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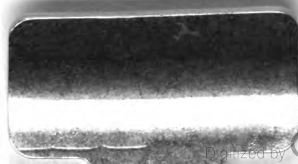
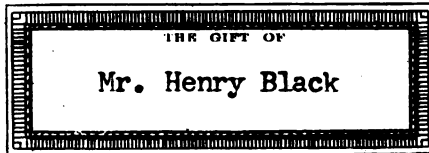
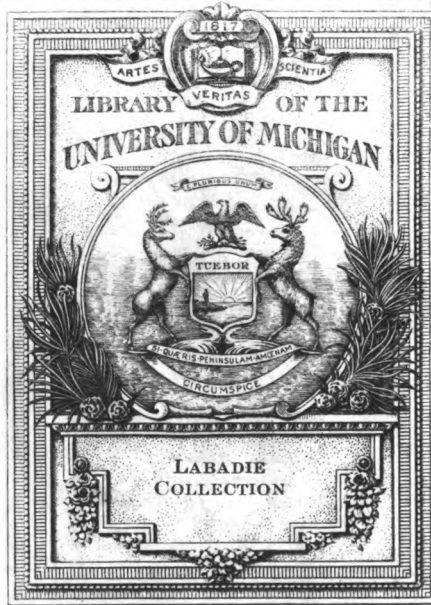
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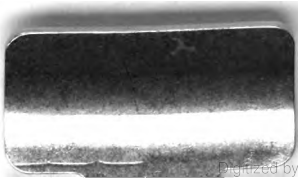
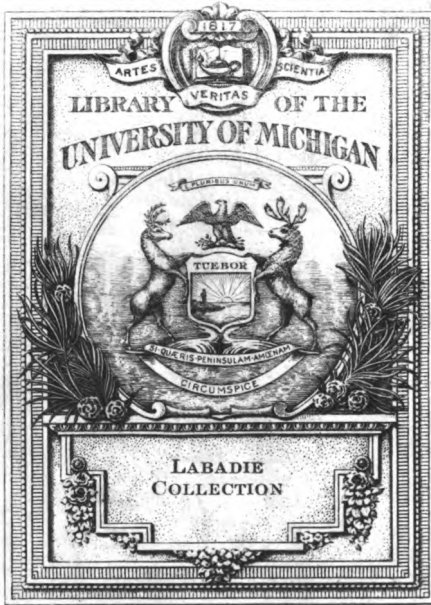
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We Charge Genocide







We Charge Genocide



THE FACE OF GENOCIDE. These two young Negro men, Dooley Morton and Bert Moore, were murdered in a brutal double lynching at Columbus, Mississippi. Such horrifying violence is only one of the many crimes against the Negro people of the United States which together form the major crime of genocide.

WE CHARGE
Genocide

THE HISTORIC PETITION TO THE UNITED NATIONS
FOR RELIEF FROM A CRIME OF
THE UNITED STATES GOVERNMENT
AGAINST THE NEGRO PEOPLE

Civil Rights Congress

New York: 1951

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1st Edition, Nov. 1951

2d Edition, Dec. 1951

3d Edition, Jan. 1952

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ARTICLE II, CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE:

Adopted December 9, 1948

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

ARTICLE III:

“The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.”

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Introduction

OUT OF the inhuman black ghettos of American cities, out of the cotton plantations of the South, comes this record of mass slayings on the basis of race, of lives deliberately warped and distorted by the willful creation of conditions making for premature death, poverty and disease. It is a record that calls aloud for condemnation, for an end to these terrible injustices that constitute a daily and ever-increasing violation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

It is sometimes incorrectly thought that genocide means the complete and definitive destruction of a race or people. The Genocide Convention, however, adopted by the General Assembly of the United Nations on December 9, 1948, defines genocide as any killings on the basis of race, or, in its specific words, as "killing members of the group." Any intent to destroy, *in whole or in part*, a national, racial, ethnic or religious group is genocide, according to the Convention. Thus, the Convention states, "causing serious bodily or mental harm to members of the group" is genocide as well as "killing members of the group."

We maintain, therefore, that the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government.

The Civil Rights Congress has prepared and submits this petition to the General Assembly of the United Nations on behalf of the Negro people in the interest of peace and democracy, charging the Government of the United States of America with violation of the Charter of the United Nations and the Convention on the Prevention and Punishment of the Crime of Genocide.

We believe that in issuing this document we are discharging an historic responsibility to the American people, as well as rendering a service of inestimable value to progressive mankind. We speak of the American people because millions of white Americans in the ranks of labor and the middle class, and particularly those who live in the southern

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states and are often contemptuously called poor whites, are themselves suffering to an ever-greater degree from the consequences of the Jim Crow segregation policy of government in its relations with Negro citizens. We speak of progressive mankind because a policy of discrimination at home must inevitably create racist commodities for export abroad—must inevitably tend toward war.

History has shown that the racist theory of government of the U.S.A. is not the private affair of Americans, but the concern of mankind everywhere.

