

REPORT ON ALABAMA JUSTICE

VOL. I, #5



PREPARED FOR THE
CONFERENCE ON ALABAMA JUSTICE
TUSKEGEE INSTITUTE FEB. 3, 1966
SPONSORED BY THE AD HOC
COMMITTEE FOR JUSTICE IN MACON COUNTY

CONFERENCE ON ALABAMA JUSTICE

THURSDAY, Feb. 3, 1966

Tuskegee Institute

The purpose of this conference is to determine the many ways in which Alabama's legal system falls short of justice, to determine what can be done about it, and to rededicate ourselves to the task of doing what must be done.

THE PROGRAM

8 P.M., Logan Hall

Chairman of the Conference: Fred Gray

NAACP attorney; active in local political and civil rights affairs.

The Speakers

FLOYD B. MCKISSICK:

National Chairman of CORE; elected to succeed James Farmer as National Director of CORE on March 1, 1966. An attorney, Mr. McKissick has argued civil rights cases before many Southern courts.

JAMES FOREMAN

Executive Secretary of the Student Non-Violent Coordinating Committee. Mr. Foreman has worked actively for civil rights in every part of the South.

CHARLES MORGAN, JR.

An attorney who practiced for many years in Birmingham, Alabama. Mr. Morgan is presently southern regional director of the American Civil Liberties Union.

JOSEPH L. RAUH, JR.

Attorney for the Mississippi Freedom Democratic Party during the Democratic National Convention in 1964, and presently counsel for the Leadership Conference on Civil Rights, which represents about 50 national organizations interested in promoting civil rights legislation. Mr. Rauh is a former national chairman of the Americans for Democratic Action (the ADA).

Midnight, Logan Hall

MEMORIAL SERVICE FOR ALL THOSE WHO LOST THEIR LIVES
WHILE FIGHTING FOR CIVIL RIGHTS IN THE STATE OF ALABAMA

Program of the CONFERENCE ON ALABAMA JUSTICE (Cont.)

Since 1955, twenty such deaths have occurred. Of the eighteen that occurred prior to 1966, not one case has been closed as a result of a conviction.

Those who died:

Mrs. Bessie McDowell	John L. Coley
Rev. C. H. Baldwin	William L. Moore
Richard King	Frank Andrews
Willie V. Dunigan	Rev. Jonathan M. Daniels
Virgil Ware	Willie Brewster
Johnny Robinson	Mrs. Viola Cregg Liuzzo
Denise McNair	Rev. James Reeb
Addie Mae Collins	Jimmie Lee Jackson
Cynthia Wesley	Samuel L. Younge, Jr.
Carol Robertson	David Colson

1 A.M., Huntington Hall

Two Symposia will be held in rooms to be announced. One will deal with ALABAMA LAW AND POLITICS, the other with ALABAMA LAW AND THE FEDERAL GOVERNMENT.

Principal participants in these symposia will be:

WILLIAM B. KUNSTLER

Counselor to many civil rights' groups and to many of those individuals who have fought for civil rights. Mr. Kunstler was Counsel for the Freedom Riders. He is presently involved in criminal and civil litigation in Jackson and Clarksdale, Mississippi.

THEODORE R. NEWMAN, JR.

A native of Tuskegee, Alabama, former attorney for the U. S. Justice Department, Mr. Newman is presently an attorney in Washington, D.C.

FRANK REEVES

Civil rights attorney; presently a member of the Law School Faculty at Howard University. Mr. Reeves has had government experience.

DANIEL M. BEZMAN

Executive Director of the Institute on American Freedoms, Mr. Bezman is a Professor of Government at the American University in Washington, D.C.

and many other participants from across the state and around the country.

CONFERENCE ON ALABAMA JUSTICE

Supplement to Program

MEMORIAL SERVICE
(MIDNIGHT)

Reverend Lawrence Haygood ----- Invocation
Professor M.B. Tolson -----will read his poem----- "Dark Symphony"
Wendel Paris-----will address the conference on behalf of students con-
cerned about Alabama Justice

SYMPOSIA (1:00 A.M.)

SYMPOSIUM ON ALABAMA LAW AND POLITICS

Place -----Huntington Hall----- (Room to be Announced)

Principal Participants:

Mr. Theodore Newman (See Program)
Mr. Mathew Jackson -----Active in Civil Rights Activity in Lowndes
County
Miss Cynthia Washington ----Formerly Project Director for SNCC in Sumpter
County
AND OTHERS

SYMPOSIUM ON ALABAMA LAW AND THE FEDERAL GOVERNMENT

Place -----Huntington Hall----- (Room to be Announced)

Principal Participants

Mr. William Kunstler (See Program)
Prof. Daniel Berman (See Program)
Dr. Richard Wasserstrom (Former Attorney in the U.S. Justice Department.
Dean of School of Arts and Sciences)

AND OTHERS

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- V. Selection from Dr. Melvin Tolson's "Dark Symphony"

Alabama Justice: Selected Published Incidents from Selma to Tuskegee

February 1965

Selma. Dr. Martin Luther King led 2,800 Negroes in voter registration marches on the courthouses in Selma, Marion and Camden. None of the marchers were arrested. Sheriff Jim Clark was absent from the scene. (NYT)

Selma. Sheriff Jim Clark punched SCLC aide Rev. C.T. Vivian at the Selma courthouse and ordered him arrested. Clark said later he was "uncertain" whether he had hit Vivian. (NYT)

Selma. Two SNCC workers were attacked by three whites.

Marion. Jimmy Lee Jackson was shot when a riot erupted after state troopers tried to stop a march on the courthouse protesting the arrest of civil rights workers. Newsmen at the scene were beaten. Jim Clark was among the troopers.

