

REPORT OF COURT PROCEEDINGS

August 18, 1966

On Thursday, August 18, 1966, twelve persons were arrested at 699 Ponce de Leon the site of the Atlanta Induction Center. The people were charged with the following:

Robert Moore	resisting arrest refusing to obey an officer disturbance
Larry Fox	resisting arrest disturbance failure to obey an officer assault and battery
Mike Simmons	disturbance resisting arrest failure to obey an officer
Johnny Wilson	disturbance resisting arrest failure to obey an officer assault and battery
Warcell Williams	disturbance
Robert Smith	disturbance failure to obey an officer resisting arrest
Donald Howard	disturbance interference with an officer
Donald Stone	resisting arrest failure to obey an officer disturbance assault and battery
Regina Pleasant	disturbance failure to obey an officer resisting arrest
Flora Goodloe	disturbance failure to obey an officer resisting arrest
Simuel Shutz	disturbance resisting arrest assault and battery
Dwight Williams	disturbance resisting arrest

All twelve persons were found guilty as charged on the cases involving the city; three of the people were bound over to the Fulton County jail on the assault and battery charges and one was bound over to the state on a charge of INSURRECTION which carries the death penalty in this state. The following is a list of the persons showing the sentences and bond: The presiding judge was Judge T. C. Little.

Robert Moore	resisting arrest	30 days	\$3,000.00
	refusing to obey an officer	30 days	
	disturbance	30 days	
Larry Fox	resisting arrest	30 days	\$3,500.00
	disturbance	30 days	
	failure to obey an officer	30 days	
	assault and battery		

Mike Simmons	disturbance	30 days	\$3,000.00
	resisting arrest	30 days	
	failure to obey an officer	30 days	
Johnny Wilson	disturbance	60 days	\$3,000.00
	failure to obey an officer	60 days	
	assault and battery insurrection		
Warcell Williams	disturbance	30 days	\$1,000.00
Robert Smith	disturbance	30 days	\$3,000.00
	resisting arrest	30 days	
	failure to obey an officer	30 days	
Donald Howard	disturbance	30 days	\$2,000.00
	interference with an officer	30 days	
Donald Stone	resisting arrest	30 days	\$3,500.00
	disturbance	30 days	
	failure to obey an officer	30 days	
	assault and battery		
Regina Pleasant	disturbance	30 days	\$3,000.00
	resisting arrest	30 days	
	failure to obey an officer	30 days	
Flora Goodloe	disturbance	30 days	\$3,000.00
	resisting arrest	30 days	
	failure to obey an officer	30 days	
Simuel Shutz	resisting arrest	30 days	\$2,500.00
	disturbance	30 days	
	assault and battery		
Dwight Williams	disturbance	30 days	\$3,000.00
	disturbance in jail	30 days (*)	
	resisting arrest	30 days	

(*) This additional charge was added after Dwight Williams had been in jail. The attorney for the defense had witnessed two police officers beat Mr. Williams in jail while his hands were held above his head. He also heard Mr. Williams cry out for some one to help him.

During the trial, it was brought to light that one of the persons arrested for trying to enter the Induction Center at 699 Ponce de Leon, a Mr. Michael Simmons, had been told to report by the U. S. Army to 699 Ponce de Leon on August 18, 1966 at 7:00 a. m. sharp. The notice said that failure to report to THAT place and at the SPECIFIED TIME could result in a 5-year jail term and/or a \$10,000.00 fine.

Military men England, Gallagher and Facemer stood guard at the door on the inside of the Induction Center at 699 Ponce de Leon. Captain Roberts of the Atlanta Police Department was responsible for the detail which prevented Michael Simmons from entering the Induction Center.

The first of the twelve to be tried was Mr. Larry Fox (see charges listed above). Military men, Gallagher, England and Facemer testified that they saw Larry Fox at the door of the Induction Center several times the morning of the 18th. During the trial, it was stated by the arresting officer, Officer Henderson, that he saw Larry Fox lift an officer in the air and throw him to the ground. This was later refuted by the alleged victim, Officer Raeburn.

