

BI-WEEKLY REPORT

On Monday, July 20, 1964, at approximately 8:30 P.M., Donald White, the project director of COFO in Columbus, was stopped by a highway patrolman, Officer Jolly, on Highway No. 82 in Lumbard County, Mississippi. Said patrolman had been parked alongside Highway No. 82 when Donald White first drove past. Patrolman Jolly issued and served upon Petitioner White Miss. highway patrol uniform arrest ticket x 16311, alleging "improper brakes."

Said alleged offense of driving with improper brakes could not have been reasonably suspected by Patrolman Jolly while sitting in his car and observing Petitioner drive past; and, in addition, brakes on said 1957 Chevrolet were at all times on July 20, 1964, in good condition and proper operating order. The issuance of said ticket was part of and an incident in the constant and planned harassment of all those engaged in the Miss. Summer Project. Donald White's trial was set for July 25, 1964, at 2 PM with Judge Whitaker presiding.

On July 23, 1964, a petition for removal was filed at the U. S. District Court for the Northern District of Miss. at Aberdeen, Miss. The docket number for said petition is EOR 64-2. No trial date has been set in the Federal Court and no federal bond has been set.

A copy of said petition has been duly served by David Hoffman and Richard Wheellock on both the County Prosecutor and Judge Whitaker.

On July 24, 1964, David Hoffman and Richard Wheellock interviewed Dempsey Miles, a resident of Starkville, located in Oktobeha County. Dempsey Miles is a Negro of 21 yrs. of age who has lived in Starkville his entire life. On Saturday, July 18, 1964, Mr. Winfield, a local white resident, offered Mr. Miles \$10 to assault Steven Fraser, a COFO worker in Starkville. Dempsey Miles has signed an affidavit to this effect but he requests said affidavit not to be used because of certain repercussions which might affect his family.

On July 24, 1964, Sidney Lomax, a cafe owner in Starkville, signed an affidavit to the following effect: Since July 18 Mr. Sidney Lomax has helped COFO workers, Steve Fraser and Ron Bridgeforth, to register voters. On the day in question the Chief of police, Thomas Josey, came to Mr. Lomax's Cafe and asked what was "going on". The Chief then proceeded to curse and abuse Steven Fraser, a COFO volunteer, for about an hour. At dusk Chief Josey returned to the cafe and told Mr. Lomax to get Steven Fraser and Ron Bridgeforth off Mr. Lomax. The Chief warned that if they didn't leave he would "kill every son of a bitch on the porch" where Fraser and his companions were sitting.

The day before aforementioned incident took place Chief Josey's brother, a city official, went into Mr. Lomax's cafe and took Mr. Lomax's restaurant license from the wall. He gave Mr. Daniel Lomax \$2.50 for the license and said he would have to see the Health Dept. before he could get it back. The explanation given for taking the license was that Mr. Lomax did not have a three way sink even though Mr. Lomax had operated said cafe for many years without incident. This is just one of many incidents in the general pattern of harassment carried on by city officials.

On July 28 David Hoffman and myself went to Starkville. Here we spoke to Chief Josey, principally to ascertain whether or not we could get Mr. Lomax's license back. We were told that said license had been taken because of certain health violations. When we explained that it was more than coincidental that said license had been taken away immediately after the Lomax's had helped two COFO workers, Chief Josey explained that they had just found time to make the inspection. Chief Josey then began villifying us, calling us such things as "communists", "communist sympathizers", "bastards", "white scum," and "white trash." He told us our only purpose in coming to Miss. was to create "friction" and that "good niggers didn't

The F.B.I. is now making an investigation of said incident.

On Saturday, August 1, Steven Fraser, a COFO volunteer working in Starkville, was arrested for going 45 MPH in a 30 MPH zone. The arresting officer was Chief Josey. The arrest was made even though Chief Josey was traveling in the opposite direction from Steven Fraser when the alleged traffic violation occurred. Steven Fraser was taken to the local police station and incarcerated with bond set at \$15.