It is our hope, and we fervently believe that it was the hope and aspiration of every black American whose voice was silenced forever through premature death at the hands of racist-minded hooligans or Klan terrorists, that the truth recorded here will be made known to the world; that it will speak with a tongue of fire loosing an unquenchable moral crusade, the universal response to which will sound the death knell of all racist theories.

We have scrupulously kept within the purview of the Convention on the Prevention and Punishment of the Crime of Genocide which is held to embrace those "acts committed with intent to destroy in whole or in part a national, ethnical, racial or religious group as such."

We particularly pray for the most careful reading of this material by those who have always regarded genocide as a term to be used only where the acts of terror evinced an intent to destroy a whole nation. We further submit that this Convention on Genocide is, by virtue of our avowed acceptance of the Covenant of the United Nations, an inseparable part of the law of the United States of America.

According to international law, and according to our own law, the Genocide Convention, as well as the provisions of the United Nations Charter, supersedes, negates and displaces all discriminatory racist law on the books of the United States and the several states.

The Hitler crimes, of awful magnitude, beginning as they did against the heroic Jewish people, finally drenched the world in blood, and left a record of maimed and tortured bodies and devastated areas such as mankind had never seen before. Justice Robert H. Jackson, who now sits upon the United States Supreme Court bench, described this holocaust to the world in the powerful language with which he opened the Nuremberg trials of the Nazi leaders. Every word he voiced against the monstrous Nazi beast applies with equal weight, we believe, to those who are guilty of the crimes herein set forth.

Here we present the documented crimes of federal, state and municipal governments in the United States of America, the dominant nation in the United Nations, against 15,000,000 of its own nationals—the Negro people of the United States. These crimes are of the gravest concern to

INTRODUCTION

mankind. The General Assembly of the United Nations, by reason of the United Nations Charter and the Genocide Convention, itself is invested with power to receive this indictment and act on it.

The proof of this fact is its action upon the similar complaint of the Government of India' against South Africa.

We call upon the United Nations to act and to call the Government of the United States to account.

We believe that the test of the basic goals of a foreign policy is inherent in the manner in which a government treats its own nationals and is not to be found in the lofty platitudes that pervade so many treaties or constitutions. The essence lies not in the form, but rather, in the substance.

The Civil Rights Congress is a defender of constitutional liberties, human rights, and of peace. It is the implacable enemy of every creed, philosophy, social system or way of life that denies democratic rights or one iota of human dignity to any human being because of color, creed, nationality or political belief.

We ask all men and women of good will to unite to realize the objectives set forth in the summary and prayer concluding this petition. We believe that this program can go far toward ending the threat of a third world war. We believe it can contribute to the establishment of a people's democracy on a universal scale.

But may we add as a final note that the Negro people desire equality of opportunity in this land where their contributions to the economic, political and social developments have been of splendid proportions, and in quality second to none. They will accept nothing less, and continued efforts to force them into the category of second-class citizens through force and violence, through segregation, racist law and an institutionalized oppression, can only end in disaster for those responsible.

Respectfully submitted by the Civil Rights Congress as a service to the peoples of the world, and particularly to the lovers of peace and democracy in the United States of America.

—WILLIAM L. PATTERSON
National Executive Secretary
Civil Rights Congress

New Acts of Genocide

SINCE the preparation of the first edition of this petition in October, 1951, the following new acts of genocide against the Negro people have been reported:

A Florida Sheriff, Willis V. McCall, killed SAMUEL SHEPHERD and wounded WALTER LEE IRVIN, 23-year-old Negro prisoners whom he was driving to a re-trial which would have proven conclusively their innocence of a false "rape" charge. Neither federal government nor *Florida* officials have acted to punish Sheriff McCall for this cold-blooded murder.

Deputy Sheriff Lanclos of *Opelousas, Louisiana*, killed JOHN LESTER MITCHELL, a 33-year-old Negro who had filed suit in a federal court seeking the right of Negroes in St. Landry Parish (county) to vote. No action to punish Lanclos has been taken by the Dept. of Justice or the State of Louisiana.

Instead, following Mitchell's murder, Opelousas police terrorized the Negro community with a "manhunt" for five Negroes who allegedly "attacked" a night-club employee who held a "non-salaried sheriff's commission."

WILLIAM HARVEY, a Negro seaman aboard the U.S. freighter *Flying Trader*, was shot and killed by the ship's captain, Franklin Weaver, who was notorious for his racism. The seaman was in shock and pleading for mercy when he was shot to death. Weaver was exonerated by a government commission on the ship's return to the United States.

MACK INGRAM, 44-year-old Negro share-cropper of *Yanceyville, North Carolina*, was indicted on a second charge of intent to commit assault for looking at a 17-year-old white girl from a distance of 75 feet. He had previously been convicted of assault "with intent to commit rape" because of the same accusation.

In *Philadelphia, Pennsylvania*, forty police officers killed an unarmed 21-year-old Negro youth, JOSEPH AUSTIN CONWAY, allegedly being sought for questioning in a robbery. He died in a hail of police bullets while seeking to draw fire away from his family and neighbors.

