

THE NATION

May 18, 1964

Incident in Hattiesburg Howard Zinn

There was one moment of sick humor when the four of us in the FBI office in Hattiesburg, Miss., met the interrogating agent who had come in to get the facts from Oscar Chase about his beating the night before in the Hattiesburg city jail. John Pratt, attorney with the National Council of Churches, tall, blond, slender, was impeccably dressed in a dark suit with faint stripes. Robert Lunney, of the Lawyer's Committee on Civil Rights, dark-haired and clean-cut, was attired as befits an attorney with a leading Wall Street firm. I did not quite match their standards because I had left without my coat and tie after hearing of Chase's desperate phone call to SNCC headquarters to get him out of jail, and my pants had lost their press from standing in the rain in front of the county courthouse all the day before; but I was clean-shaven and tidy. Chase, a Yale Law School graduate working with SNCC in Mississippi, sat in a corner, looking exactly as he had a few hours before when I saw him come down the corridor from his cell: his boots were muddy, his corduroy pants badly worn, his blue work shirt splattered with blood, and under it his T-shirt, very bloody. The right side of his face was swollen, and his nose looked as if it were broken. Blood was caked over his eye.

The FBI agent closed the door from his inner office behind him, surveyed the four of us with a quick professional eye, and then said soberly: "Who was it got the beating?"

I mention this not to poke fun at the FBI, which deserves to be treated with the utmost seriousness. After all, the FBI is not responsible—except in the sense that the entire national government is responsible, by default—for prison brutality and police sadism. It is just one of the coldly turning wheels of a federal mechanism into which is geared the frightening power of local policemen over any person in their hands.

Chase had been jailed the day before—Freedom Day in Hattiesburg—when a vote drive by SNCC had brought more than 100 Negroes to the county courthouse to register. On Freedom Day, also, fifty ministers came down from the North to walk the picket line in front of the county courthouse, prepared to be arrested.

It was a day of surprises, because picketing went on all day in the rain with no mass arrests, though the picketers were guarded the whole time by a hostile line of quickly assembled police, deputies and local firemen. These arrived on the scene in military formation, accompanied by loud-speakers droning



Oscar Chase, after beating in Hattiesburg on January 22, 1964.

orders for everyone to clear out of the area or be arrested. Perhaps there were no mass arrests because SNCC had been tirelessly putting people into the streets, until police and politicians got weary of trundling them off to jail; perhaps newly elected Mississippi Governor Paul Johnson wanted to play the race issue cautiously (as his inaugural speech suggested); or perhaps the presence of ministers, TV cameras and newspaper men inhibited the local law men.

At any rate, only two persons were arrested on Freedom Day. One was Robert Moses, SNCC's director of operations in Mississippi, who has, in his two years or so in the state, been beaten, shot at, attacked by police dogs and repeatedly jailed—a far cry from his days in Harvard graduate school, though not perhaps, fundamentally, from his childhood in Harlem. Moses was arrested for failing to move on at a policeman's order, across the street from the courthouse.

The other person arrested that day was Oscar Chase, on the charge of "leaving the scene of an accident." Earlier in the day, while driving one of the ministers' cars to bring Negro registrants to the courthouse, he had bumped a truck slightly, doing no damage. But two policemen took note, and in the afternoon of Freedom Day a police car came by and took Chase off to jail. So Freedom Day passed as a kind of quiet victory, and everyone was commenting on how well things had gone—no one being aware, of course, that about 8 that evening, in his cell downtown, Oscar Chase

was being beaten bloody and unconscious by a fellow prisoner while the police looked on.

No one knew until early the next morning, when Chase phoned SNCC headquarters. I was talking with a young Negro SNCC worker from Greenwood, Miss., in a Negro café down the street, when the call came in. We joined the two ministers, one white and one Negro, who were going down with the bond money. The police dogs in their kennels were growling and barking as we entered the jail house.