While in jail Chief Josey's brother, a city official, stuck his head in the window and told the other three white prisoners that Steve was a "Freedom Rider" and that he didn't care what they did but "kill the son of a bitch." He repeated this several times. At about this time bond was paid and Steve was released. A formal complaint concerning this matter was registered with the F.B.I. in Columbus.

Steven Fraser's trial was set for Aug. 3 at 9:30 A. M. in the Mayor's Court. At this trial Abe Weitsman, an attorney working for the Lawyers Constitutional Defense Committee, attempted to represent said defendant. He was not challenged under Sec. 8664 of the Miss. Code Annotated, as has previously been the case with out of state attorneys, because the City Prosecutor was not prepared for any lawyer to represent said defendant. Instead the City Prosecutor, Mr. Thompson, requested and received a weeks postponement of the case. The trial will reconvene on Monday, August 10 at 9:30 A.M.

On Sunday, Aug. 3 at approximately 4 P.M. Abe Weitsman and myself attend a meeting of the delegates to the Freedom Democratic Party from the 1st Congressional District at Tibbee, Miss. This convention took place some nine miles from West Point, Miss. in a rural area. Some 220 delegates attended the meeting where Bob Moses was the guest speaker. Also present were some 30 policemen, including the sheriff, State Troopers, regular and auxiliary police from West Point. Several officers were taking both moving and still pictures of the people present and the cars they arrived in. A formal complaint of said picture taking was submitted to the F.B.I. in Columbus. No incidents other than this picture taking took place on said day.

On Monday August 3 Donald White and Robert Lavall, two COFO workers, were arrested at about 9:30 A.M. on Highway 82, west of Columbus. Bob Lavall, the driver, was stopped by a roadblock which had been set up by the highway patrol and arrested for having no Miss. driver's license, license plates, and no inspection sticker. Don White, the occupant of the vehicle, was charged with allowing an unauthorized driver to drive. Bail for both was set at \$400, \$100 for each offense. Abe Weitsman, myself, and the rest of the COFO workers decided to pay the \$53 fine rather than remove the case since the roadblock was indiscriminatory and bail was so excessive. At about 4:45 that same day, the fine was paid to Judge Patrick in the amount of \$63. Judge Patrick had raised the fine \$10 from the time we first talked to him to the time we were able to get the money. Don White and Bob Lavall were then released.

On Aug. 4 Abe Weitsman and myself talked to Charles Ward, a Negro resident of Starkville, and took an affidavit to the following effect: Chief Josey came into the hardware store where Charles worked and told him not to have any more precinct meetings for the Freedom Democratic Party at his house. He also informed him that he had heard that 250 men were going to "move his house off the hill." He also told Charles that the next time he heard singing in his house he would serve papers on him and take him to court. The incident just discussed occurred on July 29, 1964 at approximately 9:30 A.M.

We also obtained another affidavit from a resident of Starkville whose name will go unmentioned because of a suspended jail sentence and fine. On Tuesday, July 28, this person was approached by Sheriff H Harpole outside the premises of Charles Ward and told not to attend the meeting. This person took the Sheriff's advice and did not attend. This person also was approached by Chief Josey and asked for the names of the people attending the meeting, saying that he didn't want to harm the people inside but that in the future he wouldn't "do them any favors."

On August 5, at about 10 A.M. Wayne Anderson, a COFO worker, was stopped at a roadblock on Highway 45, west of Columbus. He was given a ticket for having no Miss. Driver's license altho he had both Miss.

License plates and inspection sticker. Although he has been in the state less than 60 days, this does not seem to be a case of harassment.

At the present time we are considering bringing two injunction proceedings: one against the city attorney, local law enforcement officers, and city officials of Columbus, the other against the police chief and his brother in Starkville. All pertinent information regarding such action has been forwarded to the Lawyers Constitutional Defense Comm. in Memphis, Tenn.

The case of James Edward Jackson is still being checked into and the LODS office is working on a writ of habeas corpus. For information on this case see my first report.

RICHARD W. WHEELOCK
1212 17th St. No.
Columbus, Miss.
August 14, 1964.