In *Highland Park, Michigan*, an 18-year-old Negro youth, WILLIAM WASHAM, was shot and killed by Patrolman Paul Gytevai following an automobile traffic incident. Gytevai fired four shots at Washam and left his body huddled against a building where it was found the next morning.

NEW ACTS OF GENOCIDE

For the third time in 1951, CARVER VILLAGE, a Negro housing development in *Miami, Florida*, was dynamited by racist terrorists. The Miami Hebrew School and Congregation was bombed at the same time. No effort by the FBI or Florida police to apprehend and jail the terrorists has been made.

A United States Circuit Court of Appeals refused to review the cases of four *North Carolina* Negroes facing death in the state's gas chamber on trumped-up charges. The DANIELS Cousins were refused a review of their murder frame-up because their attorney was a day late in filing his appeal. The other two victims, CLYDE BROWN, 20 and RALEIGH SPELLER, face death for "rape." White men in *North Carolina* convicted of that crime are never given the death penalty.

A federal grand jury in *Beaumont, Texas*, acquitted four Orange, Texas policemen who beat to death LEVI DORSEY, a Negro they were holding in jail on charges of robbery.

Fifteen Negroes died in a train collision near *Woodstock, Alabama*, because state and railway officials compelled them to sit in a segregated car, a converted baggage car, in the forward part of the train. Two small Negro children were among the dead.

Since the second edition of this book went to press in November, 1951, the following acts of genocide by government against the Negro people, in violation of the UN Convention on Genocide, have been reported. (The following is a partial list.)

On Christmas Night, in Mims, Florida, Harry T. Moore, Florida head of the National Association for the Advancement of Colored People, was murdered by racist terrorists who bombed his home. His wife, Mrs. Harriett Moore, was also killed as a result of injuries sustained in the bombing. The attack on the Moore home followed a series of thirteen bombings of Jewish synagogues, a Negro housing project and Catholic Churches which began in June in Florida. Neither the murderers nor the dynamiters have been found or punished by government authorities.

In Paris, France, the U.S. State Department attempted to withdraw William L. Patterson's passport. Mr. Patterson, National Executive Secretary of the Civil Rights Congress and editor of this petition, was seeking a hearing before the UN Commission on Human Rights. The State Department's action was an open attempt to perpetuate anti-Negro genocide in the United States.

Gov. James F. Byrnes of South Carolina, former Secretary of State of the United States, called on the State Legislature to abandon the public school system because the U.S. Supreme Court may uphold the right of Negro students to so-called "equal" yet segregated school facilities.

Gov. Herman Talmadge of Georgia publicly urged a boycott by racists throughout the South of several national television programs because Negro and white performers had appeared together or because Negroes and whites conversed with each other on these programs.

In New York City, eighteen families living in Stuyvesant Town, owned by the Metropolitan Life Insurance Co. and built under an agreement with the City of New York for tax exemption, were served eviction notices. Each of the families had been active in a committee which fought for the right of

NEW ACTS OF GENOCIDE

Negroes to live in the housing project. City and state courts, as well as the U.S. Supreme Court, had upheld the right to evict these families.

In California, a national group known as "America Plus, Inc." was organized to amend the state constitution to allow anti-Negro discrimination and destroy the 14th Amendment to the federal constitution. State Senator Jack B. Tenney, notorious for his inquisitorial "Un-American" investigations in California, is chairman of "America Plus, Inc."

The Bonner Amendment was passed in Alabama to further deny and limit voting privileges of Negroes and poor whites. Among its provisions is that each prospective voter must take an "anti-Communist" oath.

Two Negro Air Force officers in Anchorage, Alaska, Capt. Silas Jenkins and Lt. Wilbur A. Dixon, who criticized their commanding officer, Lt. Col. Prentiss C. Jones, for anti-Negro discrimination, were recommended for discharge from the Army.

The Negro Community of Altamonte Spring, Florida, was ruled "out of town," to prevent Negroes there from voting and from receiving fire, sanitary and public health services. 210 whites and 205 Negroes had been registered to vote, too close for comfort to the town's racist white officials.

In Summerton, South Carolina, Rev. J. A. Delaine, who challenged the segregated school system of South Carolina in a court suit, had his house burned to the ground; was fired as a school teacher; was forced to leave his town and church; had his life threatened; was subjected to several law-suits tying up all his property and money; saw his relatives and friends who joined him in the court suit lose their jobs.

The body of Pfc. Thomas C. Reed, killed at the age of 19 in Korea, was refused burial for five weeks in a Phoenix, Arizona, cemetery because Reed was a Negro.

Judge Truman J. Futch of Florida barred two Negro NAACP lawyers from representing Walter Lee Irvin in a retrial of a rape frameup ordered by the Supreme Court. Irvin had been critically wounded by Sheriff Willis McCall, who murdered his co-defendant, Samuel Shepherd.

A white youth in Richmond, Virginia, who raped a 13-year-old Negro girl was freed by an all-white jury on December 20, 1951.