Two men were arrested, found guilty and fined for the beatings of the newsmen. Jimmy Lee Jackson was charged with assault with intent to kill. He died eight days later. (NYT)

March 1965

Selma. Seventy white Alabamians, led by Rev. J. Ellwenger, staged a march to the courthouse protesting the plight of the Negro. They were threatened by white spectators. (NYT)

Selma. "State troopers and mounted deputies bombarded 600 Negroes with tear gas when they knelt to pray on a bridge, then attacked the screaming demonstrators with clubs. Troopers and deputized civilians, acting under orders from Governor George C. Wallace to stop the "walk for freedom" to Montgomery chased the choking, bleeding Negroes nearly a mile through town, clubbing them as they ran." At least seventeen Negroes were hospitalized, with forty others injured.

Governor Wallace denied that police and troopers used unnecessary force in routing Negro marchers. He maintained that the action probably saved the group from attack by white bystanders. (NYT, AC)

Washington. "President Johnson told Alabama Governor George C. Wallace the brutality in Selma...must not be repeated, and urged Wallace to pledge universal suffrage in his state to end such turmoil." (CA)

Selma. Martin Luther King led 1500 Negroes and whites on a march out of Selma despite a federal court injunction, but ended it peacefully outside town, through a pre-arrangement with troopers mediated by the federal government. (NYT)

Selma. Three Unitarian ministers who had joined the Selma march were attacked by white men. One, James Reeb, was seriously injured and died two days later. (NYT)

Montgomery. Sheriff's deputies rode horses into a group of about 150 Negroes. None were reported hurt. (NYT)

- Montgomery. Eight were injured when state and county mounted police, using nightsticks and ropes, rode into a crowd of 600 civil rights workers led by James Forman. The demonstration almost became a riot after a policeman rode a motorcycle into marchers who had regrouped several blocks away. (NYT)
- Montgomery. Federal Judge Johnson authorized the Selma-Montgomery march; he enjoined Wallace, Clark, and Al Lingo from "harassing or threatening" demonstrators, and ordered them to provide full police protection. He gave full approval to the march plan submitted by civil rights attorneys and found that state troopers and Jim Clark had denied Negroes their constitutional rights. (NYT)
- Montgomery. Sheriff Butler made a public apology for the routing of 600 marchers after a conference with Forman and King in which they agreed to get official parade permits for all public marches. This followed a march by King and 1600 demonstrators to the Montgomery courthouse. (NYT)
- Washington. President Johnson called up almost 4,000 troops to protect the Selma-Montgomery marchers and ordered them to bases near the scene. He reminded Wallace that responsibility for law and order rests with state and local governments. (NYT)
- Selma. King led 3,200 marchers out of Selma to begin the Selma-Montgomery march. The marchers hoped to present a petition for Negro rights to Governor Wallace. 2,900 of the marchers returned to Selma by railroad at nightfall. The Justice Department arranged transportation, fearing possible violence. (NYT)
- Montgomery. King led some 1000 marchers inside the Montgomery city limits four days after the Selma-Montgomery march had begun. (NYT)
- Montgomery. R. Fischel, a white medical aide with the march, was beaten by a service station attendant shortly before the march began its final leg. (NYT)
- Montgomery. The march from Selma ended as 25,000 Negroes and whites rallied in front of the capitol in Montgomery. Rev. King exhorted them to continue the civil rights struggle by non-violent means. (NYT)
- Mrs. Viola Liuzzo was shot on the highway near Lowndesboro while returning to Montgomery from Selma, where she had taken a carload of marchers. (NYT)
- Washington. President Johnson announced the arrest of four Klansmen in connection with the slaying of Mrs. Liuzzo, and "opened war" on the KKK. (NYT)
- Birmingham. "Steel-nerved Army experts defused nearly 200 sticks of dynamite in four time bombs set at four Negro establishments across Birmingham—one of them a Catholic church where 120 persons were gathered." (AC)
- Birmingham. "Six powerful dynamite bombs exploded in a Negro neighborhood Thursday and shortly afterward time bombs were found at the homes of two city officials in what police theorized was a fiendish decoy plot to kill or terrorize." (PI)
- Camden. "Negroes tried five times to march downtown Monday as part of a voter registration drive but were halted by police who bombarded one group with tear gas and smoke bombs when they refused to disperse." (MA)
- Mobile. "A three-judge federal court ordered that Sheriff James Clark of Dallas County cease using members of the county posse to police racial matters. The posse is composed of civilians, including horsemen, appointed by the sheriff as auxiliary officers. The sheriff had used them frequently during racial disturbances starting in January. More than 2000 persons were arrested during the months-long right-to-vote drive in the Selma area." (MA)
- Hayneville. Collic Leroy Wilkins, E. Thomas and W.O. Eaton were indicted by the grand jury for first degree murder in the slaying of Mrs. Viola Liuzzo. (NYT)
- Auburn. Thomas Millican, Jr., a white Auburn student, was arrested in Opelika while attempting to organize a Freedom League Branch there for Negro high school students. (NYT)

May 1965

- Oxford. "A dynamite bomb smashed the inside of a Negro Methodist church where members 'haven't done anything but pray and try to get right lide we ought to do.' Robert Creel, Alabama Grand Dragon for the Klan, said his organization would offer a reward for information leading to the bomber." (CA)
- Demopolis. "Fifteen young Negroes have been arrested on charges of violating an injunction prohibiting non-students to meet with school children during school hours." (CA)
- Anniston. "The three Ku Klux Klansmen accused of killing civil rights worker Viola Liuzzo marched side by side in a ten-block Klan march. They received a standing ovation after the demonstration." (FTU)
- Hayneville. A mistrial was declared in the Wilkins trial for murder after the jury reported itself deadlocked 10-2 on a first degree manslaughter charge. (NYT)
- Montgomery. "The Alabama Senate gave Gov. George Wallace a victory by approving a controversial resolution urging schools to delay meeting federal desegregation demands. The resolution passed by a 22-3 vote...." (BW)
- Montgomery. "The State Board of Education told Negro teachers in effect to keep their pupils in class--and away from civil rights demonstrations--or risk loss of pay. It was the second drastic action taken by state authorities in recent weeks in an effort to stop Negroes from boycotting classes in support of racial grievances." (AC)
- Tuskegee. A bi-racial group of ten persons gained admission to the downtown City Swimming Pool without incident. The next day, however, garbage, oil, and a small alligator were thrown into the pool. The City Council closed the pool for the rest of the summer.