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ON August 7, 1964 affidavits were drawn showing the refusal of the Circuit Court Clerk, T. E. Wiggins, to show Abe Weitzman, lawyer for LODC, the court record of James Edward Jackson. On that day these affidavits were forwarded to LODC in Jackson at their request so they could move on habeas corpus proceedings.

On August 7 Richard Wheelock and Abe Weitzman also discussed the general situation with the local F.B.I. in Columbus, Miss.

On August 8 we discussed the situation in regards to de-segregating the Elkin Theatre in Aberdeen which had been attempted on Aug. 6, with the F.B.I. Statements by the participants were forwarded to the COFO office in Jackson. We also discussed a proposal for another attempt at de-segregating the theatre on Aug. 10.

On Aug. 9, Abe and I went to the Northern Baptist Church in Columbus to talk on Civil Rights and the Freedom Democratic Party Party.

On that day we were informed that a bombing had occurred on Aug 8 at 11:30 P.M. at the Freedom House in Aberdeen, Miss. We picked up Henry Aaronson, a lawyer for LODC, and went to investigate the bombing. Investigation showed that the F.B.I. and the City Police had been to the Freedom House at 1:30 P.M. to investigate the bombing. While fragments from two of the bombs had been preserved by the COFO workers, three bombs which hadn't gone off were destroyed by the city police upon recommendation of the head of the local Nat'l Guard unit that they were dangerous. The F.B.I. never had a chance to see these bombs. However, they informed us that even if they had had a chance to see them, such bombs could not show from what armory they had come from. The fragments of the two bombs which were saved were turned over to the F.B.I.

On Aug. 10 Abe Weitzman and myself went to the Mayor's Court in Starkville for the purpose of representing Steven Fraser re speeding ticket received Aug. 1. The City Attorney, Mr. McDowell, requested that the case be continued indefinitely because of other pending matters. A motion for dismissal for lack of prosecution was made by Abe Weitzman which was overruled by Mayor Thompson. A motion by the City Attorney for a continuance was sustained by Mayor Thompson. Steven Fraser was told that Abe or another attorney designated by Steven Fraser should call the Mayor or City Attorney to set a date for the trial.

We then went to the F.B.I. to discuss the bombings and the proposed de-segregation of the Elkin Theatre. We informed them that this new attempt to de-segregate would take place at 8 P.M. on August 10.

That same night at approximately 8 P.M. both Abe and myself were present when about 19 residents of Aberdeen and one COFO worker Warren Galloway, attempted to de-segregate the theatre. They went two by two and each individual pair asked successively for tickets to the downstairs part of the theatre. They all were refused admission. They then left the theatre and went back to the Freedom House. On the way back to the Freedom House two cars carrying COFO workers and driven by local residents were stopped by the local police. One car was stopped for going 40 M.P.H. in a 30 M.P.H. zone, altho the driver swears he was not going over 30 M.P.H. The other car was stopped for faulty brake lights. When the brake lights were found to be in good condition, the officer gave the driver a ticket for faulty brakes.

After the de-segregation attempt took place at the movie both Abe W. and myself left the premises where we had been standing. We were followed by both the Chief of Police, Dan Adams, and the deputy sheriff, Mr. Lacky. These two stopped us approximately a block from the center of town. They checked our identification and then let us proceed. We left Aberdeen with the intention of doubling back that same night in order to obtain affidavits from those involved in the de-segregation attempt. Because we were followed by the deputy sheriff some 10 miles from Aberdeen and because another car followed us after the deputy sheriff turned off, we decided discretion was the better part of valour and we drove back to Columbus. This second car followed us all the way back to the city limits of Columbus.

On Tuesday, Aug. 11 Abe and myself returned to Aberdeen to obtain affidavits from those participating in the de-segregation attempt. These affidavits will probably be used in an attempt to get a temporary restraining order against the Elkin Theatre on Commerce Street in Aberdeen.