In Simpson county, Mississippi, James Brent Durr, poor Negro tenant farmer, was sentenced to die in the state's portable electric chair. Durr was convicted of "murder" by an all-white jury for his self-defense slaying of a local constable. The constable had fired shots at him, his pregnant wife, and his young son. Mrs. Durr, who has since given birth to a second child, is scheduled to go on trial for "murder" during the March term of the Simpson county circuit court.

PART I

The Opening Statement

A REVIEW of the Case and an Offer of Proof, giving something of the scope and historical background of the genocide being committed against the Negro people of the United States.

To the General Assembly of the United Nations:

THE RESPONSIBILITY of being the first in history to charge the government of the United States of America with the crime of genocide is not one your petitioners take lightly. The responsibility is particularly grave when citizens must charge their own government with mass murder of its own nationals, with institutionalized oppression and persistent slaughter of the Negro people in the United States on a basis of "race," a crime abhorred by mankind and prohibited by the conscience of the world as expressed in the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on December 9, 1948.

Genocide Leads to Fascism and to War

If our duty is unpleasant it is historically necessary both for the welfare of the American people and for the peace of the world. We petition as American patriots, sufficiently anxious to save our countrymen and all mankind from the horrors of war to shoulder a task as painful as it is important. We cannot forget Hitler's demonstration that genocide at home can become wider massacre abroad, that domestic genocide develops into the larger genocide that is predatory war. The wrongs of which we complain are so much the expression of predatory American reaction and its government that civilization cannot ignore them nor risk their continuance without courting its own destruction. We agree with those members of the General Assembly who declared that genocide is a matter of world concern because its practice imperils world safety.

But if the responsibility of your petitioners is great, it is dwarfed by the responsibility of those guilty of the crime we charge. Seldom in human annals has so iniquitous a conspiracy been so gilded with the trappings of respectability. Seldom has mass murder on the score of "race" been so sanctified by law, so justified by those who demand free elections abroad

even as they kill their fellow citizens who demand free elections at home. Never have so many individuals been so ruthlessly destroyed amid so many tributes to the sacredness of the individual. The distinctive trait of this genocide is a cant that mouths aphorisms of Anglo-Saxon jurisprudence even as it kills.

The genocide of which we complain is as much a fact as gravity. The whole world knows of it. The proof is in every day's newspapers, in every one's sight and hearing in these United States. In one form or another it has been practiced for more than three hundred years although never with such sinister implications for the welfare and peace of the world as at present. Its very familiarity disguises its horror. It is a crime so embedded in law, so explained away by specious rationale, so hidden by talk of liberty, that even the conscience of the tender minded is sometimes dulled. Yet the conscience of mankind cannot be beguiled from its duty by the pious phrases and the deadly legal euphemisms with which its perpetrators seek to transform their guilt into high moral purpose.

Killing Members of the Group

Your petitioners will prove that the crime of which we complain is in fact genocide within the terms and meaning of the United Nations Convention providing for the prevention and punishment of this crime. We shall submit evidence, tragically voluminous, of "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such,"—in this case the 15,000,000 Negro people of the United States.

We shall submit evidence proving "killing members of the group," in violation of Article II of the Convention. We cite killings by police, killings by incited gangs, killings at night by masked men, killings always on the basis of "race," killings by the Ku Klux Klan, that organization which is chartered by the several states as a semi-official arm of government and even granted the tax exemptions of a benevolent society.

Our evidence concerns the thousands of Negroes who over the years have been beaten to death on chain gangs and in the back rooms of sheriff's offices, in the cells of county jails, in precinct police stations and on city streets, who have been framed and murdered by sham legal forms and by a legal bureaucracy. It concerns those Negroes who have been killed, allegedly for failure to say "sir" or tip their hats or move aside quickly enough, or, more often, on trumped up charges of "rape," but in reality for trying to vote or otherwise demanding the legal and inalienable rights and privileges of United States citizenship formally guaranteed them by the Constitution of the United States, rights denied them on the basis of "race," in violation of the Constitution of the United States, the United Nations Charter and the Genocide Convention.

Economic Genocide

We shall offer proof of economic genocide, or in the words of the Convention, proof of "deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part." We shall prove that such conditions so swell the infant and maternal death rate and the death rate from disease, that the American Negro is deprived, when compared with the remainder of the population of the United States, of eight years of life on the average.

Further we shall show a deliberate national oppression of these 15,000,000 Negro Americans on the basis of "race" to perpetuate these "conditions of life." Negroes are the last hired and the first fired. They are forced into city ghettos or their rural equivalents. They are segregated legally or through sanctioned violence into filthy, disease-bearing housing, and deprived by law of adequate medical care and education. From birth to death, Negro Americans are humiliated and persecuted, in violation of the Charter and the Convention. They are forced by threat of violence and imprisonment into inferior, segregated accommodations, into jim crow busses, jim crow trains, jim crow hospitals, jim crow schools, jim crow theaters, jim crow restaurants, jim crow housing, and finally into jim crow cemeteries.

