

New South

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AUG 17 1964

STUDENTS FOR A
DEMOCRATIC SOCIETY

JUNE 1964

Police Practice in Alabama



By MARGARET LONG



Published by
SOUTHERN REGIONAL COUNCIL
5 Forsyth Street, N.W., Atlanta 3, Georgia
Volume 19 • June 1964 • Number 6

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New South is published 11 times a year.
Subscription cost is \$2 a year. Single copies
are 20 cents each. or less in quantity.

NOW THAT THE Negro movement here and there on occasion appears to be past the patience and impeccability expected of it, friends and foes of Negro liberation, black and white, divert ourselves with spirited debate over tactics of the predominantly nonviolent revolutionaries from here to New York and Chicago.

Newspaper editors, columnists, civil rights espousers, neutral dinner companions, segregationists and direct actionists become impassioned over the utility and propriety of protesters "going limp" upon arrest, lying on the street of a construction site in front of traffic or bulldozers, or banging about the paddy wagon on the way to the pokey. We debated New York Negroes' plan to stall on the freeway to the World's Fair and paralyze traffic, until it was abandoned, and we protested this proposal of a faction of the Congress of Racial Equality with horror and moral heat which might properly attend the proposed massacre of thousands of women and children.

Segregationists all across the South—and North, too, I reckon—seized with burning joy on the celebrated Atlanta case of demonstrating Negroes locked in Leb's restaurant, where rest rooms were locked, for eight hours (a curious arrangement with police officers inside, which has never been sensibly explained), who availed themselves of what utensils came to hand, such as coffee pots, for toilet needs. This occurred, they like to tell you, "with Negro police looking on," as I reckon they were, since at least one Negro and one white policeman were locked in with the demonstrators; but I imagine everybody, including the cops, tried not to "look on" such disagreeable measures of relief. The White Supremacists have hailed this lamentable incident as proof of inher-

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Eighteen Affidavits from Alabama

THE BIRMINGHAM RECORDER'S COURT June 15 convicted James Eddie Steele, 20, of reckless driving, assault and battery, disorderly conduct and resisting arrest, sentenced him to 360 days in jail and fined him \$400 and court costs. Mr. Steele's lawyer has appealed his case.

Police officers testified that Mr. Steele was speeding, refused a ticket, fled the scene and when they caught him, struck both policemen. Mr. Steele, on the other hand, claimed in court and in a detailed affidavit that he was repeatedly beaten by the two officers and required two weeks in the hospital.

Mr. Steele's sworn account of his encounter with police on May 24 is the latest notarized statement of the Birmingham Inter-Citizens Committee, organized to document police abuse of Negroes. Rev. C. Herbert Oliver, secretary of the Committee reports that the Steele case is one of several recent police attacks on Negroes, after a several months' lull. The abatement of apparently whimsical, unprovoked arrests; police entries and seizures in homes without warrants; detentions without charges; shootings of offending and unoffending Negroes; street and jail beatings and unusual tortures of Negroes—this abeyance followed a November 1963 meeting of Inter-Citizens Committee members with Police Chief Jamie Moore, City Councilman George Seibels, Jr., Police Inspector William Haley, Dr. E. C. Overton and Attorney Nina Miglionico.

Concurrent with resumption of Negro picketing and demonstrating last January—after City Hall rejected desegregation recommendations of



Mayor Albert Boutwell's 200-member inter-racial committee—the Inter-Citizens Committee noted a resumption of police attacks on Negro citizens.

“We did not hear of a single case of police brutality for about three months following that meeting,” Mr. Oliver wrote to *New South*. “Such a long time of apparent restraint has never occurred before in my knowledge. March saw the resumption of picketing and several pickets were arrested. At the end of that week there was a bad case . . . Document 67 (an affidavit from Leonard Jackson.) The suit that Steele was wearing was very bloody, particularly the trousers. We hope that the beating will not leave permanent effects, but I don't see how it can be otherwise because of the intensity of the beating, particularly in the head.

“The resumption of brutality . . .

may have some connection with the resumption of picketing by Negroes. Also word was getting around that brutality was at a low ebb. Maybe the officers did not like the new image and would like to restore the old image.

"No Negro policemen have been hired and it does not look like any will be hired . . . only a crusading Negro would seek such a job. But the city will not hire a crusader."

Reverend Mr. Oliver has compiled 68 "documents" since 1960, most of them signed, sworn and notarized affidavits from Negro victims of and witnesses to police violence and violation of American citizens' rights. In these affidavits the signers, of course, take legal oath to the truth of their state-

ments, under pain of perjury conviction in court.

The Committee has circulated extensively in the United States and abroad mimeographed copies of affidavits and other signed statements of police abuse and has elicited money donations which support the work of investigation, documentation and mailing out statements.

This *New South* offers selected and typical affidavits representing a four-year record of police abuse of Alabama Negroes both guilty and innocent of civil rights effort. Deletions, marked by ellipses, are of repeated statements, occasional irrelevant details and names of police officers and squad car and badge numbers.

DOCUMENT NO. 20:

On Friday night, October 27, 1961, a group of Negroes were at a Negro cafe in Birmingham, Ala. One of them reportedly made the remark that if the colored women were not intercouring with the policemen, the nigger men were pimping with them. The owner of the cafe reportedly called the police, and two policemen soon came . . . They lined up all the Negroes around the wall of the cafe and stationed a police dog at the door . . . and told him to sit there and watch. Then they tried to find out who made the statement. They threatened to turn the dog loose on all the Negroes if they did not tell who made the statement about the policemen.

Kennon Travis was not there, but somehow his name was brought up, and the policemen went to his home looking for him. Mr. Phillip Travis, Sr. and Mrs. Travis tell what happened after that.

On Oct. 28, 1961, at about 2:00 in the morning, a Birmingham policeman . . . knocked on my door and asked if my son Kennon (19) was home. I said he was. The officer said he wanted him. I asked him if he had a warrant, and he said he didn't need no damn warrant. But [the] officer . . . broke open the screen door, broke open the front door, and came in with his pistol in his hand and said "Where's the boy?" I was in my pajamas and my wife was also. She did not have a chance even to put on her house coat. Kennon came to a room door in the front room and said, "Here I am." The officer then struck him on the head with his gun. When he struck him he said, "Nigger you make a damn good speech." I told the officers not to hit him, and he turned toward me with his pistol pointed at me. I grabbed the gun and when I saw that he was trying to point the pistol at my chest, I pushed his hand toward the ceiling and we began to scuffle. We scuffled across the dining room. My oldest son Phillip, Jr. (24) was awakened by the noise and came to see what was happening. By this time [another] officer . . . came in and fired his pistol toward the floor. Then he struck Phillip Jr. on the head with his pistol, opening a bloody wound. Phillip had not said or done anything at all. While I was struggling to keep Officer Jones from shooting me, Officer King struck me on the head with his pistol, knocking me unconscious. I fell down by the dining room table. Then while I was unconscious on the floor the [first] officer . . . backed away and shot me. The bullet entered my upper right thigh and came out through my left buttock.

Kennon got our rifle because he said they have killed my father. My wife made him put it down and made him go out and get into the police car. But when she tried to come back into the house, the officer cursed her and refused to allow her to enter her own home, so she had to go across the street to a neighbor's house in her night clothes . . . [he] called more policemen and soon there were about seven more police cars at the scene.

The officers took away my two oldest sons and my daughter. She had seen everything and had said she was going to call our lawyer and tell him everything. Then they decided to take her for questioning. Neither I nor my wife knew where they were taking them, nor why. Then around 5:00 A.M. they came and took my wife away to the City Hall in Birmingham. She saw that they had brought them there also. We have three other young children at the house aged 10, 12, and 14, and they were awakened by the noise and saw everything. They can never forget such a scene. The house was one bloody mess.