Bond money was turned over, and in a few minutes Chase came down the corridor, unescorted, not a soul around. A few moments before, the corridor had been full of policemen; it seemed now as if no one wanted to be around to look at him. After Chase said he didn't need immediate medical attention, we called for the police chief. "We want you to look at this man, as he comes out of your jail, chief." The chief looked surprised, even concerned. He turned to Chase: "Tell them, tell them, didn't I take that fellow out of your cell when he was threatening you?" Chase nodded.

The chief had removed one of the three prisoners in the cell early in the evening, when Oscar complained that he was being threatened. But shortly afterward the guards put in another prisoner, of even uglier disposition. He was not as drunk as the man who'd been taken out, but he was in a state of great excitement. He offered first to lick any man in the cell. Chase said later: "He was very upset about the demonstration—wanted to know why the jail wasn't full of niggers." He had been a paratrooper in World War II, and told Chase he "would rather kill a nigger-lover than a Nazi or a Jap."

The third man in the cell proceeded to tell the former paratrooper that Chase was an integrationist. Now he began a series of threatening moves. He pushed a cigarette near Chase's face and said he would burn his eyes out. Chase called for the jailer, and asked to be removed from the cell. The jailer made no move to do so. The ex-paratrooper asked the jailer if Chase was "one of them nigger-lovers." The jailer nodded.

What Oscar Chase remembers after that is that the prisoner said something like, "Now I know why I'm in this jail." Then:

The next thing I can remember was lying on the floor, looking up. I could see the jailer and some other policemen looking at me and grinning. I could also see the other prisoner standing over me, kicking me. I began to get up, was knocked down again, and then heard the

door of the cell open. The cops pulled me out and brought me into another cell, where I remained by myself for the rest of the night. . . . I was still bleeding, a couple of hours after the incident. . . . Watching from the door of my new cell, I saw the trusty put a pack of cigarettes and some matches under the door of my attacker's cell. Later I heard police come in and let him out. I could hear them laughing. . . .

The FBI dutifully took photographs of Oscar Chase and long, detailed statements. Those experienced in the civil rights activities of the past few years will be astonished if anything comes of that.

The beating of Oscar Chase was not extraordinary. In fact, it was a rather mild example of what has been happening for so long in and out of police stations. White field secretaries for SNCC have been beaten again and again in the Deep South: William Hansen had his jaw broken in a jail cell in Albany, Ga.; Richard Frey was attacked on the street in Greenwood, Miss.; Ralph Allen was beaten repeatedly in Terrell County, Ga., and John Chatfield was shot in the same county; Robert Zellner has been beaten too many times to record.

Negroes have been beaten more mercilessly, more often, and with less attention: legs have been broken by policemen, faces smashed to a pulp, clubs used again and again on the heads and bodies of black men, women, children. In towns in Georgia, James Williams had his leg broken by police (Americus); Rev. Samuel Wells was kicked and beaten by police (Albany); Mrs. Slater King, five months pregnant, was punched and kicked by a deputy sheriff (Camilla), and later lost her baby. In Winona, Miss., Mrs. Fannie Lou Hamer and Annette Ponder were beaten by police. Men, women and children were clubbed in Danville, Va., by police. In a Clarksdale, Miss., police station, a 19-year-old Negro girl was forced to pull off her clothes and was then whipped. The list is endless. The FBI has faithfully recorded it all.

Probably the nation doesn't know. It is very much like the Germans and the death camps. There they are, all around us, but we honestly don't see them. Those Americans who do know don't seem to care. Some express concern, but also a sophisticated resignation. Fresh indignation by the naive is met with a knowing smile. "Man, where have you been?" After all, long before and far outside the civil rights movement people have been beaten by police, in and out of jail houses, in every state of the Union. We do have what is called "due process" in the United States, but in that long gap between the moment when a friendless individual encounters an armed policeman to the moment when the normal processes of judicial procedure begin to work, the Constitution too often does not exist.

Something needs to be done, at last, about police and jail-house brutality in this country. Perhaps, to start in a moderate and respectable way, some foundation should subsidize a national investigation, supervised by a panel of distinguished jurists, political scientists and churchmen. But even before that, the President and the Attorney General should be pressed to think and to act on the problem.