July 1965

- Greensboro. "Violence erupted when a small force of city and state police and sheriff's deputies sought to break up a gathering of about 75 young Negro pickets who had refused to disperse from the grounds of the Hale County Courthouse. Officers swinging nightsticks began clubbing the Negroes to drive them back. Then a small number of white bystanders waded into the crowd, attacking the demonstrators with clubs, rubber hoses and fists. One man swung a hammer....Hours later, several hundred white men and women gathered in a high school stadium and heard grand dragon Robert Creel of the United Klans of America...." (BW)
- Mobile. "Justice rendered a rare color-blind verdict last Thursday when Nathaniel Taylor, a 26-year-old Negro handyman, was regarded as innocent and acquitted by an all-white jury of the charge of murdering Mrs. Lillian Kohown, 50, white, last Nov. 9." (PC)
- Anniston. "Larry Kessinger, 22, a white oil company worker, was convicted of beating William Turner, 19, on the steps of the Anniston High School. Kissinger is an employee of Kenneth Adams, former KKK member...." (BW)
- Linden. Negro prisoners were teargassed in their cells after being arrested under the Alabama boycott law. The sheriff admitted using tear gas on the prisoners; "I only used one or two squirts--just enough for them to raise hell about it." (SC)
- Atlanta. An argument was filed with the U.S. Court of Appeals for the 5th Circuit (southeastern states) in an attempt to desegregate Jefferson County juries. In the county's Bessemer Division, 39 out of every 100 men eligible for jury service are Negroes. Yet only one Negro was drawn for grand-jury service between 1948 and 1964. Federal Judge H. G. Grooms of Birmingham has ruled that he could find no evidence of discrimination against Negroes in the selection of juries. The Court of Appeals is being asked to reverse Judge Grooms' decision. (SC)
- Washington. Civil rights spokesmen strongly opposed President Johnson's appointment of J. P. Coleman, former governor of Mississippi, to one of the 9 seats on the 5th Circuit Court of Appeals. The appointment was attacked at a Senate Judiciary Subcommittee hearing because of Coleman's segregationist record as governor between

;956and 1960. During that time he formulated the doctrine of interposition, which holds that a state may ignore any federal law which it dislikes. "Coleman's supporters said that he was segregationist as a governor because it was the only way to get elected in Mississippi. As a judge he would not have to worry about elections." (SC)

Demopolis. Charles Saulsberry, a high school student, tried to take pictures of a deputy who had arrested a white SCOPE worker for driving with an improper muffler. He was grabbed and choked by the deputy until he answered "Yes, sir," to questions concerning the legality of taking pictures of an officer. The deputy then took the camera, exposed the film to the sun, and dropped the film on the ground. (SC)

Tuskegee. "In a sweeping resolution this week, Tuskegee's City Council went on record saying it would support 'the letter and the spirit of the 1964 Civil Rights Act, including the public accommodations section.'" (MA)

Tuskegee. A bi-racial group of students was attacked by some two dozen white men while trying to attend Methodist church services in Tuskegee. When a student tried to photograph one of the white men standing in front of the church, the man attacked him; most of the other men then joined in an attack on the student. "Police had been cruising in the area where the scuffle took place, but they did not appear until several minutes after the violence began. Said Police Chief Story: 'Although three patrol cars were in the area, no policemen witnessed the incident.'" (SC)

Greensboro. "Police broke up a marathon, 3-day civil rights demonstration by arresting 300 persons here. The estimated 400 demonstrators had gathered behind a police barricade, demanding the right to march to the courthouse to protest the burning of two Negro churches in the area." (CA)

August 1965

Marion. Six months after Jimmy Lee Jackson had been killed no arrests had been made. Circuit Solicitor Blanchard McLeod said he knew which state trooper shot Jackson; no arrests were made, however, since the evidence "points very strongly to self-defence." McLeod conceded, however, that some Negro observers disagreed with the trooper's claim of self-defense. "It is natural that eight or ten people might look at one incident differently" he said. (SC)

Jackson. A one-armed Negro was beaten by two whites at the M. W. Smith Lumber Co. Although the Negro employees closed down the plant with a week-long strike demanding that the two men be fired, they returned to work without any action being taken against the two men. (SC)

Tuskegee. "Tuskegee Institute professor Ben Zion Wardy conferred with Public Safety Director Alton Taylor last Friday morning about the security situation in the city. As Wardy drove away after the conference in City Hall, he was attacked by two thugs. The assailants hit Wardy over the head and smashed the windshield of his car." (SC)

Eufaula. Four Eufaula policemen severely beat Joseph Williams, a 44-year-old Negro epileptic and disabled war veteran when Williams could not immediately secure \$6 to pay a fine for allegedly running two stop signs. Police officials could not be reached for comment. (SC)

Montgomery. Patrolmen Brown and Belden were suspended from the force for five days after Brown allegedly cursed a Negro suspect, Luman Oliver, Jr., and beat him unconscious with a nightstick. Patrolman Brown said he had used only enough force to make Oliver drop the knife he had pulled and complete the arrest; Belden agreed. Speaking through wire that held his teeth together, Oliver said Brown's statement was untrue. He showed the court a bloody shirt and said his jaw was broken in three pieces and several ribs were cracked. Police Chief Marvin Stanly said the patrolmen "did not use the best of judgement" in their efforts to arrest the Negro. (SC)

Police discovered soon after the incident that Oliver was not involved in the stabbing. Oliver was found guilty of assaulting an officer and fined \$29. (SC)

Greensboro. Nearly 500 civil rights workers went to jail because Mayor W.C. Christian would not grant them a permit to march down Main Street to the Hale County Courthouse. They were arrested after their march had begun and sent to Camp Solma in Dallas County.