I was taken to a hospital. After the ambulance left, my wife was allowed to come back into the house. They beat Kennon in the police car and knocked him unconscious. I had to have 14 stitches in my head and had to be hospitalized with a gunshot wound. All this happened on my birthday. Though holes had been knocked into my two sons' heads, they were not given medical attention.

I was not arrested at the time. But at the trial on Nov. 14, I was arrested and charged with interfering with an officer. Phillip Jr. was charged with interfering with an officer. Kennon was charged with disorderly conduct, resisting arrest, and presenting firearms.

I have never had any trouble with the law before in my life. But I could not stand by and watch an officer attack my son for no reason whatever. On July 1, this year, [the same] officer came to our house late at night, walked in and got Kennon out of bed. My wife and I wanted to know what they wanted with him, and he said that they just wanted to talk to him out in the car. But when they got him in the car, they took him away and beat him. So I would not let them take him out again unless they had a warrant. My son Phillip served his country for three years and nine months in the U.S. Air Force, but not to preserve racial injustice. We have filed a complaint with the F.B.I.

PHILLIP TRAVIS

MRS. MARGARET TRAVIS

VERNA TRAVIS

KENNON TRAVIS

PHILLIP TRAVIS, JR.

. . . After I heard a shot I ran next door and entered the house. I saw blood everywhere. I saw an officer standing in the dining room with his pistol in his hand. He cursed me and made me get out of the house. Another officer outside cursed me and made me go into my house.

HORTENSE G. TRAVIS

I went into the Travis home after the officers had left. I saw blood in the street, on the porch, and all over the house, on the floor, on the telephone. I helped take up the bloody rugs off the floor and put them in a tub.

DAVID D. FREEMAN

After the policemen had gone I went into the Travis home . . . It looked like they had a hog killing in the house.

WILLIE TRAVIS

I came into the Travis home after Mr. Travis had been taken out. It looked like a slaughter pen. . . .

E. H. FORT

I mopped up the blood in the Travis home after they took Mr. Travis to the hospital . . . off the doors, the walls, and the telephone table. I put Mrs. Travis' gown, which was full of blood into a tub of water. I got one of the bullets out of the floor while I was mopping.

LUCILLE DENMEN

On this 9th day of December, 1961, personally appeared before me the aforementioned, Phillip Travis, Sr., Margaret Travis, Verna Travis, Kennon Travis, and Phillip Travis, Jr., personally known and who made oath that they personally signed before me the above form that the information and statements given are true and full to the best of their knowledge and belief.

My Commission expires 4/7/64

MISSOURA N. MOORE
Notary Public

DOCUMENT NO. 21:

On Saturday, Sept. 2, 1961, at around 7:15 p.m., I left home to go shopping for my children. I was stopped a short distance from my home by two Birmingham policemen at the corner of Finley Ave. and 12th St. North in Birmingham, Alabama. The officers were in uniform . . . They asked me for my driver's license, but I did not have one. They asked me to get into their car, which I did. Then they made out a ticket for me. They asked me a lot of personal questions about my husband, my job, my salary, my children. My husband was away in prison. They kept me for a long time . . .

Then they told me to take the car back home. So I got into my car and was going to drive back home, but they stopped me again on 13th Place and made me get into their car. They said they were going to take me to jail, but instead they made me lie down on the floor of their car and they took me to a wooded area. When they told me they wanted me to submit to them, I refused. But one of them said to me, "How are you going to get out of this?" One had his gun out, not pointing it at me, but playing with it. I thought of another Negro woman who was found dead one night by the railroad tracks and I knew the same thing could happen to me. So against my will I was forced to submit to them.

Someone came by, and I could hear one of the policemen talking to someone else . . . I heard someone call "Sam", and I knew the voice was not the voice of the policeman watching. They decided to take me to another place where the second policeman took advantage of me. I was afraid that anything might happen to me if I did not do what I was told.

When they got through they made me get on the floor of their car again and they started to drive out. But a car blocked the way they had come in, so they drove out some other way. It was a very rough road and they had to race the car to get out. They brought me back to my car and let me out. I had left one of my earrings under the seat of their car for evidence. But before I drove away they came back and brought my earring. They also burned the ticket they had made out for me.

The next day my brother-in-law and I and Mr. Willie McLoyd went to the FBI and I reported the incident to them.

If there was anything I could have done to keep from going through with this terrible experience, I would have done it. But I was constantly thinking of what would happen to my seven little children if I were killed.

CREOLA RIVERS

State of Alabama
County of Jefferson

Personally appeared before me, an officer duly authorized to take acknowledgments and to administer oaths. Creola Rivers personally known by me to be the person who executed the foregoing statement and who first after being duly sworn deposes and says that she entered into said statement voluntarily and without coercion on the part of any person connected therewith.

Sworn to and subscribed before me this 12th day of March A.D., 1962.

MISSOURA N. MOORE
Notary Public

On Saturday night, Sept. 2, 1961, at around 7:30 p.m., I noticed a police car outside my home. The police had stopped a woman, but I did not know what for. They made her get into their car and they kept her for what seemed to be about 45 minutes. The policemen were in uniform and were of the Birmingham police force. After talking with her, they let her get back into her car. When she drove off, they trailed her. So I decided to follow them because I suspected something was wrong. While they had her in their car I could see her shaking her head many times as if to say "no". I followed them a few blocks and saw where they had stopped her again. They made her get out of her car again and get into theirs, and they drove off with her. I could tell from the direction they went just where they may have been going. A traffic light stopped me, but I was still able to trail their car. She must have been lying down on the seat or on the floor of the car because I could not see her. They took her out Weatherly Road, which leads back to a wooded area. I trailed them until I got stuck, and then I continued to follow on foot. They had stopped near some property I rent.

When I walked up near the police car, one of the policemen was outside watching and

the other one I supposed was in the car with the lady. Both back doors of the police car were wide open, but I could not see inside. The policeman standing outside stopped me and asked what I was hunting for. I told him I was looking for my mule. He said there was no mule around there. I said that whenever he gets loose he comes over by a nearby barn where there are other mules, and I started toward the barn. The officer then pulled his gun and told me not to go by that police car. So I turned around and came away. But before I left, I whistled for my mule and called his name "Sam" out loud.

I left and went back toward my car. I went and called a friend to bring his tractor and pull my car out.

The next day, Sunday, Sept. 3, I saw a car that looked like the one that the policemen had stopped by my house the night before. After making inquiries I found out who the lady was. She lives near me. At first she would not say anything, but when I asked her about somebody calling the name "Sam", she knew that I knew about it and she told me what happened. I asked her if she knew anybody who could help her and she said that the only one she could turn to was her brother-in-law. She contacted her brother-in-law the same day and the three of us went to the FBI and reported the incident. I have not heard of anything yet being done about it.

WILLIE MCLOYD

State of Alabama
County of Jefferson

Personally appeared before me, an officer duly authorized to take acknowledgments and to administer oaths, Willie McLoyd personally known to me to be the person who executed the foregoing statement and who first after being duly sworn deposes and says that he entered into said statement voluntarily and without coercion on the part of any person connected therewith.

Sworn to and subscribed before me this 12th day of March A.D., 1962.

MISSOURA N. MOORE
Notary Public

DOCUMENT NO. 23:

From March to September, 1960, I worked as a nurse's aid for a white family . . . taking care of their blind child. I had grown up in the same neighborhood with . . . [his] sister, who now lived next door to him in another part of Birmingham. I never referred to his sister as Mrs., and both . . . [he] and his sister resented it.