Officer Henderson also reported that while he and officer Raeburn were holding Fox's arms in an effort to subdue him and place him in the paddy wagon, he was kicked by Fox on the forearm and that Fox, while his arms were being held, closed the paddy wagon door on Henderson's hand cutting it. He also testified that a third officer was holding Fox. Under cross-examination, he could not remember the appendage that the third officer was holding. When suggested by Attorney Moore that maybe the third officer was choking Fox, Henderson said that that was not the case. When questioned further about how he knew this was not the case since he couldn't seem to remember, Henderson replied that he didn't know.

Throughout the testimony of the policemen, it was not stated that the defendant had been ordered under arrest.

At this point, defense counsel called Mr. Michael Simmons to the witness stand. Up until this point, the fact that Mr. Simmons was to be inducted into the Armed Services on August 18, 1966 and that he had been prohibited or obstructed from doing so by the U.S. Army, had not been brought up. Mr. Simmons stated that he had gone down in answer to an induction notice received earlier in the month. (The court was to say the least SHOCKED at this new light which had been shed on the case). Captain Redding, who conducted the prosecution for the City throughout the trial, quickly stated that he had nothing further to say.

Judge T. C. Little quickly stated that he had something else to say and instructed him to recall earlier witnesses. Judge Little then called Simmons back to the stand (Simmons had strolled away from the witness stand without being dismissed by the Judge). The Judge then questioned Simmons as to where he had gotten the induction paper; who had given it to him; how long it had been in his possession and did he carry it at all times?

Simmons informed the Judge that he had received the induction notice in the mail earlier in August. He said that he did not carry it with him at all times but that he did have the notice on his person on the morning of August 18 at 699 Ponce de Leon when he attempted to enter the door of the Induction Center.

The recalled witness, one of the military men on the door the morning of the 18th, testified that Simmons had made several attempts to enter the Center and that he kept saying that he had business inside; that he had to go the second floor and asked that the head of the Center be called to the door so he could speak with him.

There was some misunderstanding between Judge Little and Attorney Moore at this point when the Judge attempted to hold the induction notice as court evidence. Mr. Moore stated that this was not a legal procedure, that he was not introducing the induction paper as court evidence at this time and that he would give the court copies at his earliest convenience. The Judge kept the Induction Notice.

Rebuttal began with Attorney Moore.

Mr. Moore pointed out that the only reason that Larry Fox was on trial here this morning was that he was black, wore a beard, had long, nappy hair and didn't wear a three-button suit and had views on Vietnam that are anti-administration. He further stated that the only reason that Mike Simmons could not enter the Induction Center was that he was Black, wore a bear, teeshirt and sneakers. He then referred to Facemer's testimony when asked by the defense to describe Simmons, Fox or any others standing at the door. Facemer could only say that they were Negro and had beards. He further stated that if they cut off their beards and cut their hair, that somebody might be able to describe them.

Moore pointed out that what was on trial here was not some one for assault and battery or refusing to move on but the whole question of whether or not Black people have the right to demonstrate against the things that they feel are wrong in this country. He pointed out further that this country is fighting a war in Vietnam to protect freedom; that if this is the case, then this Court should have second thoughts about bringing a verdict of not guilty in the case before the Court. If we are going to keep America free then America is going to have to stand up to the ideals and principles that it supposedly was founded under. He also pointed out that all the testimony against Fox was inconclusive and contradictory and therefore no grounds for conviction had been presented and on these grounds he moved that the case be dismissed.

The Judge overruled the motion for dismissal. The City, represented by Capt. Redding, said in the closing statement that he did not think that the war in Vietnam was on trial here and that this was not a world court. He said that the case was clearly and simply that of people disturbing the peace and disobeying police officers.

The Judge found the defendant GUILTY AS CHARGED.

The defense counsel protested the excessive sentences and bond (30 days and \$1,000.00 per charge) and asked that they be lowered. This request was denied by Judge Little. Larry Fox was then bound over to the Fulton County jail on a charge of Assault and Battery.

The next trial was that of Robert Moore who was charged with resisting arrest, disturbance and refusing to obey an officer. The Judge found him GUILTY AS CHARGED and sentenced him to thirty days on each charge. The sentences were to run consecutively. Bond was set at \$1,000.00 for each charge.

RECESS FOR THIRTY MINUTES.

Following the recess, the joint trial for the other nine defendants was held. To shorten the time involved, defense counsel suggested that the defendants sit in fixed positions for the duration of the trial rather than ask each defendant to give his name each time. There was no objection from Capt. Redding nor the Judge.