"Demonstrators said that prison conditions were terrible; one said that 150 people were placed in a cell meant for about 30. He said that at least 20 of the demonstrators had to stand all the time. 'That was the filthiest place I have ever seen,' he said." (SC)

Greenville. Negro demonstrators, protesting the delay in announcing the results of voter registration tests, were dispersed by smoke bombs and rocks. (SC)

Clayton. Three shots from a passing car broke several windows in the Rev. Philip McCants' church. Mr. McCants had led SCLC-organized voting marches to the Clayton courthouse on the two days immediately preceding the shooting. (SC)

Jackson. "Negroes tried to get service at a restaurant in this southwest Alabama town early Saturday, touching off an exchange of gunfire that wounded three Negroes and a white man." (AC)

Demopolis. "A new Demopolis ordinance and a county injunction have completely erased the constitutional rights of free speech and peaceful assembly for citizens." Effects of these include: 1. Prohibition against walking to the business district with less than \$3 in hand; 2. Prohibition of meetings by groups of more than two. (SC)

Hayneville. Jonathan Daniels was killed by a shotgun blast following his release from jail for picketing, while the Rev. Richard Morrisroe was critically wounded. The demonstration there was the first ever held in the county (Lowndes). Thomas L. Coleman, a member of one of Hayneville's most prominent families was charged with first-degree murder. (SC)

Greenville. Two Negro civil rights demonstrators, R.B. Cottonreader and John Harris, were chased by three white men armed with knives as they left the Western Union office. They said police looked on, but did nothing. Both managed to escape. (SC)

Anniston. "The local head of the segregationist National States Rights Party (Kenneth Adams) was arrested August 20th and charged with receiving 'with the intent to convert to his own use' an arsenal of government explosives." (ADW)

Birmingham. "The FBI said Friday it has arrested former KKK leader and local head of the National States Rights Party, Kenneth Adams, in connection with a theft of a large cache of explosives from Fort McClellan." (N&O)

Opelika. 66 people were arrested for "parading without a permit" as they began a march to the county courthouse to demand more voter registration days in Lee County. (SC)

Jacksonville. Thad Christian, Negro father of 7 children, was shot and killed while fishing in a small "white man's creek" with a companion. (SC)

Opelika. 70 demonstrators, denied a parade permit, attempted to march anyway to protest too few registration days, the "private signs on the courthouse restroom door, and too few Negro public officials and law-enforcement officers. The marchers were arrested and dragged and shoved into an old school bus. In the county jail Tom Millican, a white Auburn University student, was beaten by cellmates. (SC)

Montgomery. State Attorney General Richmond Flowers said he was moving into the Jonathan Daniels case following the handing down of a manslaughter indictment against Thomas Coleman by the Lowndes County grand jury. "If this is not murder it's no case at all," Flowers said. (SC)

Wetumpka. Deborah Bracey, one of 20 Negro students who had integrated Wetumpka High School one week earlier, was suspended indefinitely and charged with assaulting a white student. She claimed the boy had been repeatedly shooting rubber bands at her.

Miss Bracey charged that she was not allowed to make a phone call after being arrested on assault and battery charges. She said she had to spend the night in a cell with two other women and one bed. "I don't know a thing in the world about that," said Sheriff Holley. (SC)

Mobile. No indictments were voted by the federal grand jury after a six-day investigation of police conduct during civil rights demonstrations in Selma and Marion. U.S. Attorney Vernon R. Jansen, Jr., along with three special prosecutors from the Justice Department in Washington, has presented cases of possible violations of federal laws that prohibit police brutality and conspiracies to deprive people of their civil rights. Jansen said, "there just isn't any such thing ... as a case that goes to a federal grand jury without sufficient evidence to convict." The jury was investigating state and local police conduct in demonstrations last Feb. 18 in Marion (the killing of Jimmy Lee Jackson by a state trooper), and March 7, in Selma (the clubbing and gassing of demonstrators trying to cross the Edmund Pettus Bridge).

October 1965

Hayneville. An all-white Lowndes County jury found Thomas L. Coleman, a prominent citizen of the county, not guilty of manslaughter. Coleman was on trial for the shotgun murder of Jonathan Daniels. (SC)

Tuskegee. Fifty Tuskegee Institute students walked to the Confederate Monument in the center of town and there sang "We Shall Overcome." They were led by four boys carrying a coffin draped in black, with the words "Alabama Justice" written on the side. The march had been called to protest the Lowndes County jury's finding Thomas Coleman not guilty of manslaughter in the fatal shooting of Jonathan Daniels. (SC)

Marion. The Perry County grand jury refused to indict an unidentified Alabama state trooper for first-degree murder in the fatal shooting of Jimmy Lee Jackson. (SC)

Hayneville. Collie Leroy Wilkins was found not-guilty of the murder of Mrs. Viola Liuzzo by an all-white jury. In Wilkins' first trial on the murder charge the jury was unable to agree on a verdict.

November 1965

Mobile. Walter Hendricks, an 18-year-old Negro, was found guilty of raping a young white woman by an all-white jury. Hendricks admitted having relations with the woman, but he testified that she did not resist. The woman denied this.