On Saturday, September 10, 1960, at around noon, [he] finally asked me why I never called his sister Mrs. He said that I should always call white people Mr. and Mrs. I told him that it was best for him to pay me so we would not have a disturbance and I would go home. I started to go away and he grabbed me by the back of my collar and slung me back across a chair, twisting my knee so that I was not able to get up. He slapped me while I was on the floor and I grabbed a flower pot nearby to hit him with. He ran and got his pistol and pointed it at me. I did not believe he was mad enough to kill me, and I threw a flower pot at him. Then he ran next door and got his sister . . . His sister was coming up on me to strike me, but I threw a fruit bowl at her. The bowl crashed through the front picture window. I was still not able to get up, but could pull myself around on the floor. Someone called the police and one officer arrived at first. By this time I had pulled myself across the floor to the front porch.

When the officer saw the condition I was in he told . . . [him] that he would have to pay for it. Soon four other policemen arrived. They were uniformed policemen of the Birmingham Police Department. Also other members of . . . [his] family who lived nearby came and they all went inside with all the policemen and talked. I stayed on the porch. After a while one of the officers came out and told me to "get up and come on." I said I couldn't get up. Then four officers got around me and caught me by both legs and arms and drug me down the cement steps and along the walkway to the police car. I was in such pain that I bit the thumb of one of the officers. He beat me in the head with his fist. I started bleeding from my nose and mouth from the beating. When they put me in the car, one of them said, "you can tell who you want to, but ain't a — — thing going to be done about it."

They did not take me to the hospital but to the jail. When we got to the jail, they drug me in just like they drug me to the car earlier. The matron tried to make me put on

one of the prison dresses, but I was too sick. My parents heard about it and came to jail and got me out on bond and took me to the hospital. I had to spend nine days in the hospital.

As a result of trying to protect myself from being beaten. I was charged with assault and battery, resisting arrest, and disorderly conduct, and fined on each of these charges. The fines and my hospital bill came to several hundred dollars.

MISS LULA WALTON

State of Alabama
County of Jefferson

Personally appeared before me, an officer duly authorized to take acknowledgments and to administer oaths, Lula Walton personally known by me to be the person who executed the foregoing statement and who first after being duly sworn deposes and says that she entered into said statement voluntarily and without coercion on the part of any person connected therewith.

Sworn to and subscribed before me this 5th day of May A.D., 1962.

GENEVA R. LEE
Notary Public

DOCUMENT NO. 25:

On Monday morning, May 28, 1962, at around 2:30 a.m., I was at a filling station located at 16th Street and 4th Ave. North in Birmingham. An officer came by on a motorcycle and asked whose car I was in. I said it was mine. He said, "boy, who you done robbed?" I said, "Nobody." He called other policemen and two Birmingham policemen in uniform . . . came to the filling station and picked me up. They took me to a place on 9th Alley and 16th Street North. They parked their car between a railroad car and a fence. They asked me about old times. They talked threateningly. One of them said they had it all set up to kill me, but I did not walk into it. They asked me where I lived. When I told them they contradicted me and started beating me. They beat me all over the car. One of them jammed the car door against me, pinning me in the car. While he held the door against me, the other one beat me with his stick. I was able to block most of the head blows. He asked me did it feel good. He beat me on my arms and shoulders with his stick, and he must have struck me at least twenty solid blows. He asked me did that feel good. They kicked me all over the body and tried to kick me between the legs. They pinned me on the trunk of the car and then knocked me over to the other side of the car. They threw me under a boxcar on the tracks and one of them kicked me hard in the side. They slammed me against the fence and punched me in the body with their night sticks. One of my eyes were badly damaged . . .

Then they took me to jail and one of them hit me as I was going from the car to the jailhouse. Before they took me to jail, one of them asked the other, "What charge shall we put on this _____?" The other one said he didn't know. They both decided they would charge me with grand larceny from person. This was what they charged me with at the jail. They did not take me to the hospital . . .

That morning at the jail I passed out. I was taken to University Hospital in Birmingham that same morning at around 11:00. The doctor had to go into my chest with a needle. Every time I breathed, it made a bubbling sound in my chest. After he drew something out of my chest with a needle, I could breathe better.

I was released from the hospital on Tuesday, May 29, to go back to the jail. And that same Tuesday night at 9:40, *I was released from jail with no charges!* . . .

I am a veteran, having served in the armed forces from 1942 to 1948. On Friday morning, June 1, my eye and head pained me so that I went back to University Hospital. But they refused to treat me because I would not sign to pay the bills. I went to the V.A. Hospital and they found that I had three broken ribs. They sent me back to University Hospital and I am being treated there now. A muscle of my right eye was dislocated, causing me to have double vision. I am to undergo brain surgery at University Hospital on June 29.

WILLIE E. BOYD

State of Alabama
County of Jefferson

Personally appeared before me, an officer duly authorized to take acknowledgments and to administer oaths, Willie E. Boyd personally known by me to be the person who executed the foregoing statement and who first after being duly sworn deposes and says that he entered into said statement voluntarily and without coercion on the part of any person connected therewith.

GENEVA R. LEE
Notary Public

DOCUMENT NO. 26:

On Thursday, March 1, 1962, at around 9:00 p.m., I was sitting in a cafe located on Ave. D and 18th Street in Ensley. (It has since been torn down.) An officer in uniform, of the Birmingham Police Department, came in and stood in the front of the cafe looking around. I was drinking a beer, but I was not drunk. Then the officer . . . came over to me and tapped me on the shoulder and said, "Come here, boy." He asked for my driver's license. I showed it to him. Then he said, "Let's go outside." I said I didn't see why I should go outside because I was only having a beer. He did not say I was under arrest and he did not say why he wanted me to go outside. I have never had an officer ask for my driver's license unless I was in an automobile. I don't know why he bothered me.

I refused to go outside and he didn't say anything more but started shooting. If he had said I was under arrest, I would have gone with him. But he just asked me to come outside with him, and when I asked why I should go outside, he started shooting. I did not put my hands on him. He shot me in the side, shoulder, and wrist. I fell to the floor and was later taken to the hospital. I gave this statement to Rev. Oliver on April 5 while I was in the hospital. I have also given substantially the same story to the FBI.

I was charged with resisting arrest, assault and battery, and public drunkenness. On May 24, 1962, I was tried before Judge Ross Bell at the City Hall in Ensley. Even though two witnesses testified that I was not drunk and was not resisting arrest, and only the officer testified that I was drunk and resisting arrest, I was found guilty on both counts. The assault and battery charge was dropped. My hospital bill came to \$1400.00, and \$1200.00 of it was covered by insurance. But even though an insurance company paid most of my bill, I was still found guilty by the judge, and I am now trying to get enough money to pay a lawyer to appeal my case.

JIM McCrORY

State of Alabama
County of Jefferson

Personally appeared before me, an officer duly authorized to take acknowledgments and to administer oaths, Jim McCrory personally known by me to be the person who executed the foregoing statement and who first after being duly sworn deposes and says that he entered into said statement voluntarily and without coercion on the part of any person connected therewith.

Sworn to and subscribed before me this 1st day of Aug. A.D., 1962.

GENEVA R. LEE
Notary Public

I was in the cafe when Jim McCrory was shot. I was talking with a friend. The policeman walked in and stood in the door for a while. Then he went up to Jim and said something to him. I did not hear. Jim pulled out his driver's license and the officer snatched it from him. Then he told Jim to come outside. Jim said, "Why?" The officer put his hands on Jim and pulled him. Jim pulled back, and there was a scuffle, but Jim did not attack the officer. Then the officer shot Jim once, then again, and again. Jim had not been doing anything to be arrested for. The officer put his gun away and walked out. He looked like he was about to cry. He was wiping his eyes. He called me and asked me to call the colored ambulance. He gave me a dime to make the call.

WILLIAM HARRIS

DOCUMENT NO. 51:

My name is Joseph Faulkner. I live at 111 Lincoln Ave. in Gadsden, Alabama. I was born in Prattville, Ala., but have lived in Gadsden since 1947. I am a law abiding citizen, a registered voter, and a veteran, having served in the Armed Forces of the United States from December 1951 through December 1953. I was honorably discharged from the Armed Services on Dec. 26, 1953. I have never been arrested before I was arrested for seeking peaceably to become free . . .