We shall prove that the object of this genocide, as of all genocide, is the perpetuation of economic and political power by the few through the destruction of political protest by the many. Its method is to demoralize and divide an entire nation; its end is to increase the profits and unchallenged control by a reactionary clique. We shall show that those responsible for this crime are not the humble but the so-called great, not the American people but their misleaders, not the convict but the robbed judge, not the criminal but the police, not the spontaneous mob but organized terrorists licensed and approved by the state to incite to a Roman holiday.

We shall offer evidence that this genocide is not plotted in the dark but incited over the radio into the ears of millions, urged in the glare of public forums by Senators and Governors. It is offered as an article of faith by powerful political organizations, such as the Dixiecrats, and defended by influential newspapers, all in violation of the United Nations charter and the Convention forbidding genocide.

This proof does not come from the enemies of the white supremacists but from their own mouths, their own writings, their political resolutions, their racist laws, and from photographs of their handiwork. Neither Hitler nor Goebbels wrote obscurantist racial incitements more voluminously or viciously than do their American counterparts, nor did such incitements circulate in Nazi mails any more freely than they do in the mails of the United States.

Conspiracy to Genocide

Through this and other evidence we shall prove this crime of genocide is the result of a massive conspiracy, more deadly in that it is sometimes "understood" rather than expressed, a part of the mores of the ruling class often concealed by euphemisms, but always directed to oppressing the Negro people. Its members are so well-drilled, so rehearsed over the generations, that they can carry out their parts automatically and with a minimum of spoken direction. They have inherited their plot and their business is but to implement it daily so that it works daily. This implementation is sufficiently expressed in decision and statute, in depressed wages, in robbing millions of the vote and millions more of the land, and in countless other political and economic facts, as to reveal definitively the existence of a conspiracy backed by reactionary interests in which are meshed all the organs of the Executive, Legislative and Judicial branches of government. It is manifest that a people cannot be consistently killed over the years on the basis of "race"—and more than 10,000 Negroes have so suffered death—cannot be uniformly segregated, despoiled, impoverished and denied equal protection before the law, unless it is the result of the deliberate, all-pervasive policy of government and those who control it.

Emasculation of Democracy

We shall show, more particularly, how terror, how "killing members of the group," in violation of Article II of the Genocide Convention, has been used to prevent the Negro people from voting in huge and decisive areas of the United States in which they are the preponderant population, thus dividing the whole American people, emasculating mass movements for democracy and securing the grip of predatory reaction on the federal, state, county and city governments. We shall prove that the crimes of genocide offered for your action and the world's attention have in fact been incited, a punishable crime under Article III of the Convention, often by such officials as Governors, Senators, Judges and peace officers whose phrases about white supremacy and the necessity of maintaining inviolate a white electorate resulted in bloodshed as surely as more direct incitement.

We shall submit evidence showing the existence of a mass of American law, written as was Hitler's law solely on the basis of "race," providing for segregation and otherwise penalizing the Negro people, in violation not only of Articles II and III of the Convention but also in violation of the Charter of the United Nations. Finally we shall offer proof that a conspiracy exists in which the Government of the United States, its Supreme Court, its Congress, its Executive branch, as well as the various state, county and municipal governments, consciously effectuate policies

which result in the crime of genocide being consistently and constantly practiced against the Negro people of the United States.

The Negro Petitioners

Many of your petitioners are Negro citizens to whom the charges herein described are not mere words. They are facts felt on our bodies, crimes inflicted on our dignity. We struggle for deliverance, not without pride in our valor, but we warn mankind that our fate is theirs. We solemnly declare that continuance of this American crime against the Negro people of the United States will strengthen those reactionary American forces driving towards World War III as certainly as the unrebuked Nazi genocide against the Jewish people strengthened Hitler in his successful drive to World War II.

We, Negro petitioners whose communities have been laid waste, whose homes have been burned and looted, whose children have been killed, whose women have been raped, have noted with peculiar horror that the genocidal doctrines and actions of the American white supremacists have already been exported to the colored peoples of Asia. We solemnly warn that a nation which practices genocide against its own nationals may not be long deterred, if it has the power, from genocide elsewhere. White supremacy at home makes for colored massacres abroad. Both reveal contempt for human life in a colored skin. Jellied gasoline in Korea and the lynchers' faggot at home are connected in more ways than that both result in death by fire. The lyncher and the atom bomber are related. The first cannot murder unpunished and unrebuked without so encouraging the latter that the peace of the world and the lives of millions are endangered. Nor is this metaphysics. The tie binding both is economic profit and political control. It was not without significance that it was President Truman who spoke of the possibility of using the atom bomb on the colored peoples of Asia, that it is American statesmen who prate constantly of "Asiatic hordes."

"Our Humanity Denied and Mocked"

We Negro petitioners protest this genocide as Negroes and we protest it as Americans, as patriots. We know that no American can be truly free while 15,000,000 other Americans are persecuted on the grounds of "race," that few Americans can be prosperous while 15,000,000 are deliberately pauperized. Our country can never know true democracy while millions of its citizens are denied the vote on the basis of their color.

