

Forken office
file

(R.P. is ROGER PHOENIX WHO IS
WITH OPERATION FREEDOM)

[1964, March 21]

Canton Arrest

Following is a report of several incidents leading to the arrest and conviction of a Madison County Negro. Similar episodes have been reported to Members of the Canton G.O.F.O. staff over a period of months. Physical violence and economic reprisals (in the form of evictions, job loss, cut welfare checks, and various other pressures) are very real threats to Negroes who attempt to register to vote.

Civil rights workers know that any time they may be arrested and jailed on false charges by local authorities.

The following report is an indication of the climate in which Canton's Negro population lives.

-R.P.

"Floyd (19) and Sam (20) Bouldin were about to turn on Highway 51. State patrolman Billy O'Neill drove by and turned in behind them. Constable Bruna Holley was coming along the highway also. We turned in front of him, but he was at least 200 yards behind us on the highway.

"As we were driving down the highway, he passed us. Mr. O'Neill and Constable Holley both turned off at Lee's One Stop, a small grocery store. We stopped at the store too. It was purely coincidental that all three of us stopped there. Mr. Holley had given no indication to us that we should stop. Floyd got out and went into the store. Sam was on his way into the store when Mr. Holley beckoned to him.

"Mr. Holley said to Sam that we almost forced him off the road. 'Like to have had me in a jam.' Sam asked when did we 'like to get you in a jam'. He said, 'Just a moment ago up the road.' Sam asked how, and he said, 'When you pulled on the road.' Holley said, 'I don't care about you killing yourself, but you might have killed me.' By that time Holley had gotten out of his car and gotten into the car of the patrolman and sped off. We don't know why he got into the car except that sometimes we see them riding around together.

"We went home. Our sister Benny Lou wanted Floyd to take her to the store. She got in the car... Arthur and Ernest asked if they could go with Bennie Lou and Floyd. Floyd told Bennie Lou that I was going by Mr. Holley's home to tell him that we meant no harm.

"Floyd had worked for Mr. Holley for three years. Floyd mowed his lawn. Mr. Holley had told Floyd that whenever he had anything he wanted to talk over with Holley to feel free to do so.

We drove in Mr. Holley's driveway. He was just coming in then, driving his own car, and pulled up behind us. He got out of his car and came around where Floyd was. Floyd got out of the car not expecting anything to happen. Floyd said, "We almost got you in a jam down the highway." "We didn't mean any harm." (Floyd still didn't really think he had gotten Holley in a jam, but he wanted everyone in the neighborhood to be happy.) Holly said, "Did you come down here to argue with me?" Floyd said, "No sir, we didn't come to argue, we merely came to apologize because we thought we had gotten you in a jam." Holley said, "Get out of my yard." As we were getting in the car Holley said, "You see, I was going 80 miles per hour." Arthur said to Floyd, "What is the speed limit on Highway 51?" Holley said to Arthur, "You God damned son of a bitch." He was walking toward Arthur as he said this and after he said it he kicked at Arthur, but he missed. Floyd got between the two and said, "We didn't come for that." They both got in and Floyd cranked up the car. The motor went dead while they were trying to back up.

"As we started to crank it up the second time Holley said, "None of you sons of bitches going anywhere. You're under arrest." He ran around... to his car and got the pistol from on the seat. Then he pointed the gun at us and said, "Get out of the car." We got out of the car. He walked up to Arthur and raised his gun and said, "I ought to hit you." Arthur raised up his hands to protect his face. Benny Lou said, "Don't hit him." Then he shot the pistol at the side of Arthur's feet. Then he stepped back, pointed the pistol straight at Arthur and said, "I ought to kill you. I ought to put a bullet right through you." Benny Lou said, "Don't shoot him." During all this Floyd was trying to tell Holley that they hadn't come to argue, but Holley wouldn't listen. Then Holley went to his car and got a rifle out of the trunk. Two or three times he tried to hit Arthur on the side of the head with the rifle, but each time Arthur put his hands and caught the butt before it hit his head. Arthur doesn't remember what he was saying as Holley was trying to hit him with the rifle, but ~~but he thinks that he panicked because he had never been arrested before.~~ Arthur thinks that he panicked because he had never been arrested before.

"Then Holley went to the car and got a pair of handcuffs. He reached out to hand the handcuffs to Arthur and told him to put them on. Arthur put his hands behind his back, thus refusing to take the handcuffs. Mr. Holley put his rifle back in the trunk, but did not close the lid. Then he stuck the pistol in his belt. He walked up to Arthur with the handcuffs, but Arthur put his hands behind his back and backed up a little. Then Holley reached in and pulled out his pistol. He held it for a moment, but just then Mr. Murray Cox Jr. was driving by in a truck.