On Saturday, August 3, 1963, several hundred marchers were attempting to march to City Hall in Gadsden to have prayer and singing. Our march was a protest against the injustices of segregation. A previous injunction had prohibited demonstrators, but the final wording of the injunction said: "Nothing in this order shall be interpreted to restrict or enjoin said parties or their associates from peacefully walking in single or double file the streets of said city and county in an orderly fashion." Everyone was orderly and peaceful. But as we were approaching 7th Street on Forest Ave., we were stopped by . . . [deputy sheriff] and State Troopers. They told us we were violating the injunction by blocking the sidewalks and to disperse or be placed under arrest. Rev. L. A. Warren, who led the marchers, said the injunction allowed marching single file or two abreast and that was what we were doing. Again we were told to disperse, but we insisted we were not violating the injunction. We were then arrested. In placing us under arrest they used cattle prods on us, though we were not resisting arrest. I was prodded on the thigh as I was getting into the Deputy Sheriff's car.

We were taken to the County Jail until it became full. More than 800 of us were arrested. At around 4:00 in the afternoon they said they were going to march us to the Coliseum. About 200 of us were lined up two abreast. There were city policemen, State Troopers, the Deputy Sheriff, and Civil Defense workers, all white. They made us march down Forest Ave., using cattle prods on some, causing those behind to stampede . . . [deputy sheriff] and Al Lingo drove alongside the marchers giving orders as to when to "speed it up" or "slow it down" or "move 'em out" . . . Some people lost their shoes and hats and were not allowed to pick them up. They used cattle prods and billy sticks on us in broad open daylight down the main thoroughfare of Gadsden. I stopped to pick up my shoe and was struck with the cattle prod and also hit with a billy stick, but I got my shoe.

At the Coliseum we were all lined up around the wall with hands up. They searched us and used cattle prods on many while they stood with hands up. Some were struck with billy sticks because they looked around. They made such statements as "Kennedy can't help you now", and "You got enough marching now". One of them said they were going to march us to Camp Gadsden. They made us lie down with feet to the wall and arms stretched out above our heads for more than two hours. We did not want to go out into the dark to go through their kind of march again, so we passed the word along that we were not going to leave the Coliseum without transportation, even if we had to die. But we did not have to march to Camp Gadsden, but were carried by truck. On the way we passed by a Klan meeting and saw men dressed in white sheets and a large cross burning nearby. One of the officers' car pulled out and sped up a side road and we heard several shots. When we got to Camp Gadsden, one of the officers made the remark that we don't have to worry about them two black niggers, we got them. They seemed to think they were frightening us, but we were not afraid. We spent several days in jail. We are not discouraged, and we will never give up our struggle for freedom.

JOSEPH FAULKNER

State of Alabama
County of Etowah

Personally appeared before me the hereon named Joseph Faulkner who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 21st day of March, 1964.

My commission expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 53:

My name is Charlie Robinson. I live at 307-E 6th Street No. in Gadsden. I have been

in Gadsden for the past 27 years. I am a registered voter, and am married and the father of five children. I was with the marchers on August 3, 1963 seeking freedom in Alabama.

When they made us march to the Coliseum, I was prodded three times. I heard one of the officials say that if any of us ran, to shoot us. I lost one of my shoes and was not allowed to get it. As I attempted to get my shoe I was prodded and swung at twice with a billy stick. The officers were using slogans heard on the TV program "RAWHIDE", such as "move 'em up", "get 'em out", and seemed to be having a great time. But they were very brutal and cruel. I am not discouraged but will continue to fight for freedom in Alabama.

CHARLIE ROBINSON

State of Alabama
County of Etowah

Personally appeared before me the hereon named Charlie Robinson who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 31st day of March, 1963. My commission expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 56:

My name is Arthur Wilson. I live at 2817 Tallahassee St. in Gadsden. I have lived in Gadsden some 34 years. I have a wife and four children and am a law abiding citizen. I served in the United States Navy for 27 months during World War II and was honorably discharged. I am a registered voter.

On Saturday, August 3, 1963, I was in the group that was marched from the County Jail to the Coliseum. On that occasion they used the cattle prods on me more than a dozen times. Because I did not holler out, one of the officers said, "This is a stubborn one, he don't give a damn about these prods." Then several of them ganged up on me, and at one time they had two cattle prods against the back of my neck at the same time. They tried more than once to prod my genitals, but my jockey must have protected me. They struck me on the shin several times. I was on the ground three times and they were right on me with the prods.

At Camp Gadsden that night I became ill and was taken to the hospital where I spent six days. I had been bruised on the inside around the base of my rib cage. It was a very terrible experience to have to go through simply because we attempted to exercise constitutional rights. But I am not discouraged.

ARTHUR WILSON

State of Alabama
County of Etowah

Personally appeared before me the hereon named Arthur Wilson who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 31st day of March, 1964. My commission expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 58:

My name is Mrs. Gaynell Moody. I live at 1413 Springfield Avenue in East Gadsden. I have lived in Gadsden for about 17 years. I had two sons to serve in the Armed Forces of our country.

On June 18, 1963 I was with a group singing and praying on the Court House lawn in Gadsden. State Troopers and city officers came and began beating people and driving them in all direction. They prodded me around the waist. I told them not to prod me because I was sick. They cursed me with every vile name and told me to get on home. But so many officers seemed to be everywhere beating people on the streets that it was not possible to go home. I laid down between railroad tracks, hid under houses, and finally I spent the night in an outhouse, the only refuge I could find on that terrible night.

During the next day, officers came by my house and I saw them pointing it out. Then late that night, in the middle of the night, State Troopers came to my house beating on the door and shining lights into the house. I could hear one of them say he was going to beat me. I got my two little children and fled out the back door. I have a handicapped son but I was not able to get him out. They broke into the house as I was getting out the back, but I kept on going with my two small children. So I spent another night out. While getting away I broke my toe and cut my feet badly on broken glass. They beat my handicapped son in my house for no reason whatsoever. He ran out of the house naked and hollering, and everyone's house we went to he was saying, "The Troopers are going to kill me!" My daughter-in-law gave him clothes to put on. He got so shocked from this experience that I was afraid to stay with him . . . He isn't over it yet, and he still has a knot on his shoulder from the beating. They have beat him before, so much so that the very sight of the white hats used by the Troopers gets him very much disturbed. They ransacked my house and took my pistol and bullets. I was able to get my pistol back later, but they never returned the bullets. But I am still determined to be free in Alabama.

MRS. GAYNELL MOODY

State of Alabama
County of Etowah

Personally appeared before me the hereon named Mrs. Gaynell Moody who deposes and says that the foregoing statements are true and correct to the best of her knowledge.

Sworn and subscribed to before me this 30th day of March, 1964. My Commission Expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 59:

My name is John Vinson. I live at 1100-A Fairview, in Gadsden. I have lived in Gadsden for the past 35 years. I am married and have four children.

On August 3, 1963 I was among those who were forced to march from the County Jail to the Coliseum. I was prodded on the way. I ran out of my shoes, but they would not allow me to get them. While I was at the Coliseum standing with my arms up facing the wall, they prodded me in the back. And while I was lying on my back on the floor with my arms stretched out, they stuck the prod to my neck. I don't know why they did it, unless it gave them some kind of satisfaction.

Also on June 18, 1963, I was among the group that was driven away from the Court House like cattle. Al Lingo told everybody if they did not want to go to jail, to disperse. When we began to disperse, many officers and State Troopers turned on us and beat us. They beat and prodded men, women and children. You could hear them screaming and hollering. There were so many officers beating people that I was not able to get home. I spent the night under somebody's house. But I came out the next day still determined to be free.

