

SPECIAL MAILING from:  
STUDENT NONVIOLENT COORDINATING COMMITTEE  
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A M E R I C U S, G E O R G I A

Americus, Georgia is located deep in the Black Belt, in Sumter County. Negroes make up more than 50% of the rural county's population. Many people know of Americus only because of the city's long history of violence against Koinonia (Greek: friendship) Farm, a small cooperative farm which does not close its doors to a man because of his race.

Field workers for the Student Nonviolent Coordinating Committee have been here since January 1963. They have been helping the Sumter County Movement register voters and aiding attempts by local Negroes to use the front door of a movie house instead of the rear balcony entrance.

In the course of this past summer more than 200 Americus Negroes have been arrested for participating in voter registration drives, peaceful demonstrations and attempts to use the movie house front door.

On April 25, Ralph Allen, a SNCC worker, was beaten on the street after he had taken a Negro woman to vote at the Sumter County courthouse.

SNCC WORKERS ARRESTED ON CAPITAL CHARGES

On the night of August 8, police and state patrolmen dispersed 250 Negroes singing in front of a Negro cafe by shooting into the air and brandishing billy clubs. They slugged their way through the group to 21 year old SNCC worker Don Harris, arrested him and dragged him to the police car, but not until they had beaten him in the street. The Negroes scattered to defend themselves. SNCC workers Ralph Allen and John Perdew, along with local youth Thomas McDaniel, were trampled by police and beaten. Another local youth, Sallie Mae Durham, was punched several times by police officers. The four were arrested.

The three SNCC workers were charged with "inciting to insurrection," a capital felony which carries the death penalty (Georgia Code 26-902).

All of the five have been charged (in addition to the insurrection charge for the SNCC workers) with unlawful assembly, unlawful rioting, and obstruction of a lawful arrest. All but Perdew were charged with assault and battery.

McDaniels and Durham are in jail now with bonds of \$20,000 each. However, the judge refused to set bonds for the SNCC workers, and further eight peace bonds totalling \$120,000 were lodged.

MORE ARRESTED - JAIL TREATMENT

175 Negroes started walking toward the police station the next night, August 9, to protest the arrests and beatings of the previous

night. As they walked by two's across a lot (to avoid blocking sidewalks), police, armed with guns, clubs and battery-operated electric cattle prods appeared. The City Marshall and Police Chambliss asked if they had a parade permit. Before they could answer, "the officers attacked bludgeoning groups of boys and girls with clubs and the cattle prods, which give a severe shock and leave burn marks on the flesh," according to John L. Barnum, Jr., Treasurer of the Sumter County Movement

Milton Wilkerson, 19, Emanuel McClendon, 67, Thomas Douglas, 16, and Johnny Boynton, 16, all required stitches to close the wounds on their heads.

Most of the persons in that group were arrested.

The story of their treatment in jail was presented when the Student Nonviolent Coordinating Committee brought several witnesses to Atlanta for a press conference on September 9. Photographs taken by SNCC staff member Danny Lyon at the Leesburg, Ga. stockade were exhibited. 20 girls, 9-13 years old were held there for as long as one month in a cell 8'x10'x30'. Also shown were the two commodes which were broken and clogged up so that there was no disposal. The girls were fed only four hamburgers daily. They had no beds, springs or mattresses. Complaints about these conditions to the Americus Board of Health and the Georgia Board of Health brought no investigation.

#### BY-STANDER'S LEG BROKEN BY POLICE

James Williams, wearing a cast on his leg, was also presented at the press conference. He had not been in a demonstration. The following is an excerpt from his notarized affidavit:

"I started across the street to the cafe. A policeman shouted, 'Halt.' and we were scared and stopped. Then Gene Mann ran away. I talked with the policemen on Lee Street facing Ashby. Then a patrol truck with two state patrolmen made a big knot on my head behind my left ear with his billy club. He didn't say anything to me before he did it. I fell down and the two state patrolmen started hitting me up side the head they hit me with something like a baseball bat. I can't describe the pain. But my whole head felt swollen and the blood was gushing down my face. I told them I couldn't get up...The policemen with them said, 'Let me have him,' and he stomped me on the leg. They kept asking me to get up. Then the state patrolman pulled out a 'hot shot', a long silver looking stick run by batteries and burned me in the right rib section...They took me to jail. Then they laid me down by one of the cells and went out...About a half hour later they took me out by the concrete steps...When they got me out on the steps they said, 'Who do you work for, boy?' I told them...Then they said, 'We better carry this son of a bitch to the car and get him to the hospital.'

On August 17, 35 more were arrested when they went to pray at the police station. Among them was CORE worker Zev Aelony. He was charged with "inciting to insurrection." He had been following the group at some distance.