On this same day we were informed in Columbus that Joel Bernard, a COFO worker, was beaten by a white resident of Aberdeen, Joel-Bernard John C. Bowen. Joel Bernard had been canvassing with some local residents of Aberdeen on No. Long St. in the city of Aberdeen. While talking to a Negro about voter registration, John C. Bowen drove up in a truck. He asked Joel what he was going. Joel didn't answer. He also asked where Joel came from. Again no answer. Bowen proceeded to hit Joel in the head with his fist. Joel fell down and Bowen continued to strike him. Joel managed to get away and this man continued to strike him followed him down the street. A police officer then drove up and Joel asked for protection. This man continued to threaten Joel in the presence of the officer. The officer then took Joel to the police station. At the police station Joel was asked to sign a blank affidavit which he refused to do. Later Joel was informed that Bowen was going to file a complaint for disturbing the peace. After getting affidavits from Joel Bernard, Abe and I went to the F.B.I. to file complaints in reference to our experience in Aberdeen the preceding night, the beating of Joel Bernard, and the coming mass rally in Aberdeen taking place on Aug. 11 at 7:30 P.M. We also informed them that if anything happen to us at the mass rally we would hold the F.B.I. directly responsible. F.B.I. agent Bob Savard then phoned the Sheriff in Aberdeen and told him that he had heard there might be trouble at the mass rally. The F. B.I. offered no protection but said they would do everything short of protection.

On Tues. Aug. 11 at 7:30 P.M. Abe and myself attended the mass rally in Aberdeen. The meeting went off well and there was no trouble from the local citizenry. There were three police cars present, affording some protection.

On Wednesday, Aug. 12 Abe, Tom Connelly, an LDCG lawyer replaced Abe Weitzman, and myself went back to Aberdeen to investigate a report that some twelve tickets had been handed out to the attending the mass rally the night before. Subsequent investigation showed that this was not true.

On Aug. 10 Joe Maurer and Steve Smith, two COFO workers, went to the WMPA Radio station in Aberdeen to get a tape of Martin Luther King speaking on the Miss. Freedom Demo. Party, played. They talked to a Mr. Tolling, who apparently runs that station. He played the tape for his own edification and then said we shouldn't play the tape for a number of reasons, to-wit: The Freedom Demo. Convention was over the week before, he needs the name of our County Registrar, that he knew what this playing would do to the town, that we were trying to create violence, that we thrive on violence, that Joe Maurer was not a resident of Miss., that he would play the recording if one of his staff could say it word for word, and that Martin Luther King was not a member of the Miss. Freedom Democratic Party. Joe Maurer informed Mr. Tolling that he acting in direct violation of the tenets of the F.C.C. and Mr. Tolling replied that he was not afraid of the F.C.C. as of yet no lawsuit has been brought.

On Wed. Aug. 12 a young Negro child was denied admission to the public library in Aberdeen. As of yet nothing has been done in regards to this matter.

On Wed. 12 th of August a 13 year old Negro child was picked up by Sheriff Bill Harpole in Starkville. Sheriff Harpole told us that the boy had previously been arrested for grand larceny-stealing two cars in Starkville-and that he had been made a ward of the court. He was arrested Wed. allegedly because he had gone outside the district set down by the court. His mother was told by Sheriff Harpole that the boy had been arrested because of civil rights activity. The boy's name is Robert Davis, and he is now being held in the County Jail in Starkville. An investigation is being made of what real happened.

Another attempt was made by Joe Lobenthal, Jr., an attorney from Jackson, to see the court record of James Edward Jackson. Such attempt failed as have all others. Papers are now being drawn up in Jackson to get a writ of Habeas Corpus.