But above all we protest this genocide as human beings whose very humanity is denied and mocked. We cannot forget that after Congressman Henderson Lovelace Lanham, of Rome, Georgia, speaking in the halls of Congress, called William L. Patterson, one of the leaders of the

Negro people, "a God-damned black son-of-bitch," he added, "We gotta keep the black apes down." We cannot forget it because this is the animating sentiment of the white supremacists, of a powerful segment of American life. We cannot forget that in many American states it is a crime for a white person to marry a Negro on the racist theory that Negroes are "inherently inferior as an immutable fact of Nature." The whole institution of segregation, which is training for killing, education for genocide, is based on the Hitler-like theory of the "inherent inferiority of the Negro." The tragic fact of segregation is the basis for the statement, too often heard after murder, particularly in the South, "Why I think no more of killing a n—r, than of killing a dog."

We petition in the first instance because we are compelled to speak by the unending slaughter of Negroes. The fact of our ethnic origin, of which we are proud—our ancestors were building the world's first civilizations 3,000 years before our oppressors emerged from barbarism in the forests of western Europe—is daily made the signal for segregation and murder. There is infinite variety in the cruelty we will catalogue, but each case has the common denominator of racism. This opening statement is not the place to present our evidence in detail. Still, in this summary of what is to be proved, we believe it necessary to show something of the crux of our case, something of the pattern of genocidal murder, the technique of incitement to genocide, and the methods of mass terror.

Our evidence begins with 1945 and continues to the present. It gains in deadliness and in number of cases almost in direct ratio to the surge towards war. We are compelled to hold to this six years span if this document is to be brought into manageable proportions.

The Evidence

There was a time when racist violence had its center in the South. But as the Negro people spread to the north, east and west seeking to escape the southern hell, the violence, impelled in the first instance by economic motives, followed them, its cause also economic. Once most of the violence against Negroes occurred in the countryside, but that was before the Negro emigrations of the twenties and thirties. Now there is not a great American city from New York to Cleveland or Detroit, from Washington, the nation's capital, to Chicago, from Memphis to Atlanta or Birmingham, from New Orleans to Los Angeles, that is not disgraced by the wanton killing of innocent Negroes. It is no longer a sectional phenomenon.

Once the classic method of lynching was the rope. Now it is the policeman's bullet. To many an American the police are the government, certainly its most visible representative. We submit that the evidence

suggests that the killing of Negroes has become police policy in the United States and that police policy is the most practical expression of government policy.

Our evidence is admittedly incomplete. It is our hope that the United Nations will complete it. Much of the evidence, particularly of violence, was gained from the files of Negro newspapers, from the labor press, from the annual reports of Negro societies and established Negro year books. A list is appended.

But by far the majority of Negro murders are never recorded, never known except to the perpetrators and the bereaved survivors of the victim. Negro men and women leave their homes and are never seen alive again. Sometimes weeks later their bodies, or bodies thought to be theirs and often horribly mutilated, are found in the woods or washed up on the shore of a river or lake. This is a well known pattern of American culture. In many sections of the country police do not even bother to record the murder of Negroes. Most white newspapers have a policy of not publishing anything concerning murders of Negroes or assaults upon them. These unrecorded deaths are the rule rather than the exception—thus our evidence, though voluminous, is scanty when compared to the actuality.

Causes Célèbres

We Negro petitioners are anxious that the General Assembly know of our tragic *causes célèbres*, ignored by the American white press but known nevertheless the world over, but we also wish to inform it of the virtually unknown killed almost casually, as an almost incidental aspect of institutionalized murder.

We want the General Assembly to know of Willie McGee, framed on perjured testimony and murdered in Mississippi because the Supreme Court of the United States refused even to examine vital new evidence proving his innocence. But we also want it to know of the two Negro children, James Lewis, Jr., fourteen years old, and Charles Trudell, fifteen, of Natchez, Mississippi who were electrocuted in 1947, after the Supreme Court of the United States refused to intervene.

We want the General Assembly to know of the martyred Martinsville Seven, who died in Virginia's electric chair for a rape they never committed, in a state that has never executed a white man for that offense. But we want it to know, too, of the eight Negro prisoners who were shot down and murdered on July 11, 1947 at Brunswick, Georgia, because they refused to work in a snake-infested swamp without boots.

We shall inform the Assembly of the Trenton Six, of Paul Washington, the Daniels cousins, Jerry Newsom, Wesley Robert Wells, of Rosalee

Ingram, of John Derrick, of Lieutenant Gilbert, of the Columbia, Tennessee destruction, the Freeport slaughter, the Monroe killings — all important cases in which Negroes have been framed on capital charges or have actually been killed. But we want it also to know of the typical and less known—of William Brown, Louisiana farmer, shot in the back and killed when he was out hunting on July 19, 1947 by a white game warden who casually announced his unprovoked crime by saying, "I just shot a n—r. Let his folks know." The game warden, one Charles Ventrill, was not even charged with the crime.