Although the incident occurred around 9 p.m. in a heavily populated neighborhood, there were no witnesses who saw or heard Hendricks dragging the woman to the school against her will. (SC)

Eutaw. Seven people were arrested for trespassing on the grounds of Carver High School and the Greene County Training School while attempting to recruit marchers for the continuing demonstrations against "segregated justice." (SC)

Greenville. A blind man, Robert Brown, 67, was evicted from his home in Greenville. He said it was because he had allowed demonstrations at his home. (SC)

Anniston. An all-white jury decided that the civil rights of Arthur L. Jackson, an Anniston Negro, had not been violated in an alleged beating by two white policemen who had arrested Jackson for reckless driving and driving while intoxicated. Jackson's lawyers' motion that the jury be balanced with members of different races was denied by the judge. (SC)

Florence. An all-white jury freed Alexander Boddie, charged with the rape of a white woman in Florence, Alabama. "People in the community could not remember the last time a Negro was cleared of such a charge." (SC)

December 1965

Montgomery. Three men, E. Thomas, W.O. Eaton and Collie Leroy Wilkins, were tried

in federal court on the charge of conspiracy to deny the civil rights of Mrs. Viola Liuzzo; in court, however, the government sought to prove that it was these three men who shot and killed Mrs. Liuzzo. This was the third trial for Wilkins in connection with Mrs. Liuzzo's death. After a mistrial in May, a Lowndes County jury acquitted him of murder. (SC)

Montgomery. At a federal court hearing here three Lowndes County jury commissioners said they couldn't remember seeing a Negro on a trial jury. Circuit Judge T. Worth Thagard, who holds court in Lowndes County twice a year, couldn't think of any, either.

The jury commissioners said they got names for the jury rolls from voting lists and from "going around in our county and picking out the people we think are eligible." There are 2,262 Negro men and 689 white men in Lowndes county.

Anniston. Jimmy Glenn Knight, the prosecution's chief witness in the trial of H.D. Strange for the murder of Willie Lee Brewster, testified that minutes after Brewster was shot, Strange and two companions boasted, "We got us a nigger. I got one. I'm pretty sure, because the car swerved off the road." (SC)

Hubert Damon Strange was convicted of second-degree murder by an all-white jury for the night-rider slaying of Willie Brewster. He was sentenced to 10 years in prison, the lightest sentence possible for second-degree murder. (SC)

Montgomery. Less than 24 hours after Strange's conviction, an all-white federal jury in Montgomery found three Ku Klux Klansmen guilty of conspiracy in the death of Mrs. Viola Gregg Liuzzo, and sentenced them to 10-year prison terms.

Selma. An all-white jury deliberated for 90 minutes before finding three white men not-guilty of the murder of Rev. James Reeb. Two of Mr. Reeb's companions on the night of his death had positively identified one of the three men, Elmer Cook, as the man who attacked them. (SC)

January 1966

Tuskegee. Samuel Younge, Jr., 21, was shot to death just before midnight near a downtown service station by a white service station attendant, Marvin Se-grest, after he had asked to use the men's room in the service station. (SC)

Lowndes County. Freedom City, a tent city for evicted Negro farm families, was begun on Highway 80 in Lowndes County. Sheriff Frank Ryals said that the families probably had to go because the plantation is changing over to cattle raising and mechanical cotton pickers. At least one family, however, feels that registered voters are always the first to go. "I just think he wanted his house because they found out we had registered to vote," said Mrs. Mandle Glover. "He's had a mechanical picker since '55," she said, "and he has lots of people who ain't registered working." (SC)

Camden. David Colson, a Negro carpenter, was shot through the head by James T. Reaves a few moments after he stepped out of his car to see whether the white man had hit and dented his car. Reaves turned himself in to a policeman. (SC)

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Sources:

- (AC) Atlanta Constitution
- (ADW) Atlanta Daily World
- (BN) Birmingham News
- (BW) Birmingham World
- (CA) The Commercial Appeal, Memphis, Tennessee
- (FTU) Florida Times-Union, Jacksonville
- (MA) Montgomery Advertiser
- (N&O) The News and Observer, Raleigh, North Carolina
- (NYT) New York Times
- (PI) Philadelphia Inquirer
- (PC) Pittsburgh Courier

Alabama Justice: Race Related Murders in Alabama since 1958

William L. Moore. A 35 year old white mail carrier from Baltimore, Moore planned to walk from Chattanooga, Tennessee to Jackson, Mississippi and deliver an anti-segregation message to the governor, at that time Ross Barnett. Moore got as far as Attalla in Etowah County, Alabama. On April 24, 1963 he was gunned down along U.S. Highway 11. Governor Wallace called the murder "a dastardly act" and offered a \$1,000 reward for the killer. Within a few days the local sheriff arrested a suspect and ballistics tests showed the suspect's weapon had fired the shots that killed Moore; the sheriff asked that first degree murder charges be lodged against the white man. Five months later, at the next regular meeting of the grand jury, the jury refused to indict the suspect. No comment was given by the jury foreman.

Carole Robertson, Denise McNair, Addie Mae Collins, Cynthia Dianne Wesley. Without warning a dynamite blast ripped through the Sixteenth Street Baptist Church in Birmingham, injuring 20 people and killing these four girls. Within recent months there had been eight such bombings; Governor Wallace announced to a college audience that the bombings were "dastardly acts." Three men were arrested but there was no evidence to prove a connection with the church bombing. The state circuit court overturned their conviction on a charge of illegal possession of explosives. There have been no further arrests.