JOHN VINSON

State of Alabama
County of Etowah

Personally appeared before me the hereon named John Vinson who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 15th day of April, 1964. My Commission Expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 61:

My name is Mrs. Ether McKinney. I live at 501 Hammond Ave. in Attalla, Alabama. I have lived in this area for the past 14 years. I am married and the mother of three children. I am a registered voter and a law-abiding citizen. I have never been arrested before being arrested for seeking to be free.

On June 27, 1963 I was with a group of marchers in Gadsden protesting the injustices of segregation. I was with Mrs. Ransaw. We both sat down when they came to arrest us. The officers put the cattle prods on me several times. One officer put a prod between my breasts. It was very painful. They prodded me on my thigh and back also. I spent nine days in jail for freedom, but I am not afraid. I am as determined as ever to be free.

MRS. ETHER MCKINNEY

State of Alabama
County of Etowah

Personally appeared before me the hereon named Ether McKinney who deposes and says that the foregoing statements are true and correct to the best of her knowledge.

Sworn and subscribed to before me this 28th day of March, 1964. My Commission Expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 62:

My name is Rev. Leonard Kirkpatrick. I was born and reared in Gadsden. I am pastor of Thankful Baptist Church in Piedmont, Ala. . . . I have been jailed several times in Gadsden because of my protests against segregation.

I was in the County Jail at the time Bennie Luchion was given his worst treatment. First they called out Nathaniel Gaston and demanded him to tell them who was keeping up the fuss. They worked him over with the prods. He grabbed the iron bars but this seemed to make the shocks all the worse. When they finished with him they called out Bennie and worked him over the same way. Then they got another youth who suffers from epilepsy and brutalized him. They put the prod to the back of his head and the shock was so bad that it caused him to go into a fit. His head swole up and he had to have medical treatment.

On another occasion officers came to the Voter Registration office in Gadsden and took some of us, saying they wanted to talk to us. But they carried us to jail. We spent several days in jail before we knew what we were in jail for. Finally on the day we were going to court for trial, we were given papers which listed several charges against us.

We are not discouraged but will continue our struggle until freedom and liberty is ours.

REV. LEONARD KIRKPATRICK

State of Alabama
County of Etowah

Personally appeared before me the hereon Leonard Kirkpatrick who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 31st day of March, 1964. My Commission Expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 63:

My name is Eric Rainey. I work with the Student Non-Violent Coordinating Committee in Gadsden. My home is Chicago.

On Thursday, June 13, 1963 we were singing and praying around the Court House in Gadsden. Another person and I were giving instructions to the people to march two abreast. Officers pushed us into the line and told us to stay in the line. But we got out and continued to instruct the people how to march. Then they arrested us and we went limp. Two officers grabbed my leg and drug me up the stairs into the Court House elevator. They kicked us and beat us as the elevator went up. They drug us out on the fourth floor. Finally they drug us to cells and threw us into the cells. The next day I was released.

On June 18, 1963 I was arrested again in front of the Court House. Again I went limp. An officer struck me with a cattle prod. The shock made me jump up, and when I did, they grabbed me and took me into the Court House. On the way up the elevator, they stopped between the second and third floors. There were two officers. One of them struck

me in the stomach and I slumped to the floor. They began sticking me with the prods. They struck me all over, including my genitals. This made me lose control and urinate. They would prod me and make me jump up. Then they would knock me back down and prod me up again, all the time laughing . . .

On July 19, 1963 as I was about to cross the street at the corner of Forest and 7th Street, I was picked up again. A man in plain clothes asked me who I was. When I gave him my name, he said, "We got him now." They took me through the back entrance of the Court House. One of them stuck his head into the Sheriff's office and said something. About five or six officers came out and they took me to the elevator and all of them beat me after stopping the elevator between the second and third floors. I was charged with vagrancy even though I told them I work for the Student Non-Violent Coordinating Committee.

One day in August 1963 I took an injured friend to the hospital. Two officers came in and ordered everyone out. They took me to jail and beat me again and placed me under arrest, charging me with disorderly conduct and refusing to obey an officer. But I was not guilty of either. I was fined \$100.00 and cost on one count, and \$100.00 and sixty days on the other. The fine was paid and I spent 30 days in jail. I have no other choice than to continue my struggle for freedom.

ERIC RAINEY

State of Alabama
County of Etowah

Personally appeared before me the hereon named Eric Rainey who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 27th day of March, 1964. My Commission Expires 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 64:

My name is Bennie J. Luchion. I am from New Orleans. I have been in Gadsden since May, 1963. I am a field worker for the Southern Christian Leadership Conference. I have been arrested six times in Etowah County seeking freedom in Alabama.

On June 15, 1963 I participated in a sit-in at Snellgrove Drug Store in Gadsden. When the police came to arrest me. I went limp and laid on the floor. An officer stood on my neck. I was taken to the city jail and was punched in the face and head by an officer . . . I fell to the floor and was kicked in the stomach.

On June 18, 1963, while being arrested again in Gadsden, I went limp. An officer pinned me against a police car and pushed a cattle prod to the base of my spine and held it there while the shock continued to go through my body. Then as I was getting into the car, I was prodded again. They took me to jail where they prodded me again and dragged me on the elevator.

On another occasion when I was in jail at Camp Gadsden, they wanted to separate me from the other prisoners and take me to the County Jail, but I refused. Then they came and applied the prod to my genitals and then took me back to the County Jail. That night at the County Jail officers came and took out Nathaniel Gaston and worked him over with the prods. Then one of the officers recognized me and said, "There's Bennie that gave us much trouble at Camp Gadsden." They called me out. I had been washing my socks and my hands were wet and also the front of my shirt and pants. I was prodded, pushed to the floor and pinned against an iron door. Because I was wet and up against an iron door, it was by far the most terrible experience I have been through so far. I managed to get hold of both prods and I held them off my stomach, but they began beating me with flashlights. I finally broke away and ran back into the cell and they did not come after me again.

One day in July 1963 I was canvassing for voter registration in Attalla, Alabama, and was picked up along with about five others and taken to the City Hall in Attalla. The Police Chief tried to make me say who I was and where I was from, but I would not say. He stomped on my toes and kicked my shins but still I would not say. Then he got out a brand new prod and applied it to me several times, but I took it. I began to get

weaker and dizzy, but I tried to take it. Then when he put it to my genitals I said to him, "What about your God?" He stopped but threatened to put the Klan on me. We were not released till dark, and for about two days I was in a daze as the result of the prod treatment given to me by the Police Chief.

On August 3, 1963 during the march to the Coliseum, I was prodded many times in the rectum. These are a few of the brutalities I have experienced in the last several months in Etowah County. I have had to undergo special medical treatment as a result of the brutalities.

BENNIE J. LUCHION

State of Alabama
County of Etowah

Personally appeared before me the hereon named Bennie J. Luchion who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 27th day of March, 1964. My Commission Expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 65:

My name is Willie James Grayer. I was born and reared in Gadsden. I have been arrested several times in Gadsden for protesting segregation. I have been prodded more times than I can remember.

On Friday, July 19, 1963 I went to the Court House in Gadsden to find out what a friend of mine was charged with. An officer on the outside stopped me and asked me what I was doing downtown. He asked if I wanted to go home or go to jail. I said it didn't make any difference. He told me to go home and said to go down Forest Avenue away from the downtown section. He refused to let me enter the Court House which I helped to pay for. I left, but I went toward town. Then he and another policeman came in a police car and picked me up and took me to jail. While still in the car, they used a cattle prod on me between my legs. They took me inside. As we were going up on the elevator they asked me about another person, but I said I did not know him. They said I was one of them damn smart niggers and that I was lying. Then they stopped the elevator between the third and fourth floors and beat me with their fists and they used the prods on me again, on my stomach, on my neck, on my genitals. That night my genitals swole up. I got out the next day, but since then I have suffered pain there from time to time and occasional bleeding. I have had medical attention and have been assured that I would get over it. But it was a very painful thing to have to suffer for the cause of freedom. I am not discouraged.