At this date 59 local people remain in jail, "farmed out" to jail and workcamps surrounding Americus. Their bonds are about \$200 each but must be posted in cash which is not available here.

On August 13, the early edition of the Atlanta Constitution carried an announcement by the Justice Department that FBI investigation in Americus revealed no evidence of police brutality.

#### BOUND OVER TO NOVEMBER COURT

In an August 20 hearing before Justice of the Peace Bradley, Solicitor Stephen Pace represented the state; Attorney C. B. King, of Albany, Ga., represented the defendants. They were bound over to the Superior Court which does not convene until November.

For three weeks no visits to the prisoners were allowed. The four held under insurrection charges are still being held incommunicado. Attorney King has been continually harrassed while representing the young men. On September 3 the driver's seat of his car was burned with acid while he talked with Judge James W. Smith.

Mrs. Therese Wiggins Shields, Secretary of the Sumter County Movement, said Negroes hoped for the establishment of a bi-racial commission. Mayor T. Griffin Walker and City Engineer Charles Wheatley would not agree to the formation of such a committee. The mayor said he had no authority nor any plans to bring the issue before the City Council.

Newspaper reporters have been intimidated. Police Chief Chambliss forced Atlanta Journal reporter Walter Rugaber from the commitment hearing on August 20. Chambliss overruled the judge in forcing him from the hearing, required to be open to the public by law.

#### REMAIN IN JAIL

Don Harris, graduate of Rutgers University; Ralph Allen, on leave from Trinity College; and John Perdew, student at Harvard College--are still in jail. SNCC workers have estimated that they may have to stay in jail for two years before all legal proceedings are completed. Local people remain also, unable to post their bonds.

#### FACTS COMPILED FROM:

1. The report of SNCC reporter Mike Sayer, after six days spent gathering data in Americus.
2. Tape recordings made in Americus (after the release on probation of some of the local people arrested during August) by Alan Ribbeck, President of Ptolemaic Enterprises, Inc., Audio Productions.
3. Eleven (11) sworn notarized affidavits from James Williams, Henrietta Fuller, Elizabeth Thomas, Lorine Sanders, Robertina Freeman, Lorena Barnum, Emma Jean Times, Thomas McGrady, Lena Turner, Bobby L. Jones, citizens of Americus.
4. Press conference held in Atlanta, September 9, at which witnesses spoke, and photographs were exhibited.
5. Photographs by SNCC staff member Danny Lyon.

6. The Atlanta Constitution.
7. Attorney C. E. King's office, Albany, Ga.
8. Letters from the three SNCC workers while in jail.

LETTER OF RALPH ALLEN FROM THE SUMTER COUNTY JAIL. This letter, dated September 13, was sent from the jail where the four young men are incarcerated. It was smuggled out, since they are not allowed to send letters nor to receive them.

To Whom it May Concern:

I am writing from the Sumter County jail in Americus, Georgia, where I have been incarcerated for the past 37 days. My name is Ralph Allen and I am a white student on leave from Trinity College in Hartford, Connecticut, where I completed two and one half years of study toward my BA degree. For a little over a year now I have been working with the Student Nonviolent Coordinating Committee in Southwest Georgia.

On the evening of August 8, I attended a mass meeting of the Sumter County Movement, an organization of Sumter County Negroes formed to direct long years of black discontent into channels of peaceful direct action. At the meeting, which was held at a Negro church, I talked about the importance of registering black voters in conjunction with recent waves of demonstrations which had swept the city under the auspices of the movement. After the meeting, I walked toward the center of the Negro section of town with a group of black friends. We were looking for the SNCC car and for a fellow SNCC worker, Don Harris of the Bronx, New York. As we neared the intersection above the church where the meeting had been held, there were two groups of Negroes lined up on the sidewalks on either side of the street, and a group of police standing in and across the intersection. The Negroes began singing, so I deliberately held back, thinking that I did not want to risk arrest because I was supposed to transport people to the courthouse to register to vote the next day.

However, as I approached the intersection I saw the police arrest Don Harris, a Negro who has been working with the movement in Americus for many months. When the police arrested Don, he sat down in an attitude of peaceful non-cooperation. Then, as people began to surge into the street, I walked up to the intersection and asked some people to move back onto the sidewalk unless they wanted to be arrested with Don, and to tell them that if they wanted to be arrested with Don, they should sit in the street with him. Then I again retreated back down the street from the intersection. As I did two things happened: a squad car arrived to take Don to jail and someone began throwing what appeared to be bricks and bottles. These missiles did not come from the demonstrators but from behind a group of buildings which face into the intersection.