Seated from left to right in the first row (from the witness stand) were: Warcell Williams, Flora Goodloe, Simuel Shutz, Regina Pleasant, Donald Stone and Dwight Williams. In the second row, left to right were: Donald Howard, Bob Smith and Michael Simmons.

It was stipulated in the beginning that each person was present at 699 Ponce de Leon on August 18, 1966. It was agreed by the Court and the defendants that no names would be used and that the defendants would not change positions. Following questioning of the first witness, the stipulation that all persons had appeared at 699 Ponce de Leon on August 18, 1966 was waived when the witness could not identify the third person on the left (Michael Simmons) as being present. This was later refuted by another policeman and an enlistee from the 12th Army who both said that they saw Michael Simmons at the scene on the morning of the 18th.

Captain Roberts testified that each person arrested had at some point blocked the entrance at 699 Ponce de Leon. Later, another officer said that he had seen neither Regina nor Flora at the door. Capt. Roberts contended that he had told each demonstrator to remove himself from the door. He did at no time state that any individual was under arrest. Instead, he stated that he went up to the group and began to remove the hands of the individuals from the door.

At no time was Simuel Shutz or Donald Stone identified as having committed assault and battery. One officer stated that Regina Pleasant had been arrested when she ran down the street shouting, "Don't let the son-of-a-bitches take them; get them out of the wagon, don't let them take them."

Dwight Williams was said to have been the receiver of a policeman's badge during the struggle. The badge had supposedly been snatched by John Wilson.

It was later stated by the same policeman that Dwight Williams was taking

pictures at the time that he supposedly received that badge taken from a policeman. When a witness was asked if at any point he had seen Dwight Williams at the door, he said "once in a while", he thought.

Donald Howard could not be indentified as having been at the scene on August 18, 1966.

All of the defendents were found GUILTY AS CHARGED and sentenced (see sentences and bonds described earlier).

Prior to the recess, another trial had been held - that of Johnny Wilson who was charged with resisting arrest, disobeying an officer, disturbance and assault and battery. Wilson was found guilty as charged for disturbance and disobeying an officer for which he was sentenced to 120 days in the City Prison. The charge of resisting arrest was changed to Insurrection. He was then bound over to the Superior Court Grand Jury on the charges of assault and battery and insurrection.

Attorney Howard Moore objected to the charge of insurrection on these grounds:

1. The law, an 1870 law, was ruled unconstitutional by the Supreme Court on two separate occasions in 1963 when two other SNCC workers were held similarly.
2. He objected on the grounds that he had not been informed of the possibility of such a charge and had not prepared himself to deal with it adequately.

Captain Redding of the Atlanta Police Department testified that he had placed Wilson under arrest when he saw him (Wilson) attacking another officer. He testified that he had said to Wilson, "I'm Capt. Redding of the police and you're under arrest. He did not say that he had shown Wilson any identification (he was not wearing a uniform at the time). He further testified that Wilson said, "I don't give a damn who you are; you're not going to arrest me." He also stated that Wilson grabbed him by the necktie and hit him in the face. As the scuffle ensued, Redding tore Wilson's shirt off and Reddings shirt was also torn.

Redding could not identify what Wilson was wearing. One of the military men who went to the police station to identify the defendents stated that Wilson was wearing a shirt at the time he was being booked when in fact Wilson's shirt had been torn off during the scuffle. Redding did not remember whether he or some other police man had put Wilson under arrest (note contradiction of testimony). Capt. Redding quoted Wilson as having said "Don't let the son-of-a-bit.ches arrest you; we've Black Power now and we have control."

At the joint trial, a Black inductee testified that his entry into the Induction Center had been obstructed by persons standing at the door of the Center. He failed to identify the person or persons who had obstructed his entry. He stated that they

The Black inductee testified that his left hand in which he carried a canvas bag was being pulled by the demonstrators while his right arm was being pulled by the military men on the inside of the door at the Induction Center. He further testified that his bag was torn from its handles by the demonstrators. He continued by testifying that he was pulled into the Induction Center by the military men on the inside of the door and that one enlisted man retrieved his bag. Upon being asked to repeat his testimony under cross-examination, he stated that his right arm was being held by the protesters and his left arm by the army (note contradiction from earlier testimony).

