

BACKGROUND

This article describes the trial of five law-enforcement officers charged with conspiracy to violate the civil rights of six Freedom Movement activists whom they [illegally arrested and brutalized](#) in Winona Mississippi in June of 1963.

Democracy In The South

Justice Dept. Vs. Officers Of Winona, Mississippi

By Septima P. Clark

I'm sitting through this trial of the six Negro men and women who were brutally beaten in jail in Winona, Mississippi, because they tried to eat and use the rest rooms at the bus station after riding all day and night on a Continental Trailway bus on June 9, 1963.

The witnesses testified that there were no signs of white or colored on the doors of the restaurant or rest rooms. A highway patrolman ordered them arrested. One of the patrolmen was off duty when he participated in the brutality.

Excuse All Negroes

You should have seen the way the jury was selected. There were four Negroes among them, but all were excused for frivolous reasons such as, knowing the officers beforehand, and assuming that they were members of the NAACP, CORE, or SNNC. For them to disown membership meant nothing. They were excused anyway.

The judge in referring to the jury said repeatedly: "Remember these are members of the Negro race, people against whom these alleged offenses have occurred, and all defenders are officers of the State of Mississippi."

The seven clients of the Justice Department were put on the stand with an additional set of FBI investigators, three Negro prisoners and two photographers.

Jurors Hilarious

The men of the jury were hilarious in the beginning, but as the truth unfolded, they became red as a beet in the face and silent.

The young people testifying for the Justice Department were all asked educational achievement, means of support, organizational affiliation, and were forced to write

statements dictated by the highway patrolman while in custody.

The Justice Department was able to put on the witness stand three Negro prisoners who were in custody on June 9th. These men testified seeing Highway patrolman Basinger slap Annell Ponder ten times in the face. They also said that the sheriff gave two of them a pint of moonshine whiskey and handed them a black jack to beat a 19-year-old young man and a 44-year-old woman. They beat the young man until he lapsed into unconsciousness.

Blood-Soaked Garments

The beaten prisoners were photographed by the FBI. These pictures revealed the brutality inflicted upon them. Two dresses and a brassiere were shown as evidence. One was torn into shreds and the other two garments were blood-soaked. The FBI measured the cut in the head and under the chin of the 15-year-old girl. The police officers stoutly denied doing any of it. They claimed the women and men were non-violent all the time they were in the booking room, but when they brought them from the cell a second time to question them, they became violent. One prisoner testified that he was sent to wipe up blood in one of the women's cell. Still, the officers denied striking anyone with a black jack.

Mr. Barrett for the Justice Department, in summing up and making his plea to the jury, told the story of the beatings, the taking of statements and falsifying of testimony. He charged the officers with conspiring to arrest and beat these workers in voter registration.

Fellow Citizens

Mr. Wells and Mr. Jackson for the defendants said to the jury: "You sit here with the great responsibility draped on your shoulders of five of your fellow citizens. Don't play with these men's freedom! Don't

temporize with this oath! That Ponder woman carried these young people to an island in South Carolina to be taught by a white man called 'Robert' from that infamous Highlander Folk School in Knoxville, Tennessee. Then you heard her say that she did not trust the FBI here nor in Atlanta, so Martin Luther King, the worst demagogue that has come out of the South, paid her way to Washington. When he pops his finger, a button jumps and the whole Justice Department goes into action. Gentlemen of the jury, you have agitators on one hand, and elected officials on the other, who shall you believe? Gentlemen, you have a serious task before you. It's your right to require that they prove the facts by qualified persons."

Individual Freedom

Mr. H. M. Ray for the Justice Department said, "Thank God we live in a country where there is a trial by jury. If you acquit these men, you will allow an ideology to creep in that will destroy us all. This is a case against individuals. This country has been made great by individual freedom. This trial has been a great lesson to you. It shows what has been going on in Mississippi."

Judge Claude F. Clayton said to the jury: "Jurors, determine facts; the judge determines the law and no opinions are valid. I'll explain to you the word 'conspiracy'. A combination of understanding to accomplish some unlawful purpose or lawful purpose in an unlawful way. If one of these men are found guilty, all are guilty in a conspiracy. An overt act means any act committed by one or more conspirators to carry out a conspiracy. Under the color of the law means a misuse of power. Marshal, you may now escort the jurors to the jury room."

They stayed one and one-half hours and came back with a NOT GUILTY verdict.