Police then began to wade into the crowd of demonstrators with clubs driving them back down the street with me, while someone in plain clothes stood at the intersection firing a pistol in the air. As people came by me, I stepped back off the sidewalk to let them pass. Then the city marshall charged me from across the street and hit me a couple of times on the back and shoulders with a small object before I could back away out of his range. I then noticed

another white SNCC worker, John Perdew, as the marshall attacked him. After beating Perdew up for a few seconds, he came after me and hit me twice on the head with a billy club before I turned away again.

Then he said, "When I say 'run' you'd better run, you nigger-lovin' son of a bitch."

He then proceeded to drive Perdew and me behind a group of buildings through the parking lot and back into the intersection with repeated licks of his billy about our head and shoulders. Once in the intersection I was surrounded by a group of city police. One of them was yelling at me and wanted to beat me some more, but the others calmed him down. My head was streaming blood. I asked one of the police if I were under arrest and one of them said, 'Yes.' I asked, what for, and was told, "Disorderly conduct." I was taken to the city jail and then to the hospital where my head was partly shaven and patched.

The following day Don Harris, John Perdew, Sally Mae Durham and Junior MacDaniels (the latter two from Americus) and I were moved to the Sumter County jail. A few days later we were told that all five of us were charged with "assault and battery," "rioting," "unlawful assembly," and "interfering with a lawful arrest." Don, John and I were charged with "inciting an insurrection," a capital offense.

About a week later, we were taken to a hearing where our lawyer, C. B. King of Albany, Georgia, was consistently overruled. The hearing served to indicate only that the state will continue to hold us in jail despite what appears to be utter lack of evidence. Don, John and I are being held without bond. Eight peace warrants have also been lodged against us, totalling \$40,000 for each of us, or \$120,000. We are scheduled to appear before the Superior Court in November, when the term opens.

s/ Ralph Allen

#### SOME FACTS ON THE BASIS FOR FEDERAL ACTION

Section 242 of the U. S. Criminal Code creates a legal basis for federal prosecution of: "Whoever, under color of any law ... willfully subjects... any inhabitant of any State... to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States..."

A trial on this basis, not involving misdemeanors, does not even require indictments from a grand jury. Prosecution may take place by the presentation of information by the Justice Department.

Within the present administrative machinery for enforcing federal law, on the advice or order of the Justice Department, the U. S. Attorney of a judicial district may file a civil suit (this may also be done by a Civil Rights Division lawyer from the Department) asking that the federal court issue an injunction to forbid specified parties from engaging in certain practices depriving individuals of constitutional rights.

The "Albany Report," by Howard Zinn (former professor at Spelman College) published by the Southern Regional Council and reported in the New York Times in 1962, notes, "In the Debs case of 1895 there was no specific legislative basis for an injunction, yet the Supreme Court ruled that the federal government could get one, saying: "Every government...has a right to apply to its own courts" in matters which the Constitution has entrusted to the care of the national government. The Court said: "The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care."

In a letter to the New York Times, dated September 19, Howard Zinn, along with Murray Kempton, editor of the New Republic, and Professor Thomas Pettigrew, a specialist in race relations at Harvard, propose the formation of "special federal force of civil rights agents -- E--en -- for equality." They suggest the creation of the special force by presidential order with "several thousand federal agents (similar to the T-men of the Treasury Department, who also have a single function), to stand permanent guard throughout the Deep South in the protection of the constitutional rights of the people in that region. This force would have the authority to make arrests on the spot (unlike the FBI, which apparently can only stand by and take notes while people are beaten) the moment a move is made to violate the Fourteenth Amendment ...The President, at this moment, has constitutional and statutory basis for creating such a force and giving it such authority," despite his insistence that more legislative authorization is needed from Congress, they state.

The letter continues: "The old statute used by Eisenhower in the Little Rock situation says the President 'by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary' to protect the constitutional rights of a state's inhabitants if local officials 'are unable, fail or refuse' to protect them."

Attorney Arthur B. Caldwell, Assistant to Burke Marshall, Head of the Civil Rights Division, Justice Department, stated: "It is the violation of these Federally protected rights by a law enforcement agent acting under color of law that calls for investigation by the FBI and prosecution by the Department of Justice...If the investigation indicates that the law has been violated the Civil Rights Division directs the United States Attorney of the appropriate district to present the facts to a grand jury where an indictment may be returned. If the grand jury does not indict, the United States Attorney prosecutes the case in the local Federal District Court." ("The Federal Government and Civil Rights," released from the Justice Department, July 23, 1963.)

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"If these four young men must remain in jail for two-four years until the case reaches the Supreme Court, it will rest on the conscience of every American who failed to urge immediate federal prosecution of Sumter County officials."

--- John Lewis, Chairman, Student Nonviolent Coordinating Committee