"Holley called to Mr. Cox. Holley told Cox to come help get them in the car. Cox parked his truck and came up and got the rifle. He held the rifle in Bennie Lou's face. Bruno then came and told Arthur to put his hands in the handcuffs, which Arthur did. Arthur's hands were handcuffed behind his back. Then Holley went to his trunk again and got out what looked like a small

baseball bat about eighteen inches long. As Arthur went to get in Holley's car, Holley hit him in the back of the head with the small bat. After they had all gotten in the car, Holley turned around in the driver's seat, with the stick, and said, 'That black son of a bitch, he must think he's bad or something.' Then he hit Arthur again on the side of the jaw. Arthur raised up his knee then to catch the next lick. Holley didn't hit Arthur any more.

"Then they started driving up Highway 55. Holley called patrolman Billy O'Neill. Holley told Billy O'Neill that he was 'almost mobbed in my own yard by three damned black-assed niggers.' We don't remember exactly what was said after that. When Holley finished talking to O'Neill, he turned around again to Arthur and said, 'You must think you're bad or something. Me and you can't stay in this county. One of us has got to get out and I'm planning on staying.' Then they drove on to the county jail.

"When they got to the jail and had gotten out of the car, Holley said something to O'Neill, who was there, and then hit Arthur in the temple. Arthur was walking away from Holley trying to avoid the blows, but Holley followed him out into the street and around the car hitting Arthur. Then he got the pistol and said, 'Go ahead and run, you black-assed son of a bitch. I want to kill you anyway.'

"It was just becoming dark as they had arrived in town. Holley pointed with his pistol toward a light and told Arthur to get over there. We all went over under the light. We went in and were searched. He didn't find anything on Floyd or Ernest, but found a pocket knife on Arthur. He put Floyd and Ernest in the jail, but kept Arthur out in the hall. He said something to the sheriff or one of the other officers and then hit Arthur in the back. Arthur had retreated into the living room of the jailor which leads off the hall. Holley said, 'Come back out of there. That is that man's house. He is liable to shoot you in the back.' Arthur then walked back toward Holley. Holley said, 'If you ever go past the road by my house, I'll shoot you on sight. I'll kill you.' Then he took the handcuffs off of Arthur and after doing this said, 'You wanted to grab me.' And then hit Arthur on the arms as he held them up to protect his head. He hit Arthur several times. Then O'Neill came and searched Arthur again. Then the sheriff said, 'If you had come by my house in my yard, I'd have killed you. My advice to Mr. Holley is to kill you if you come to his house again.' Then they put Arthur in the jail.

"Later on they asked Floyd if he wanted to make a phone call. They said if it were long distance, Floyd would have to pay for it himself. Floyd didn't have any money, so he couldn't call out to anyone near his home. Ernest gave him the number of the Freedom house, but Bruno said that he wouldn't let him call there. Holley said, 'Floyd, I'm surprised at you. I didn't know you was getting mixed up with any mess like this.' Floyd asked, 'Would you mind telling us what we are charged on?' Holley said, 'disturbing the peace and resisting arrest.' Then he took the phone back and shut the door.

"Nothing particularly important happened between then and the trial.

"At the trial before Justice of the Peace Hawkins, Holley took the stand first, after we were all sworn in together. The trial was in Justice Hawkins' garage. They sat around in a semicircle with some white people on one side, the three boys on the other side, their father, Mr. Bouldin, back in a corner, and the judge sat at one end next to a witness seat.

"The D.A. told Holley to tell what happened on March 4. Holley related the event where the boys had allegedly almost run him off the road. He related that about one half hour later, the three boys had come to his house and jumped him. Each boy had an arm. ('He had an arm, and he had an arm, and he had an arm.') He didn't tell the judge how he got loose. Next he told that Murray Cox had come down the road and he had asked him to help. He said that he hadn't had any trouble out of Ernest and Floyd, just trouble out of Arthur. He then said that after Murray Cox had gotten there, he wrestled around with Arthur to get the handcuffs on. He said that after he got them in the car, Arthur had tried to kick him over the seat. Holley told them that he had hit Arthur at the county jail, because he had reached over to try and get a bottle.

"Arthur and Floyd testified and told the story as they have given it here. The judge asked the D.A. what he recommended. Holley and the D.A. went outside for a few moments and then came back. The judge hadn't pronounced anything yet. The D.A. recommended the sentences. The judge said in response to 'Five months and five hundred dollars', 'You sure you don't want to make that six months?'
1 'The fellow at the jail later said that he had seen the book and Arthur got a year in jail and \$682."

— from an interview with John
Newman, COFO staff worker
March 21, 1964