

FBI INVESTIGATION AND ARRESTS IN ITTA BENA-----June 25 and 26

At 6:00 pm on June 26, UPI reported that the FBI had arrested three white men in Itta Bena, Mississippi. The three had threatened two SNCC summer Volunteers the day before and had tried to run them out of town.

SNCC Volunteers John Byon Paul of Ossining, N.Y., and Roy Torkington of Berkeley, California, were canvassing on the afternoon of the 25th with SNCC staff member Willie McGee. They had informed Mr. Weber, the Itta Bena town Marshall, of their intention of doing voter registration work and had received assurance that this was "all right" and that they could "go right ahead."

While they were passing out leaflets, however, four white men drove up in two trucks. The men got out of the trucks, separated the Volunteers from McGee, and marched the students to a gas station that also serves as the bus stop. Although the men threatened the Volunteers, they were unsuccessful in getting them to leave town.

The COFO office in Jackson and the SNCC office in Atlanta began immediately to inform the FBI and the Justice Department. John Doar of the Justice Department promised to look into the incident.

The Volunteers were finally released, and despite further threats, spoke at a Mass Meeting the same night in Itta Bena. After the incident of the afternoon, they asked the town Marshall, Mr. Weber, for protection; Weber would not promise protection, but when the meeting was over the Volunteers found him outside and they believed he might have been influential in preventing trouble. There were indications that the FBI had talked to Weber and had had an influence on him.

The next morning, Paul and Torkington talked with four FBI agents in Itta Bena. One of the latter said that Burke Marshall, head of the Civil Rights Division of the Justice Department, had called him and said that he wanted them to do everything possible in the case.

Because they had both license numbers and names, the Volunteers felt there might be a good chance for an arrest. COFO and SNCC made further calls to the FBI and Justice Department relaying the information which the volunteers had; sometime around 6:00 pm on the 26th, three of the four men involved in the incident the day before were arrested, on charges of interfering with voter registration work. This is believed to be the first arrest made under this law, although it has been in effect since 1960.

The importance of this case is that it indicates that FBI pressure can offer protection to people in Mississippi, and that the Justice Department and the FBI can authorize arrests in civil rights cases.

SOME PROVISIONS FOR FEDERAL PROSECUTION IN CIVIL RIGHTS

From Title 18 U.S. Code

FBI Arrests - 18 U.S. Code, Section 3052: The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoena issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the U.S. if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

Interference with the Vote - 18 U.S. Code, Section 594: Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten or coerce, any person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners of the Territories or Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1000 or imprisoned not more than one year or both.

Deprivation of Constitutional Rights - 18 U.S. Code, Section 242: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, (or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens,) shall be fined not more than \$1000 or imprisoned not more than one year, or both.