On Aug. 13 Ron Bridgeforth, a COFO worker, was given a parking ticket in the city of Starkville. He had illegally parked. He was told by patrolman Williams to appear at the office of J.P. MacDonald to pay his fine. At 2 P.M. Ronald Bridgeforth appeared before the Justice of the Peace, Coward of the Miss. Highway Patrol, and the arresting officer. At this time Coward told Ron that he would have to be fingerprinted and suggested. Ron refused until he could speak to a lawyer. The J.P. then made out a warrant for Ron's arrest. The parking fine had been paid before the warrant was issued. Ron was then taken to the County Jail where he was booked. On Aug. 14 at approximately 10:45 A.M. Tom Connelly and Richard Wheelock appeared

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on behalf of Ron in the Court of the Justice of the Peace, with Judge McDavid presiding. It was at this time that we were informed by the Judge that he had spoken to Attorney General Patterson on the phone who had told him that refusal to be fingerprinted and mugged for any misdemeanor was in contempt of court. For this contempt charge Ron was given a sentence of one day in jail and a \$50 fine. We asked the Judge for any alternatives rather than the payment of the fine and he said that he couldn't get out of jail until he paid the fine. \$500 has already been put up for the first charge against Ron of refusing to be mugged and fingerprinted. On August 15 the \$50 fine will be paid and Ron will be released. In order to win any sort of case involving these new "summer laws", the constitutionality of the state statute must be challenged in the Federal Courts. Otherwise the State of Miss. will be able to strangle the Civil Rights Movement.

On Thursday Aug. 13 Tom Connelly appeared on behalf of Leon Smith, a resident of Aberdeen working with COFO, who had gotten a ticket for reckless driving. The police charged that Leon Smith had recklessly driven in the city of Aberdeen on the night of Aug. 9 and that they did not give him a ticket at that time because "they couldn't catch him." Leon Smith owns a rather old Ford. The ticket was given on Aug. 12 after Leon Smith had attended a mass rally in Aberdeen. Leon Smith pleaded not guilty and the trial was continued for a week because the city prosecutor was on vacation. Some 15 Negro residents attempted to attend the trial but were turned away because of the size of the city Police Court. Consequently, they had to stand in front of the Court House where a jeering mob of whites had formed. Some of these whites were carrying clubs. The only reason why these whites were restrained was because of the presence of some police officials. The judge promised that the next trial would be open to the public and held in a larger court room. We left the court room and the crowd gathered outside dispersed.

On Friday, Aug. 14 Tom Connelly and myself were in Starkville for the purpose of getting some affidavits from certain people who had some trouble registering to vote. We were also there to pay the \$500 bond for Ron Bridgeforth, previously discussed. After getting some affidavits we went directly to the Registrar's office which is located in a Clinic called the Eckford Clinic. We talked to the Registrar, Mr. Henry, about how he handled his affairs. While we were in his office there was present a man called Travis Hamilton who heard Tom Connelly say that "We worked for Cofo". He was standing about 5 feet from where Tom Connelly was standing when he said we worked for COFO. When we left the office we got in the car and proceeded to back out of our parking place. Tom Connelly was driving at the time.

When we had backed out and were stopped, a pick up truck driven by Travis Hamilton backed into the side of the car at full speed. Richard Wheelock was sitting in the right front seat where the truck struck the car. The glass from the right front window shattered over everyone in the car including those in the back seat, Steven Fraser and Eddie Mackie. Luckily no one was really injured except for some splintered glass which lodged in my arm. There is no question in my mind that his act was intentional since the driver of the truck was looking at us the whole time he was in reverse and since he was smiling when he got out of the car. Immediately after it happened I tried to contact the F.B.I. in Columbus but the line was busy. Finally I got through and when I told Agent Smith, a native Mississippian, who had perpetrated this act he laughed. It seems Mr. Smith knows this man pretty well and on a friendly basis. Meanwhile Chief Josey was in the process of going through Tom Connelly's registration and identification. The automobile we were driving was a rented car, rented from Budget in Memphis. They had their own liability insurance. Subsequently, Tom Connelly was charged with reckless driving and taken to the City Attorney's office. His forfeit bond was set at \$110, which he paid. His trial is set for Tuesday, Aug. 18 at 10 A.M. in the Mayor's Court. This is the same day and time that Ron Bridgeforth is scheduled to appear. After talking to Henry Aaronson we decided that we might press for charges of criminal assault with a deadly weapon and perhaps add with intent to kill. I also might bring a civil action for damages in excess of \$12,000, in order to have it tried in a federal court. In any event an accident report must be filled out immediately by Tom Connelly. Our insurance company might also sue Hamilton's insurance company since there can be no question that this act was intentional.