We need to stop citing the delicate balance between state and nation in our federal system as an excuse for police tyranny; particularly we need to do so in the South. The truth is that we have not been observing the constitutional requirements of that balance. When the Fourteenth Amendment was passed, a hundred years ago, it made explicit what was implied by the loss of half a million lives in the Civil War—that henceforth state and local governments could not deal with their inhabitants unrestrained by national power. For a hundred years, it has been national law that state and local officials must not discriminate on the ground of color; forty years ago, the Supreme Court began (in the *Gitlow* case of 1925) to rule that, beyond race, the same restrictions on the states derive from the other guarantees of the Bill of Rights. And statutes going back to 1866 prohibit willful deprivation of a person's constitutional rights by local officials.

In other words, the legislative basis for national protection of citizens against local tyranny has existed for a century. The judicial sanction for federal intervention has been in effect for decades, and the Supreme Court has several times made very clear that the President can take any action he deems necessary to enforce the laws of the land. What has been missing—and it is a void no civil rights legislation can fill—is the blunt assertion of Executive power, by an interposition of national force between local police and individual citizens. Ever since the North-South deal of 1877 which put an end to any meaningful reconstruction, political interest, caution and the absence of any compelling necessity have combined to leave the Fourteenth Amendment unenforced by the Executive.

What is required now is the establishment of a nation-wide system of federal defenders, specially trained, dedicated to civil rights, and armed. These special agents would have at their call civil rights attorneys, prepared to use the federal courts and the injunctive process in much bolder ways than the Justice Department has been willing to adopt thus far. They would be stationed in offices all over the South, but also in the North. With the full power of the national government behind them, they would, in many cases, be able to persuade

local officials to behave. But they would have the authority—already granted to the FBI, but, curiously, never used in civil rights cases—to make immediate arrests when faced with violation of federal law.

Policemen, deputy sheriffs and other local officials must know that they will *immediately* be locked up in a federal penitentiary if they act against citizens in violation of federal law. *Habeas corpus* and due process will be accorded them, but they will face what thousands of innocent people have endured up to now: the burden of raising bail money, of physically getting out of jail, of waiting for slow judicial processes to take effect. The choice is bitterly clear: Either we put up with the jailing and beating of thousands of Negroes and whites who have done nothing but ask for rights asserted in our Constitution, or we put into jail—without brutality—enough local policemen and state officials to make clear what the federal system really is. It is not a matter for discussion in Congress; it is a matter for action by the President of the United States.

Federal interposition is needed at three points in the citizen-policeman confrontation: by its mere presence, to act as a preventive; on the spot at the moment of confrontation (up to now, the federal government, given advance notice of danger, has repeatedly refused to send aid); and in the first moments after confrontation, when quick restitution might still be made of an individual's rights. That one phone call which arrested people are often permitted might be made on a "hot line" connecting every local police station with the regional federal defenders' office.

There is genuine misgiving in liberal circles about the creation of such a federal power. But that fear is a throwback to the pre-New Deal failure to recognize that the absence of central power may simply make the citizen a victim of greater local or private tyranny. The storm of economic crisis in the 1930s blew out of sight our Jeffersonian caution in regard to federal power in economic activity. The nation learned that stronger central authority does not necessarily diminish fields of action.

Our next big psychological and political hurdle is the idea that it is possible—in fact, necessary—to *ish* individual freedom; it is required only that such authority be specifically confined to designated assert national strength on the local level for the protection of the constitutional liberties of citizens. How much more sacrifice will we require from Negroes and whites, bloodying themselves against the wall of police statism, before the nation is moved to act?

The NATION

'I didn't know colored people could vote.'

"I came up on a porch and an ancient man says 'Yes, sir' and offers me his chair. An enraged white face shouts curses out of a car window. We are greeted with fear at the door; 'I didn't know colored people could vote.' And people ask why we are down here . . ."

— from a white SNCC worker's field report.

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