Virgil Ware. This 13-year-old Negro was killed by two white teen-agers while riding his bicycle in a suburban area of Birmingham following the downtown church bombing. Both white boys were apprehended and signed confessions; they were both Eagle Scouts, aged 16 and 17. They were first charged with first-degree murder and released on \$10,000 bond; when they came to trial the charge was dropped to second-degree manslaughter. Both were convicted and sentenced to seven months imprisonment. The boys were lectured and sent home free; regarding the prison terms, the judge placed them on probation.

Johnny Brown Robinson. In Birmingham, shortly after the church bombing, a riot erupted in the Negro section. Birmingham police claimed that Johnny, 16, was throwing rocks at their cruiser. They ordered him to stop, then shot over his head with a shotgun. He died, shot in the neck. The coroner and grand jury decided, on the basis of the officers' testimony, that the weapon had been discharged accidentally.

John L. Coley. This Negro also suffered fatal wounds from shotgun pellets during rioting after an earlier race bombing. There were no arrests.

Jimmy Lee Jackson. On Feb. 18, 1965, 35 miles north of Selma, local Negroes marched on the courthouse. State troopers moved in on the people as they knelt in the streets, brutally beating women and children. Several newsmen were beaten by local whites as the troopers stood by watching.

After the beatings had occurred state troopers rushed into a cafe looking for persons who had earlier thrown coke bottles at them. Jackson ran from the cafe with the troopers in pursuit and beating him. He died of complications resulting from his wound. The state trooper who killed him was cleared by a grand jury on the basis of self-defense.

Reverend James J. Reeb. Four white residents of Selma attacked Reeb and two minister companions who were in town for the Selma-Montgomery march. One attacker clubbed Reeb from behind; two days later he died of head injuries. Three of the attackers were indicted on murder charges; all three were acquitted.

Mrs. Viola Liuzzo. This Detroit housewife was shot and killed on Highway 80 while returning to Montgomery to transport civil rights marchers following the Selma-Montgomery march. Three Klansmen were charged with murder. Collie Leroy Wilkins was tried twice for the murder. The first was declared a mistrial because of a hung jury; the second jury acquitted him. Charges are still pending against William O. Eaton and Eugene Thomas. An all-white jury did find all three guilty of conspiracy to violate Federal civil rights statute; each received a 10 year sentence, and bond was set at \$10,000.

Willie Brewster. Brewster was killed in a night-rider slaying while driving home from work. Three white men were indicted by the grand jury on murder charges. One man, Hubert Damon Strange, was convicted of second degree murder and given a 10-year prison sentence. The other two, Johnny Ira DeFries and Lewis Blevins, still face murder charges.

Frank Andrews. A white sheriff's deputy shot Andrews in the back in Lisman. The county solicitor said the victim was attacking another deputy. There have been no arrests.

Jonathan M. Daniels. This Episcopal seminarian was killed after his release from jail because of civil rights demonstrations. The suspect Tom Coleman, a prominent member of the community (Hayneville), was arraigned for murder and assault with intent to kill; after being jail for 11 hours he was released on bonds of \$10,000 and \$2,500. The grand jury brought an indictment for manslaughter, and assault and battery. The defendant was acquitted of manslaughter.

Thad Christian. This Negro man was shot while fishing in a "white man's creek" outside of Anniston. A white suspect was charged for murder in the arrest warrant.

Samuel L. Younge, Jr. This Tuskegee Institute student who had led several demonstrations in the past year was shot to death just before midnight near a downtown service station in Tuskegee. Younge had been a target of segregationists' hatred for months; his father said his son's life had been threatened repeatedly since he led unsuccessful attempts to integrate the town's swimming pool and several churches this past summer.

Younge was shot by a white service station attendant, Marvin Segrest, after he had asked to use the men's room in the service station. Segrest has been arrested, charged with first degree murder, and released on bond.

David Colson. This Negro carpenter was shot by James T. Reaves in Camden a few moments after he had left his car to see whether Reaves had hit and dented it. Reaves turned himself in at the local police station.

Sources:

SNCC, Special Report on Alabama, "A Few Recent Deaths in Alabama," 3/65.
Southern Regional Council, The New South, "Some Race Related Deaths in the United States, (1955-1965)", November 1965.
The Southern Courier.

MEDIAN FAMILY INCOME

for the State of Alabama, Urban and Rural, by Color
and Selected Counties in the State

	Median Family Income		
	Total	Nonwhite	White
Alabama	\$3,937	\$2,009	\$4,764
Urban	4,853	2,568	5,779
Rural	2,841	1,415	3,506
Counties			
Autauga	3,170	1,436	* 4,715
Barbour	2,174	1,155	3,477
Bullock	1,557	901	4,307
Dallas	2,846	1,393	5,231
Greene	1,404	971	4,372
Hale	1,703	1,203	3,729
Lowndes	1,387	935	4,533
Macon	2,428	1,904	4,244
Sumter	1,564	1,087	4,719
Wilcox	1,550	1,081	3,914

Source: Bureau of the Census, Department of Commerce,
(1960).

* Calculated from data in the preceding columns.

MEDIAN SCHOOL YEARS COMPLETED

by the Population 25 years and Over for the United States, the State of Alabama, and Selected Counties in the State of Alabama, Urban and Rural, by Color

Median School Years Completed			
	Total	Nonwhite	White
United States	10.6	8.2	10.9
Urban	11.1	8.7	11.5
Rural	9.2	6.2	9.6
Alabama	9.1	6.5	10.2
Urban	10.3	7.3	11.6
Rural	8.1	5.5	8.7
Counties			
Autauga	8.4	5.6	* 10.1
Barbour	7.5	4.7	9.6
Bullock	7.0	5.2	11.8
Dallas	8.8	5.8	12.2
Greene	6.6	5.0	11.9
Hale	6.9	5.3	11.0
Lowndes	6.4	5.1	12.1
Macon	8.4	7.6	10.7
Sumter	6.6	5.0	12.2
Wilcox	7.0	5.5	11.6

Source: Bureau of the Census, Department of Commerce (1960).

