

We have learned how, under legality, the worst illegalities, the worst social immorality can be practised, and noted how widespread it is.

Supported by evidence we heard, you will observe that we are really charging that the courts are privy to denial of law. It is a grave thing.





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