WILLIE JAMES GRAYER

State of Alabama
County of Etowah

Personally appeared before me the hereon named Willie James Grayer who deposes and says that the foregoing statements are true and correct to the best of his knowledge.

Sworn and subscribed to before me this 27th day of March, 1964. My Commission Expires, 9/8/66.

Q. D. ADAMS
Notary Public

DOCUMENT NO. 66

My name is Eddie James Sanders, Jr. (18). I live at 868 No. 44th Place in Birmingham. I am presently a senior at Hayes High in Birmingham. I was in Gadsden on August 3, 1963 on D-Day. I was with the group that was taken to the County Jail. I was also in the group that was marched to the Coliseum. One of the city policemen pulled me out of the group marching to the Coliseum and said they were going to initiate me. They tried to make me take off my shoes, but I refused. Then they beat me and prodded me and forced me to take off my shoes. They made me run on the hot pavement barefooted while they would strike me with billy sticks and prod me. My feet began to hurt and blister. (I

was in a car accident in 1953, and since then I have had to have an operation on my leg every summer. So it was very hard for me to walk so far barefooted.)

When we neared the Coliseum, I was taken on a gravel road. One of my feet got cut on a rock. I fell to the ground but they made me get up and continue to run. Then a State Trooper broke some glass and put it in the road. I went around the glass, but they brought me back and made me walk through the glass, cutting my feet more. I fell down again and told them I could not run any more because my feet were cut and blistered. Then State Troopers and city policemen stuck four cattle prods to my neck at the same time while I was on the ground. I showed them my bleeding and cut feet, but one of the Troopers put a prod in one of the open wounds. It was a very severe pain. Then a State Trooper grabbed my shirt and wrapped part of it around his fist and ran toward the Coliseum with me. He was trying to make me run, but by this time I could only stumble along. At the Coliseum I was in such pain that I sat down. But a Trooper prodded me and forced me to stand on my wounded feet. Through the whole experience they used abusive language and laughed at me.

They took me to a local hospital for treatment, but a doctor carelessly washed my feet and cracked jokes with the policemen about my feet. While I was in the emergency room, some of the white employees threatened my life. I was taken back to my Gadsden residence after the doctor finished. The officers halfway drug me into the house and threw me on a bed and left. Friends then took me to another hospital in Gadsden where I was given adequate treatment. I could not get on my feet for three days, and then for about nine days I had to use crutches.

I was not charged with any violation. They merely treated me brutally for sport, it seemed, and then let me go. Nothing has given me more determination to be free.

EDDIE JAMES SANDERS, JR.

State of Alabama
County of Jefferson

Personally appeared before me the hereon named Eddie James Sanders who deposes and swears that the foregoing statements are true and correct to the best of his knowledge.

Sown and subscribed to before me this 9th day of April, 1964. My Commission Expires, 3/7/66.

GENEVA R. LEE
Notary Public

DOCUMENT NO. 67:

My name is Leonard Jackson. I have served three years in the Armed Forces of my country and was honorably discharged in December, 1963.

On Saturday night, March 21, 1964, at around 10:45 P.M., I was taking my fiance home and had an accident on the way. I struck another car from the rear. I was not drunk, nor had I been drinking. But I was very upset because my girl friend had been injured. The police came, but they did not ask me any questions. They made me get into the paddy wagon and took me to jail. At the jail they pushed and hit me. I tried to protect myself but several of them jumped on me and beat me. The assistant warden . . . was the first to hit me at the jail. While I was on the floor, one of them kicked me in the jaw. I later learned I had a cracked tooth, which probably resulted from that blow. I was taken to a cell, and later taken to Hillman Hospital. A doctor there looked at me and told me to see a dentist on Monday. A lone patrolman . . . came to get me from the hospital. He said, "Let's go Willie." I said, "No, my name is Leonard." He said, "You'll be Willie if I want you to." He kicked me and drew his stick. I got into the paddy wagon. I was taken somewhere in the North Birmingham area. I was the only one in the Negro side of the paddy wagon. The wagon stopped at a service station where there was a squad car with two policemen in it. . . . [One] walked up to the wagon and shined the light in and said, "So this is Willie." I said, "No, I was not Willie." He asked where I worked and I said at Cosby Hodges. He said, "No smart people like you work at Cosby Hodges." Then two of them pulled me out and beat me. I managed to get back into the wagon and they kept hitting me in the wagon. They beat me on the throat, over the head and punched me in the body with night sticks. . . . [One] unsnapped his holster, but another one told him not to do that. After they beat me they said, "You're not so smart a nigger now, are you?" I guess they got tired so they

locked me up in the wagon and took me to jail again. I was bleeding badly and there were many cuts and bruises inside my mouth. The man who took my fingerprints at jail tried to make me say "yes sir", and when I said "yes" he slapped me.

My mother came and got me out around 5:00 o'clock Sunday morning. I was charged with reckless driving, drunkenness, and assault and battery.

On Thursday, March 26, I was tried and convicted of drunkenness, even though several witnesses, white and Negro, testified that they could not say I was drunk. I was found *not* guilty of assault and battery.

LEONARD JACKSON

State of Alabama
County of Jefferson

Personally appeared before me the hereon named Leonard Jackson who deposes and says that the foregoing statements are true and correct to the best of his ability.

Sworn and subscribed to before me this 18th day of April, 1964.

My Commission Expires, 3/7/66.

GENEVA R. LEE
Notary Public

DOCUMENT NO. 68

My name is James Eddie Steele (20). I live at 1116 Coosa St. I was born and reared in Birmingham, and have completed two years of study at Alabama State College in Montgomery. I stayed out of college during the current term in order to have money to return to school.

On the evening of May 24, 1964 I went to visit my girl friend, Gloria Cauthen, at her home at 3928 No. 29th Ave. . . . At around 20 minutes or quarter to eleven, I left her house to go home. I had to take the car to my mother so she could go to work. I got in my car and drove off, going east on 29th Ave. I did not notice any police car following me. I turned right at Bethel Baptist Church and drove three short blocks to the intersection of 33rd St. and Vanderbilt Road. There is a speed breaker within that short distance. When I got to Vanderbilt Road and stopped at the intersection, a police car drove up beside me with the red light flashing. They told me to get out with my hands up. I did so. They searched me and told me to get into the police car. I did so. They asked for my driver's license which I gave to them. They asked whose car I had and where I was going, which I told them.

Then they asked if I knew I was going 90 miles an hour. This was impossible in the short distance I drove. I said I was not doing 90 miles an hour. They accused me of calling them a liar, and one of them struck me in the mouth with his fist. I asked why they were giving me a ticket for nothing. They said I was calling them a lie and one of them struck me in the eye with his fist. They gave me a choice of going to jail or accepting a ticket, but I insisted that I had not done anything, and I did not sign the ticket . . . I was struck again, and one of them said, "Nigger, you're going to jail". I was jerked out of the car and both of them beat me with their fists and drove their knees into my body. I heard a voice say, "Don't beat him any more." They handcuffed my hands behind me and shoved me into their car. One of them got in the back and one in the front. They called for help. I called out of the car for someone to call my mother.

When the sergeant came, one of the officers who beat me told the sergeant that I grabbed him, and I told the sergeant I did not grab him. A crowd had gathered and the police forced them back. I was crying and calling for my mother. The officer in the back, annoyed at this, cursed me and threatened my life. My mother did come and I called her, but the officers would not allow her to get near me. I attempted to lean out the window to call mother, but one of the officers that came to the scene pushed me back down in the car. I heard one of the officers say to my mother that she would get the same thing if she did not stop hollering. When the wrecker came up, I asked why they were pulling in my car. They said that there was nobody to drive it. I said my mother could drive it. They said, "She's gone off hollering".