* Calculated from data in the preceding columns.

ALABAMA JUSTICE: THE ROLE OF THE FEDERAL GOVERNMENT

The following article is taken from a review of Burke Marshall's Federalism and Civil Rights by Dr. Richard Wasserstrom, Dean of the College of Arts and Sciences at Tuskegee Institute. Mr. Marshall was formerly Assistant Attorney General for Civil Rights in the Department of Justice.

"...Federalism and Civil Rights is an important book because it so largely reflects contemporary, as well as prior, governmental ideology of the extent of federal commitment. This ideology requires the taking of a quite restricted view of the role the federal government can and should play in the enforcement of civil rights. It consists further in the commitment to securing voluntary compliance from state and local officials. (That this philosophy still prevails is evident from the fact that federal examiners have been sent into only a few Deep South counties even though the prohibitions of the 1965 Civil Rights Act in respect to literacy tests continue to be violated in any number of other counties.) And it insists, finally, that the federal system itself is not at fault--only the persons functioning within the system are to blame.

If taken wholly seriously, this ideology is difficult to understand and even more difficult to commend. If a system really works so badly, if it has permitted--as Mr. Marshall so readily agrees that it has--systematic abuses and evasions of the magnitude of those he, himself, delineated, then it would surely be appropriate to conclude that there are serious and pervasive flaws in the system itself. The distinction between system and persons is just not a real one. A system is worked by and for people. If it is a good system, it is good because it fulfills certain desirable functions, given the nature of the person involved. It is suspect if, despite its theoretical virtues, people can and do regularly pervert its purposes with impunity.

Similarly, the ideology comes at times to assume the status of a mythology. For there is surely something unreal about the maintenance of the belief that local white segregationists will act voluntarily to abandon their vested interests in the maintenance of the system of white supremacy. And even if there were some plausibility in believing in the possibility of this occurrence, where within the calculus of this ideology is there recognition of the present, immediate and severe harms done to the Negro citizens of the South? If Mr. Marshall's analysis is correct, if this is all that the federal system has to offer, if this is the "realistic" view of what federalism comes to, then a much, much stronger case than he has made must be made of its virtues--if, that is, the present injustices, the continuing indignities, and the more than occasional murders are to be rationally viewed as a price clearly worth paying for the nondestruction of the federal system.

But the hard fact, as I see it, is simply that what Mr. Marshall has described is not the federal system as it is and must be. The limitations he imposes on federalism are in several respects contingent and not essential at all. And it is this that makes his book so troublesome and its philosophy, because so fully accepted in important circles, so unfortunate. On at least two occasions Mr. Marshall expresses concern over the "misguided" but incessant pleas of civil rights workers for meaningful federal protection and intervention. The object of his indignation is not however the workers; rather, it is institutions of higher education, almost all of whom have failed to teach people about

these limitations of federalism. Apparently, he notes, the schools and universities attended by civil rights workers '...have not taught them much about the working of the federal system.' For, he reports, 'There exists an immense ignorance, apparently untouched by the curricula of the best universities, of the consequences of the federal system.' If Mr. Marshall's conception of the nature and limitations of the federal system is correct, then his complaint is probably justified. I suspect, however, that a solid course in federalism would probably only exacerbate the demands of civil rights workers. More to the point, there is, I submit, no reason at all why such a course of instruction should reduce them one bit. Such a course neither would nor should diminish the disillusionment of our youth simply because it would quite properly teach that the federal system permits, if does not in fact require, federal activities and federal commitments of a sort Mr. Marshall does not consider in his book. Let us imagine some of the things that such a course on federalism might consider,

The course might begin, for example, with the notion that it is a federal system and not a confederacy that we have. Article VI of the Constitution does proclaim that the Constitution and laws of the United States shall be the supreme law of the land--even in state courts and even for state and local officials. But if the Supremacy Clause were thought too general an object of study, the course might consider those federal laws that relate explicitly to civil rights activity. Although Mr. Marshall does not mention it once, sec. 242 of Title 18 does provide that

'whoever, under color of any law...willfully subjects any inhabitant of any state...to the deprivation of any rights, privileges or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties...by reason of his color or race, then are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.'

Conceivably, exposure to a course in federalism might lead students to suppose that this penal law (even with its most restrictive interpretation) does impose a serious obligation of enforcement upon those charged with the duty of enforcing federal laws generally. And it would be quite hard to see why such a course should teach that sec.242 really means the statute is to be enforced only where the likelihood of conviction is great, or the crime especially heinous. Yet, such is, apparently, federal policy.

And suppose our course talked some more about the enforcement of federal penal laws generally. Where is the text that would instruct the students that an agent of the Federal Bureau of Investigation--or perhaps even any person--can not make an arrest without a warrant for a misdemeanor committed in his presence or upon reasonable cause that a felony has been committed, etc.? The course could well advise, though, that the F.B.I. and other federal officials have been present when sec. 242 has been violated innumerable times and that an arrest without a warrant has never been attempted.

To be fair, our course on the federal system might also point out that some (including Mr. Marshall, no doubt) have argued that there are sound policy (if not legal) reasons for proceeding with utmost caution in the enforcement of sec. 241 and sec. 242 of Title 18. More specifically, that it is often urged that an arrest should not be made or an indictment sought unless there is a really strong case--unless there is evidence that even a white Southern jury would find it difficult to ignore. But our course should then surely inquire, as well, into how aggressively the United States has sought to obtain such evidence. Has it ever, for example, considered disguising F.B.I. agents as

Northern white S.N.C.C. workers, equipping them with miniature cameras and the like, and sending them into an ongoing racial demonstration for the purpose of seeing whether those awful, melodramatic tales of police brutality really are true? To put the point somewhat differently: does the Federal Government pursue violators of sections 241 and 242 with one-half or even one-quarter the zeal with which it searches out violators of the federal narcotics laws or labor racketeers? Again, were our students of federalism to ask what there is about the federal system that makes these laws different from all other federal criminal laws, I suspect that no very plausible answer could be forthcoming.