Typical Cases

We cite some typical cases from the voluminous evidence. Each represents a part of the pattern of genocide. This pattern repeats itself throughout the nation, south and north, rural and urban. It is a pattern of government-directed and sanctioned genocide. The following are typical of police killings:

HENRY GILBERT, 42, was beaten to death in the Harris County, Georgia jail in May, 1947. That was in the South.

But in the north, BEVERLY LEE, 13, was shot and killed in Detroit, Michigan on October 12, 1947 by Patrolman Louis Begin. Mrs. Francis Vonbatten, of 1839 Pine Street, Detroit, testified she saw Lee and another boy walking down the street when Begin's squad car approached. She heard an officer say "Stop, you little son-of-a-bitch," and then she heard a shot. The officer was cleared by Coroner Lloyd K. Babcock.

ROLAND T. PRICE, 20-year-old war veteran, was shot and killed in Rochester, New York, by six patrolmen who fired twenty-five bullets into his body just after he had viewed the Bill of Rights and the Declaration of Independence on the "Freedom Train." He went into a restaurant where he complained he had been short changed. Patrolman William Hamill was called, drew his gun, forced Price outside, where he was joined by five other officers. All began shooting. All were cleared.

VERSIE JOHNSON, 35, a saw mill worker of Prentiss, Mississippi, was shot to death in August, 1947 after he fled when a white woman raised the cry of rape. Three white officers, members of a posse that tracked Johnson down, were arrested and charged with manslaughter. They were exonerated.

RAYMOND COUSER was shot and killed by Patrolman Frank Cacurro on Montrose Street in Philadelphia, on November 16, 1947. Eyewitnesses said they saw the patrolman with drawn revolver stalking Couser as he walked down the street, Couser apparently unaware that he was being followed. The patrolman said he thought Couser was armed and had been called to the vicinity because of a quarrel in the Couser home.

Couser was not armed. The patrolman received no punishment.

CHARLES FLETCHER, also of Philadelphia, was shot and killed on November 16, 1947 by Patrolman Manus McGettingan who claimed he killed him after receiving a call about a prowler. Fletcher, who had no police record, had worked for ten years at the Exide Battery Company.

CHARLES CURRY, 23, was slain by Patrolman Nolan O. Ray in Dallas, Texas, on December 17, 1947 on a bus. Ray, in civilian clothes, had ordered a Negro sitting beside him to move. The Negro passengers complained and Ray jumped to his feet, drew his revolver, and ordered all Negroes "to take their hands out of their pockets." When Curry did not comply swiftly enough, Ray shot and killed him. Ray was dismissed from the force and indicted for murder.

GEORGE THOMAS, Negro youth, was shot and killed by a Kosciusko, Mississippi patrolman who claimed Thomas tried to escape after being arrested on February 2, 1948.

A Negro prisoner, on May 23, 1948 in Augusta, Georgia, was beaten to death by a prison guard when he refused to work in a snake-infested ditch.

ROY CYRIL BROOKS, of Gretna, Louisiana, was shot and killed on February 27, 1948, by Patrolman Alvin Bladsacker. Brooks was a prominent trade unionist. He was involved in an argument with a bus driver when Bladsacker pulled him off the bus and killed him.

JAMES TOLLIVER, 40, of Little Rock, Arkansas, was beaten to death in February of 1948 by Patrolman Blaylock. Tolliver was trying to help a drunken woman when Blaylock came up behind him and struck him on the head. He died almost instantly.

JOHN JOHNSON, 50, was slain by Birmingham, Alabama, police who claimed he was resisting arrest on March 29, 1948.

ALMA SHAW, 42, was slain by Birmingham police on April 19, 1948 who claimed she was resisting arrest.

MARION FRANKLIN NOBLE, 19, was slain by Birmingham police on April 27, 1948 who said he resisted arrest.

WILLIE JOHNSON was shot to death, on May 3, 1949, by two Brunswick, Georgia policemen who claimed that "he was looking at a house suspiciously." Johnson, 58, had been a resident of Brunswick for fourteen years, was a county employee and a deacon of St. Paul's Baptist Church.

ROBERT J. EVANS, 86 years old, a patriarch of Norfolk, Virginia was shot and seriously wounded on December 12, 1950 by Patrolman E. M. Morgan who said the old man assaulted him.

DANNY BRYANT, 37, of Convington, Louisiana, was shot and killed in October of 1948 by Policeman Kinsie Jenkins after Bryant refused to remove his hat in the presence of whites.

HERMAN GLASPER, 30, was shot and killed in Bryan County, Georgia,

during the week of January 2, 1949 by Corporal Dee E. Watson, Georgia State Trooper. Gasper had been arrested on suspicion of stealing a hog. Sheriff E. W. Miles said that the shooting was "an accident."

CHARLES PHIFER was shot in the back and killed in the home of his stepmother in the Bronx, New York City, by Patrolman Eugene Stasiuk on January 16, 1949. The patrolman claimed that he shot Phifer—in the back—in "self defense."