I pleaded with them not to beat me and asked . . . [one officer, by name] if he had a heart, and if he had a son or brother, and would he want anybody to beat them for nothing. He remarked, "How did that nigger know my name?" I said I saw it on the ticket. He accused me of threatening him, but I said I was not threatening him but just asked if he had a

heart. He said he was going to get me for that. I said I did not care if they killed me because they had beat me enough already. He said he was going to see how much I could take.

They drove away with me. When they got near the ball diamond on Huntsville Road, the officer . . . asked me for his night stick. He was in the back seat with me. He began beating me with the stick and saying I made an ass of him before the sergeant saying I did not grab him. He beat me for asking if he had a son or a brother, talking to me as he landed each blow. He beat me all over my head and face. He said, "Nigger you won't want to live". I said yes I want to live and was pleading for mercy. But they had none. When I would lean down to avoid the blows in my face, the officer would strike upward hitting me in the face with the stick. When I would rise up from the under blows, he would come down into my face with the stick. I was crying and hollering and pleading but he kept beating me. He hit one place on the back of my head about ten times. Each blow seemed to make everything go black with pain. My hands were still handcuffed behind me. A car came by and he stopped beating me until the car passed.

Then the officer in the front said it was his time to beat me, so he got in the back and continued beating me while the other one drove. He beat me mostly in the body. They called me vile names and told me to get out of town after the trial tomorrow night.

They took me to Hillman Hospital. They jerked me out of the car, cursing me. I fell down outside the hospital and they cursed and jerked me up again. Again inside the hospital I collapsed and they cursed me again. I was on the floor crying and hollering. I asked them to take the cuffs off. They said they would not take them off as long as I was crying and hollering.

At the hospital I was given medical treatment and a bill for \$100.00 for treatment. Then I was taken to jail. My parents got me out on bond after about 45 minutes and took me to Caraway Methodist Hospital where I stayed two weeks.

I lost my glasses and a shoe and some money and my driver's license. I have not seen any of these since they stopped me and beat me. They charged me with resisting arrest, speeding, assault and battery, and disorderly conduct.

JAMES EDDIE STEELE

This statement was notarized on June 11, 1964 before notary Geneva Lee, whose commission expires 3/7/66.

Strictly Subjective

(Continued from page 2)

ent Negro obscenity and depravity and have elaborated on it with fanciful details so disgustingly inventive as to suggest obscenity and depravity far beyond that of beleaguered students taking advantage of coffee pots. Even we integrationists have reluctantly engaged in embarrassed speculation about the limit of human endurance without benefit of rest rooms and have pointed out that some of the demonstrators were four or five hours in the street before they sat in, and were locked in, the restaurant.

A favorite topic is the dreadful death of a young white minister lying

in at a Cleveland school construction site where a bulldozer backed over him, and whether the tragedy shows that lie-ins are murderous, dangerous, stupid, pointless or ridiculously unattractive, depending on one's sympathy with and grasp of the often vague focus and meaning of recent tactics.

Many of us view with mounting dismay the sartorial style of, say, the Student Nonviolent Coordinating Committee, whose members seem to have developed an anti-bourgeois, ideological taste for hairy faces and legs and blue denim for young men and dismally casual disarray for young girls sitting in at our more elegant and very bourgeois hotels and restaurants. We

(Continued on page 22)

A MATTER OF MONEY

FIRST: Effective September 1, 1964, the *New South* subscription price will be \$2.50 a year.

Renewals or new subscriptions received before September 1, 1964 will be accepted at the old rate of \$2.00.

Increased publication costs of all kinds make this increase necessary. *New South* has held its price at \$2.00 for so many years that the figure has almost become a tradition. We are the more sorry, therefore, to go up. We hope our readers will understand the necessity.

SECOND: The Southern Regional Council invites annual subscriptions to all our publications, except *New South*, at \$5.00 a year.

All subscriptions will begin on October 1 of each year and will bring to readers all publications issued between October 1 of one year and September 30 of the next. Subscriptions received after October 1 of any year will be started by an initial mailing of publications issued between that date and the date of the order. Annual subscribers will receive 10-15 reports per year; for example, during the calendar year 1963 we issued these publications:

PAMPHLETS

J. Kenneth Morland, *Southern Schools: Token Desegregation and Beyond*.

Robert Coles, *The Desegregation of Southern Schools: A Psychiatric Study*.

Vivian Henderson, *The Economic Status of Negroes: In the Nation and in the South*.

SPECIAL REPORTS:

Plans for Progress: Atlanta Survey

SPECIAL ISSUE OF NEW SOUTH:

March on Washington, September 1963

Direct Action in the South, October-November 1963

MISCELLANEOUS:

The City and Minority Groups (jointly prepared with the Potomac Institute and the International City Managers Association, and published by the latter)

The Civil Rights Crisis: A Synopsis of Recent Developments in four parts: I. April-June 24, 1963; II. June 24-July 24, 1963; III. July 24-August 28, 1963; IV. August 28-November 30, 1963.

L — REPORTS

L-41 *Excerpts from Speeches of Governor Bert Combs of Kentucky and Secretary of Commerce Luther T. Hodges.*

L-42 *Speech by Edward J. Meehan, Editor Emeritus of Memphis Press-Scimitar.*

L-43 *Business Point the Way.*

L-44 *Charlotte Has Built Its Integration Road: A Different Way.*

L-45 *Public Education in Mississippi.*

L-46 *Voice of the People: 'At This Very Late Hour.'*

A LETTER FROM LEON DURE

(The May NEW SOUTH, on tuition grants in southern schools, noted that Leon Dure, was "the father of Free Choice"—or freedom of association and freedom of education, as he enunciated his doctrine which persuaded many southern states to accept the Supreme Court's school decision, with the proviso of tuition grants. Mr. Dure here replies to the report of Staige Blackford, a former friend and neighbor in Virginia, and to the editor of NEW SOUTH, who worked for him as a reporter on two newspapers.)—editor's note.

Farmington,
Charlottesville, Va.
28 May 64

Dear Maggie:

Many thanks for all those kind, if miserably mistaken, words about me. But it is a shame that such people as you and Staige Blackford are on the sentimental side of this really big issue. This compels you to some rotten reporting, and your oldtime managing editor dislikes this.

Nowhere do you people say that the Virginia scholarships—ever since Freedom of Choice was adopted in 1959—are available to ALL children, that no more than a fraction of them are race-actuated, that a great number are used in "integrated" situations, that a growing number of Negroes (more than 300 last year) get them. Or indeed that public schools are flourishing simply because all association is voluntary.

Instead, you people credit—of all authorities!—those public school self-servers who do their damndest to dis-

tort the thing, to lie about it, to link it to race, to refuse in some cases even to let parents know that they can get grants whenever they find a better education elsewhere. Hence few know that Virginia grants last year were used in 429 private schools all up and down the Eastern seaboard, not to mention superior public schools here and in other states.

Why in thunder do you think it a good idea for the STATE to control the development of thought? That really is what you advocate without, probably, knowing it. Of course I used the Southern rebellion against forced integration to bring about associational and educational freedom. But that does not condemn it, any more than a defense of, say, Jehovah Witnesses condemns the freedom of religion. Actually, there is NO other method. Does anybody in his right mind imagine that the Church of England monopoly could have been overthrown without a war? Do you really think the monopoly of public educators (ponder those two words) could have been surrendered voluntarily?

Both you and Staige, being newspaper people, know the necessity of defending idiotic speech and unjust writing as the first requirement of free speech and a free press. What, then, about assembly? Where we part company is not when you denounce segregation, which is all right with me. Where we differ is that you not only denounce what you consider to be a snake religion but you also want to prohibit it.