Earlier in the trial, it was established that no military men had come outside of the door any time during the demonstration. It was also established that the door on the 12th Army Headquarters at 699 Ponce de Leon is 45 inches wide. Yet military men were able to testify as to the whereabouts and actions of protesters three to five feet to the left and right of the door. It was also established that at the time of the scuffle, protesters were standing in front of the door seeming to indicate that unless you have x-ray eyes, you could not accurately report the swift movements of people involved in a scuffle three to five feet beyond a glass door.

After the City had presented its case and counsel for the defense had presented its case, Judge T C Little passed sentence on the twelve Black protestors (see list of charges and sentences at beginning of Court Report).

Defense Counsel. Howard Moore vigorously protested the heavy sentences and excessive bond that was levied against the protestors. Mr. Moore again brought up the fact that his clients were being dealt with in this extreme manner only to intimidate and harass other Black people from airing their views if they happen to differ with the majority opinion in this country. He said that his clients were being dealt with in this harsh manner because their skin is Black, their hair long and nappy and because they can not afford to wear three piece suits and expensive shoes. Mr. Moore continued that his clients were being treated as common criminals and not as people being held for their political beliefs. He mentioned the fact that people being held on charges of grand larceny and murder didn't get any more bond than his clients had received for the petty charges that they were being detained under. Mr. Moore reminded the Court that this country is at war in Vietnam to defend the principles of " democracy " which, if this trial is any indication, is not in practice in this country

Judge Little told Mr. Moore that he did not consider the charges petty; on the contrary, he felt that it is a national disgrace when persons attempt to prevent a citizen from answering the " call of his country". He further stated that these charges were not even stiff enough and that if he had his way, they would be getting years instead of 90 and 120 days.

The Judge went further to say that if his son had been guilty of any of the charges that the defendants had been proven guilty of committing, he'd have given him the maximum sentence. He spoke on the sacredness of protecting the " mother-land ", 'the land of the free and the home of the brave'. (At this point the Black people in the room began to look nauseated and even the white racist were seen to squirm around in their seats.)

The Judge continued, " But you see 'Colonel' (it is a practice in Southern racists courts by white judges to call Black lawyers by the derogatory term, 'Colonel') I'm not giving them stiff sentences based on their color, but because I have a son in Vietnam who is fighting to defend the principles of freedom and democracy; I have to give these people maximum sentences.

Even Attorney Moore who has faced all kinds of biasness and racism in the Courts , seemed to be shocked by the Judge's candidness.

The Judge further shocked the courtroom by saying that he was bounding John Wilson over to the State on a charge of Insurrection, which carries the death penalty here in Georgia

SNCC'S Atlanta Project at a press conference held to announce the commencement of a 24 hour continuous vigil in Atlanta's famous Vine City until the twelve are released from jail and the charge of INSURRECTION dropped against John Wilson, made reference to the Judge's BIASNESS by saying:

" As for Judge Little, he invoked an unconstitutional law, which is now illegal. He also sentenced the Black protestors to maximum sentences allowable under the law. In doing so, he invalidated any pretense of objectivity, by stating that the maximum sentence was imposed because he had a son in Vietnam. Any Judge, worthy of his name, in a case such as this would have disqualified himself, knowing that he had personal interest in the outcome and could not be objective. "

Speaking on the fact that the U S Army prevented one of its inductees from entering the Induction Center, the release went on to say:

" Even Judge Little's 'Kangaroo' Court could not cover up the incredible blunder of Military Authorities. The army is in the embarrassing position of having blocked one of its inductees because of its prejudice against 'uncontrolled' Black people who stand up for their rights. "

This does, of course, not exclude the FBI. As they so gallantly stated publicly that the demonstrators would be investigated for " federal violation " and ultimately dealt with on that level, the question is yet to be answered: "What will the FBI do to Bedford, England, Facemer, and Gallagher, enlisted men of the 12th US ARMED CORPS, PREVENTING THE ENTRANCE OF INDUCTEES INTO A US ARMY INDUCTION CENTER!" What level will Captain Redding and Roberts of the Atlanta Police Dept. be dealt with by the FBI as they forcibly carried the Inductee from the door of the Induction Center and gave the command, "put him in the paddy wagon". Or does the FBI only attack poor, Black people who stand up for their rights.