

FEDERAL PROSECUTION & CIVIL RIGHTS in ALBANY, GEORGIA

"... The only instance in which the government has moved with vigor has been against Negro leaders who have been working to remove the evils of the segregation system."

Dr. Martin Luther King, Jr. made this statement after nine leaders of the Albany, Georgia Movement were indicted and convicted by a Federal jury at the request of a Federal Attorney General.

Dr. King's statement is tragic but true. A look at Southwest Georgia's history of oppression and brutality aimed at keeping Negroes "like they have been for the past 100 years," according to one sheriff, reveals the Federal government has always moved with caution and hesitation until the civil rights of white persons were allegedly under attack.

IN JUNE, 1958, James Brazier was arrested by police in Dawson, Georgia after he complained they were beating his elderly father to death. He too was beaten and died. The government convened a Grand Jury which returned no indictments.

IN JULY, 1962, Mrs. Marion King was carrying food and clothing to demonstrators jailed in Camilla, Georgia. Although she was in her seventh month of pregnancy and carrying an infant child, a police officer kicked her and punched her in the face until she fell to the ground and lost consciousness. A month later she gave birth to a premature, dead child.

IN JULY, 1962, Sheriff D. C. "Cull" Campbell of Dougherty County broke a walking stick over Attorney C. B. King's head. Campbell said later, "I'm a white man and he's a nigger. Yeh, I knocked hell out of him and I'd do it again."

IN AUGUST, 1963, during anti-segregation demonstrations in Americus, Georgia, children were hit with billy clubs and beaten with electric cattle prods. One man, not a participant in demonstrations, had his leg broken by state police with a baseball bat. Another youth had twenty stitches taken in his head, as a result of a police beating. A U. S. Justice Department spokesman was quoted by the Associated Press as saying, "There is no evidence of police brutality in Americus."

The power of the Federal government to prosecute in these and many other instances of brutality and violations of civil and human rights is amply covered by the 1957 and 1960 Civil Rights acts. Covered so well, in fact, that Attorney General Robert F. Kennedy denied the need for additional legislation in this area.

The cases of Mrs. Marion King, brutalized before witnesses so badly that she lost her child; of Attorney C. B. King, beaten by a man who admitted he did it because King was a "nigger"; of James Brazier, whose killing was brought before a Grand Jury when no jury was necessary for prosecution; and in the cases of the Americus beatings, where no Federal action has resulted, illustrate the hazards southwest Georgia Negroes must face, and face alone.

But the actions taken against nine Albany Leaders indicate that the Federal government is ready to prosecute when it wants to, when it feels it can get a conviction, and when it is politically expedient to do so.

IN JULY 1956, a Negro was arrested and shot three times by the Sheriff of Baker County. The Negro, Charlie Ware, brought a damage suit against the sheriff, and the case was heard by an all-white jury which decided for the sheriff. One of the jurors who decided against Charlie Ware was Carl Smith, the white owner of a store catering exclusively to Albany Negroes.

Leaders of the Albany Movement approached Smith, as they had approached other Albany businessmen, and tried to get him to upgrade his Negro employees. He refused and on April 20, 1963, four Negroes picketed his store for one-half hour. Two days later, he closed down, claiming the half-hour picket line and a boycott called by the Albany Movement had forced him out of business. He complained to the Justice Department, as civil rights leaders had complained of James Brazier, Attorney C. B. King, Mrs. Marion King, and the Americus beatings.

THE FEDERAL GOVERNMENT RESPONDED THIS TIME, However, with a force of "at least 35" FBI agents, (according to U. S. Attorney Floyd Buford in his prosecution of the Albany leaders) a Grand Jury investigation, and indictments charging conspiracy and/or perjury against nine people.

These nine are the leading forces behind the direct action and voter registration campaigns in Albany that made the world wonder in 1961 why the most powerful nation in the world could let its citizens be jailed and beaten without taking action.

They are:

- DR. W. G. ANDERSON, President of the Albany Movement
- MR. SLATER KING, Acting President of the Albany Movement who succeeded Dr. Anderson and whose wife had been beaten in Camilla;
- MRS. ELIZA JACKSON, Secretary of the Albany Movement, who lost her job at an all-Negro State College after she began working with the movement;
- REV. SAMUEL WELLS, perhaps the single most active local worker in Albany, and a Board Member of the Albany Movement;
- MR. THOMAS CHATMON, a local barber and Movement Board Member, ran for City Council in 1962;
- MSSRS. ROBERT COLBERT and LUTHER WOODALL, two young, frequently arrested Albanians notorious with police for their participation in demonstrations;
- MISS JONI RABINOWITZ, a white field worker for the Student Non-violent Coordinating Committee (SNCC);
- MR. ROBERT THOMAS, a Negro active in the Albany Movement

Dr. Anderson, Colbert and Woodall were charged with "conspiring to injure a juror." The others were charged with perjuring themselves during the Grand Jury investigation.

THAT EIGHT NEGROES, all active in trying to destroy a system that is at the very least embarrassing to the Federal Government should be singled out for attack by that government is surprising in itself. Miss Rabinowitz' indictment is even more so.

She is accused of falsely telling the Grand Jury she was not at the scene of the half-hour picket. Her defense presented thirteen witnesses—including one girl who looks like her, and admitted that she but not Miss Rabinowitz had been there—to back their case that the indictment was based on mistaken identity. The prosecution—the Federal Government—put three witnesses on the stand who declared she was there.

SNCC has had many white students active in southwest Georgia since work began there in 1961. Their presence has been an embarrassment for local and Federal officials, for a southwest Georgia sheriff never knows if he is beating just another crazy northerner or a Congressman's niece when one of SNCC's white workers is maligned; with Negroes, he is sure he's beating no one who counts, or so it would seem.

Miss Rabinowitz' indictment was clearly an attack on all the white youngsters who come South to embarrass the rural policemen and the Federal government. If this Federal action goes unprotested, other Federal Grand Juries—and county juries also — may use this same tactic to halt any rights drive which grows too impressive.

THE ALBANY INDICTMENTS CAN BE REVERSED, but only if the United States Department of Justice takes the necessary legal steps. This will be done only if the American community which believes in civil rights makes their protests known.

WHAT CAN YOU DO ABOUT THE ALBANY CASUALTIES?

Write to Attorney General Robert Kennedy demanding that his office:

1. confess error before the U. S. Fifth Circuit Court of Appeals and join in appellants motion to reverse the convictions and dismiss the indictments.
2. direct the U. S. Attorneys in the South to examine their jury lists and to apply to District Courts for the immediate compilation of lists representing a true racial cross-section of the population. (In the Division in which the court that heard the Albany cases is located, 34% of the population is Negro. The jury box selected to hear these cases contained 1,985 names; only 177 — or 5% — were Negroes.)

Contribute to the cost of defense and the expense of appeals.

Send your contributions to:

SNCC, 156 Fifth Avenue, Room 902, New York, N. Y. 10010
(make checks payable to The Student Nonviolent Coordinating Committee)