The trouble, I suspect, is that you never have thought about that 1954

decision. What the Supreme Court decided, and all it decided, was that every individual must have access to any public facility. The Court is now fixed to this by the Black opinion in the Prince Edward case, which did not, you might note, disturb the Virginia grants. Nor does the Justice Department oppose these grants—for the best of all reasons: The government itself has learned that it must offer freedom of choice in education. Whether the grants be “legal” never has been questioned, nor could it be. The only two issues are whether the grants can be used in sectarian schools, which I have always advocated, or whether their preponderant use anywhere robs those recipients of their First Amendments right, which I deny.

What caused all the hubbub in the first place is the fact that the Supreme Court was saddled, for sixty years, with a defense of the odd theory that separate could be equal. (Any veterinarian will tell you that a “separate” horse is not the “same” horse.) This must have caused Chief Justice Warren to proclaim, at the long end of this impossible by-road, that separate schools are “inherently unequal.” Once he made this curious, even a bit silly, pronouncement, all those who resented injustice to Negroes immediately thought that segregation law must be replaced by integration law—the notion being that such laws are opposite. Nothing of course could be more absurd: segregation law and integration law are the same thing. In the one case a state policeman pushes people apart; in the other case this same policeman pushes them together. The opposite of both is to leave people alone.

The discovery up this way, then, was that segregation law violates the freedom of assembly—as it most certainly does—and that this must be the

reason, unstated and apparently even unknown, why the Court found it unconstitutional. If this be recognized another discovery makes its appearance. This discovery is that American public school law also violates the freedom of assembly. It is inconceivable that American adults would submit to a public corraling every work-day, nine months of the year, 10 or more years. But we blithely did this to helpless children, and it is the only such instance in all of civilian life. What made it palatable to most parents—but not to all parents—was that schools were neighborly affairs and involved little or no effort on the part of those parents. The price of this state takeover of parental motivation is now being paid in countless ways, up to teen-age muggings and murder.

The Virginia solution simply overthrows segregation law, reviving freedom of association, and overthrows old school law, reviving freedom of education. People who think such revivals could be unconstitutional don't know what they are talking about. Yet it is new and a bit shocking. And one might have thought such a revolutionary departure in education would have aroused some slight interest in the national press. But not one accurate report of the Virginia scheme of things has yet appeared in this national press. This means that not one outside commentary has made any sense whatever. This is true despite the fact that all the evidence has been plain to see for more than five years.

Nor can much be said for the Southern press, especially your Atlanta press. After proclaiming Freedom of Choice! at the top of its considerable lungs (to save the Atlanta schools) Ralph McGill's *Constitution* set out deliberately to undermine it, to misstate it, even to print the names as civic delinquents of those Georgians

who, having been invited to enjoy their freedom of education, "abused" it by doing so. I know what I am talking about in this sorry business because these people used me (including a big, page-one picture of me) to institute a fraud.

Have you noticed that people who steer the news ships all wear robes? Invariably they don the vestments of a priest, prattle about morality, and claim some special connection with divinity. No doubt this last self-delusion makes them that way; indeed a knowledge of what the Lord wants could be the only justification for violating the canons of honest journalism. The only adequate reply of course was made by Voltaire: "Show me your credentials." It was the reappearance of Bishop Cannon's little word "moral" in civil rights discussion that made me suspicious of the whole thing. Plainly, a person who calls on the Lord for help usually needs it. In any event, a claim by such people as Ralph and you that all other thought must come from the Devil is, neither very liberal nor even intelligent.

This present Negro movement, just like the old Prohibition crusade, attempts to reform people by interfering with their liberties. It ought to be needless to point out that this offends the theory of this country and the super-sophistication of its Constitution. The secret of this Constitution is not that it reforms people, which always means war, but that it tolerates them, which means understanding. "Prejudice" not only is encouraged, it is even guaranteed. Only by the protection of anti-majority thought can progress of any sort ever be achieved.

I am sure neither you nor Staige ever followed the bloodhounds in South Georgia. So I rather imagine I can document injustice to Negroes even more vividly than you can. But

the solution can hardly be a controlled society; it can only be a free and open society, which ought to be all in the world any man could want. This is not a segregated society; nor is it an integrated society. It is an any-kind society in which all men can do what they please up to living as hermits in a cave.

But you are very right in one of your criticisms: I am obsessed by the glitter of two new freedoms. It is the only such opportunity we've had since the Civil War, probably even the American Revolution. Peacetime legislatures spend their time taking away freedoms; only grass-roots rebellion can get them back again. Your castigation of all this and your soulful advice is strongly remindful of those clergymen who resented religious freedom. Better it would be, said they, if people put such effort into the collection plate!

And I can report a little headway, too. The professional economists—Friedman, Hayek, Freeman, Nutter, Buchanan—are united in the finding that free choice education is a cheaper way to get more and better education. Some go so far as to say a state must adopt the Virginia solution, in colleges too, or ultimately go broke. And of course the religious people who have been paying twice for education are in arms as never before. So there are going to be some changes, and one of those changes is going to be a better public school.

As ever,
Leon

Strictly Subjective

(Continued from page 18)

recall wistfully the early days of the comely movement when many unimaginative white people got their first stunned and impressed look at well-

dressed, beautifully mannered and good looking young Negroes with a few attractive and respectively clad white student companions demonstrating and going to jail for public equality.

Well, it's all very interesting, especially the obvious fact that such fierce criticism of unappealing or exasperating aspects of the movement, even by its meanest enemies, shows that revolutionary Negroes have so profoundly persuaded us of their rectitude and virtue that we expect them to pursue their struggle with the manners and grace of the British aristocracy, the martyrdom of early Christians, the judgment of Solomon and the forgiving love of God himself. And when some of them, with four years of resistance to their reasonable demands, ranging from guileful stubbornness to personal atrocities, begin, as Rev. Will Campbell puts it, "to act like people," and after prolonged provocation occasionally retaliate, we are bitterly aghast and loudly berate Negro leaders. Ironical cops speak wittily of "non-violent bricks and bottles" and many of us angrily demand that they "take this off the streets" and cease "causing" ill-feeling and violence.

Our selection of affidavits from Birmingham and Gasden recording long-time police cruelty, savage caprice and lawless disregard of citizens' rights of Negroes in these two cities is not offered as diverting summer reading to *New South* subscribers, but the events described in them may provide a change of table talk for white critics of Negro strategy, manners and rising anger.

Some of these accounts sicken the body and spirit and remind us of the monster which hides in each of us and enables a policeman—who loves his wife, treats his children tenderly, worships God and is generous with friends to break into Negro homes, seize the innocent or guilty, beat and insult

the helpless, and even, as in one case, shoot a black man passing by a demonstration for no apparent reason but Birmingham police dedication to punishment of Negroes for being black, and in another case, to invade a father's home and set a police dog on him and beat him in the presence of his wife and daughter, loose the dog on a bed full of young children, arrest him and then dismiss him from his encounter with the law with fines for his disorder and a big hospital bill.

Yet, many of these Alabama victims of that well-worn term "police brutality"—we seem so accustomed to it that it becomes a euphemism to hide the human horror—persist also in their fight and sacrifice for freedom and have risked repetitions of these civil and personal violations by making out these affidavits.

If we in the South, and Americans everywhere, can permit such bitter and lawless abuse of Negro Southerners, it seems to me we're scarcely in a graceful position to berate or debate the movement which is liberating them, and us, at such exorbitant cost to them.

How does a Negro lying down in the street, going limp so police must drag or carry them to arrest, throwing bottles and bricks against tear gas, dogs and guns, and using coffee pots in lieu of locked up latrines compare morally with officially beating women and children, unpunished assassination, the Birmingham church murder of four children, shooting and maiming the innocent, refusing the vote, jailing lawless protestors and political exhortation which persuaded the fatal disaster of Oxford, Miss.?

Our careful counsel and finicky fault-finding for insurgent people facing and enduring such enemies seems as absurd as complaining that a man in mortal combat has the bad taste to groan and sweat.

New South

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