And the list of unanswered questions could be lengthened appreciably. Why has the government not sought to have the registrars who so openly disregard injunctions secured under 42 U.S.C. 1971 held in contempt of court? Who can say what the deterrent effect upon the typical recalcitrant registrar would have been had only a few notorious violators been fined or jailed? The only thing we can say is that not a single one has yet to suffer this fate--despite Mr. Marshall's acknowledgement that the number of Negroes registered between 1957 and 1964 (since 42 U.S.C. 1971) is small indeed. Or what about the impeachment of that judge or those judges who, in Mr. Marshall's own words, "...have expressed hostility to federal efforts to enforce the right to vote...?" Does it not cease to be "good behavior" within the meaning of Article III of the Constitution when this hostility is expressed in open court and overtly acted upon to the detriment of federal laws and the rights protected by those laws? How should the schools have taught the impatient, disillusioned civil rights workers to answer this one?

There may be, although I do not think that there are, good and satisfying answers to these and other questions that can be raised. They are almost surely, though, unanswerable from an inspection and analysis of the structure of the federal system. One can, of course, answer them by reading into the federal system all of the sorts of limitations and restrictions that Mr. Marshall apparently finds there. But one should be very clear that what is now being discussed is not the federal system per se, but rather the federal system with a complicated, restrictive, and by no means self-justifiable gloss imposed upon it out of conscious choice and not structural or textual necessity.

Or, one could, perhaps, point to the political dimensions of the problem: A Southern senator controls certain key committees, hence the White House deems it inexpedient to push too hard for registration in his country; the F.B.I. is, as a practical matter, immune from direction by even the Attorney General; if X is prosecuted, the only result will be the solidification of his local power base; and so on. I do not mean to suggest that factors such as these are necessarily crass or unworthy of consideration just because they are labeled "political." Indeed, they may well be decisive. But they are not, I suspect, the kinds of things that Mr. Marshall expects to have taught in that course on federalism.

My complaint with Mr. Marshall's book is, of course, in part that I disagree with the policies of limited action under which the federal government has proceeded in the area of civil rights. More relevant to an assessment of the book's merit, however, is its failure even to hint that these constraints might be the result, not of our federal system, but rather of a series of conscious decisions to reinterpret, redefine and reconstruct the limits of justifiable federal action. The hard question that Mr. Marshall's book does not answer satisfactorily is how, in the light of the dismal record of enforcement to date and the injuries all too long endured and still suffered daily, the continued imposition of these constraints can still seem defensible."

The nature of Southern justice and the role of the federal government are further explored in the collection of essays Southern Justice, edited by Leon Friedman (published in 1965). The following passages are taken from these essays.

Charles Morgan, Jr., Segregated Justice

"An interracial crime is reported--'NEGRO RAPES WHITE WOMAN' is the newspaper headline--and the machine begins to grind. Arrested by a member of an all-white police force, or sheriff's department or highway patrol, the Negro defendant is brought, perhaps for the first time, into the lonely world of the white South. The warrant for his arrest, if there is a warrant, was sworn out by a white man and issued by a white magistrate or commissioner. Then, transported to jail in a racially segregated patrol wagon, he is fingerprinted, photographed and assigned a number by a white clerk, and detained in a racially segregated cell in a jail run by white men. Later he is indicted by a white grand jury and pressured to confess or plead guilty. If he refuses, he is brought to a courtroom presided over by a white judge, provided a white defense lawyer, tried before a segregated audience, referred to with first-name condescension, and convicted by a white trial jury in a courthouse with segregated restrooms and drinking fountains.

The all-white state supreme court, some of whose justices are as well known for their bawdy Negro stories as for their attacks upon the Supreme Court of the United States, then views the appeal. The white lawyers write their briefs, the law is studied by white law clerks, and the jury's verdict is approved.

If an appeal to the Supreme Court of the United States fails, the Negro defendant, condemned from the beginning, now confined to a racially segregated cell on death row, will be visited by white guards, a white chaplain and a white barber, each of whom expresses regrets. He is then strapped into an electric chair (the state's desegregated instrumentality of justice) by white men and before white witnesses. A white man pushes a button or pulls a switch,

From birth in a racially segregated hospital, or no hospital at all, the Negro man, whose name was never important, has moved to burial in the Negro section of a racially segregated potter's field.

From identification by a white woman--who often says, 'I can't tell one of them from the others'--to the filing of the death certificate, every decision involving the life and death of the Negro criminal defendant rested in racially antiseptic white hands.

In any society, democratic or totalitarian, unbalanced instrumentalities of justice are weapons of repression. The racially exclusive system of southern justice, its white juries and white lawyers, judges, sheriffs and deputies, police and clerks, stenographers and segregated facilities, is the sophisticated and effective guarantor of the southern way of life.

* * *

In 1880, the Supreme Court of the United States struck down a West Virginia statute providing that only "white male persons" were eligible for jury duty. Southern whites, unable to exclude Negroes from jury duty by law, turned to indirection. States that refused to educate Negroes required that jurors be registered voters. Or they required jurors to own real property. Or they required 'good character,' 'experience,' or 'moral character,' or 'intelligence,' or 'uprightness.' Determinations of character, experience, intelligence and uprightness, necessarily subjective, were made by white jury commissioners.