We will also request some action by the local F.B.I. here in Columbus.

Because our car was damaged, we decided it would be better to drive back to Columbus in a SNNC car. On the way back Steven Fraser, the driver, was stopped by a highway patrol roadblock and given a ticket for having an improper license i.e. a New York driver's license with Miss. registration. On August 15, 1964 Tom Connelly appeared on behalf of Steven Fraser in the Court of the Justice of the Peace, Mr. Gerhardt, on Route 45W. At this trial

Tom Connelly was challenged by two lawyers from Columbus who had been called by the J.P. The arresting officer claimed that Steven Fraser had said when he was stopped that he had been in the State of Miss. for six months and not six weeks. The arresting officer brought up the point that Steve had no authorization to drive the car and that the registration showed the car belonged to both Curtis Hayes and SNNC. The discussion was informal and the trial was continued until Aug. 29 at 2 P.M. \$50 bond was set and paid after Steve had gone to the County Jail. He was only in jail for about 30 minutes but during this time Mr. Carlyle, a local attorney, told a white prisoner in the cell with Steve that Steve was a "Freedom Rider," etc. Steve was released before any trouble ensued.

On Aug. 14 affidavits concerning voter registration were obtained from residents of Starkville. It seems Miss Louise Larry went down to the Registrar's office to register to vote. She was given an application by Mr. Henry which she filled out. She then took the test. After she had taken the test, a man came into the room and asked to take her picture. She told him it was O.K. He took both a front and a side view. When Tom Connelly and I questioned the registrar about such picture taking he told us that she had lied. He asked her name and said that he wanted to talk to her. We also talked to Samuel Bracy who told us that his name had been taken off the registration lists. He had registered in 1962 without incident. The registrar told him that he had to take the test all over again, which he did. On Aug. 14 he found out that he had a garnishment on a check. Bracy has signed a Freedom Registration Form.

I forget to mention that on August 12 Joel Bernard, who was beaten in Aberdeen filed a charge against his assailant of simple assault and battery. This was filed with the City Attorney and the Chief of Police, Dan Adams. We were told that the lawyer working in Columbus would be notified when the case was to be tried.

On August 15 Tom Connelly and myself talked to John Bell, a boy who had been arrested for disturbing the peace and petty larceny. He had done some work for COFO in West Point, Miss. When we talked to him he was incarcerated in the County Jail in West Point. His arrest really had nothing to do with Civil Rights since it all centered around an argument with another Negro boy in the lobby of the Henry Clay Hotel where they both worked. It could be made to look like a Civil Rights case but we decided that the boy should be represented by a local attorney with no mention made of Civil Rights. This way he wouldn't have the book thrown at him. Bail is set at \$500 and the trial date has not been set. We are trying to get a local Negro to ask a local attorney to represent this boy so the boy will not be implicated with COFO workers in any way. I hope we are successful.

On Aug. 15 the \$50 fine was paid for the release of Ronald Bridgeforth. However, when the officers requested that his fingerprints be taken and picture taken again, Ron refused and again was sentenced to one day in jail and a \$50 fine. It seems the J.P. will continue to do this each time the fine is paid until Ron submits. This practice of fingerprinting and mugging seems to be in accordance with the State Statute. Our strategy will be to pay the fine under protest and then to challenge the constitutionality of this state law in the Federal Court system. Unless the fine is paid Ron may be in jail for life for an illegal parking ticket which doesn't seem to be very constitutional to say the least.

On Aug. 15 I spoke to the F.B.I. and told them all I knew concerning the so-called accident we had in Starkville. Agent John Mintz filled out a report which I affixed my signature to. He said nothing would be done until word came down from Washington. Tom Connelly is now attempting to get the services of a local attorney in Columbus by the name of Carter. This lawyer will take any case for money and is known as fairly competent. It also might be advisable that I also file a damage suit since I was shaken up and some glass lodged in my arm. Say for \$250,000.