GEORGE WADDELL was shot in the back and slain in his Brooklyn, New York home by Brooklyn police on February 18, 1949. Police entered his home without a warrant and with no offense charged against Waddell. They claimed they were looking for a gambling game when they forced entry into Waddell's home. No evidence of gambling was found.

IKE CRAWFORD, 29-year-old prisoner in the Richmond County, Georgia jail was beaten to death on June 5, 1948 by Guards David L. Turner, Horace Wingard and Alvin Jones. The men were indicted for "prison brutality." A coroner's jury, however, reported that Crawford died of a "liver disease."

Other Race Murders

Not all murders or assaults are by police. Some result from segregation, from living in fire traps, or from denying badly injured Negroes entry into hospitals because of their color. Others result from the constant declaration and determination of white supremacists that Negroes have no rights that a white man is bound to respect. The following cases are typical:

MR. AND MRS. O'DAY SHORT and their two little girls were burned to death two days before Christmas, 1945, in a fire of incendiary origin set by persons who did not want them to move into a "white" neighborhood in Fontana, California. They had received threatening notes and the police informed them they were "out of bounds." While the family was away, the house was sprayed with an inflammable chemical. When a match was lighted upon the family's return, there was an explosion and all four were fatally burned.

Three Negro children, RUBY NELL HARRIS, 4, MARY BURNSIDE, 8, and FRANKIE THURMAN, 12, of Kosciusko, Mississippi were slain on January 8, 1950 by three white men, Leon Turner, Malcom White and Windel Whitt, who also raped PAULINE THURMAN, 17, and shot THOMAS HARRIS, father and stepfather of the children. Harris died of his wounds. Turner and Windel Whitt received life sentences. Malcolm White was sentenced to ten years imprisonment.

MATTHEW AVERY, 24, student at North Carolina A & T College died after an auto accident on December 8, 1950 when he was refused admittance to Duke Hospital at Durham. He died on hour later.

LEROY FOLEY died in Breckinridge County Hospital, Hardinsburg, Kentucky in August, 1950, after he and two other Negroes lay on the floor three hours, refused medical attention for injuries in an automobile accident. Betty Graves, a nurse in the hospital, said they were refused treatment "because we don't have facilities for colored people." A Negro ambulance service was called to transport the men out of the hospital. It was seventy miles away and did not arrive for three hours. Jesse Lawrence, its driver, said, "the blood had not even been wiped from their faces."

JESSIE JEFFERSON, of Jackson, Georgia, was slain on his farm on June 12, 1948 by two men who accused him of not moving his wagon over to the right quickly enough when they wanted to pass him.

ELLIS HUDSON, 50, of Nacogdoches, Texas, was shot and killed by a Texas constable, one Heppenstead, who had beaten and imprisoned Hudson's son during the week of March 21, 1948 because the boy did not address him as "sir." The elder Hudson was killed when he came to court to arrange bail for his son.

HOSEA W. ALLEN, of Tampa, Florida was shot and killed on September 26, 1948 when he asked to be served a bottle of beer. Victor Pinella, the proprietor of the tavern, explained that he killed Allen because he did not permit Negro customers. He was freed.

ISAIAH NIXON, 28-year-old war veteran, was shot and killed in the presence of his wife and children on September 6, 1948 after he had voted in that day's primary election in Montgomery County, Georgia. A jury freed M. L. Johnson, the killer.

WILLIE PALMER, was shot five times and critically wounded by J. C. Bradford on June 24, 1950, because he sat in the white section of a restaurant operated at the Knox Glass Company in Jackson, Mississippi. Sheriff Troy Mashburn said the shooting was in "self defense."

ROBERT MALLARD, 37-year-old Negro salesman, was shot and killed in Lyons, Georgia, on the night of November 20, 1948, after he had led a campaign defending the right of Negroes to vote. His car was stopped and ambushed by three cars set up as a road block. He was killed in the presence of his wife, Mrs. Amy Mallard, his child, and two cousins. Mallard had been warned not to vote in the Democratic primary election.

OTIS NEWSOM, of Wilson, North Carolina, 25-year-old war veteran and the father of three children, was shot and killed during the week of April 4, 1948 by N. C. Strickland, gas station operator. Strickland killed Newsom after the Negro asked that he service his car with brake fluid he had just purchased.

ROE NATHAN ROBERTS, 23-year-old war veteran, was shot and killed in Sardis, Georgia, when he failed to say "yes sir," to a white man in May of 1947. A student at Temple University, Philadelphia, on the GI Bill of

Rights, Roberts was visiting relatives when he was killed. No one was tried for the murder.

WILLIE PITTMAN, a taxi driver, was found slain and mutilated on May 28, 1947 on a country road near Rocky Mount, North Carolina. His legs and arms had been cut off, his body split open, and his head smashed.

HOSEA CARTER, of Sandy Hook, Mississippi, was found dead on May 2, 1948 of a shotgun blast in the chest. Deputy Sheriff T. W. White said Carter had been killed by a white man "whose name I don't remember." He added, however, that the murderer had done "what any decent white man would have done," because the white man had found Carter trying to enter a home.

MRS. MAY NOYES, 22-year-old pregnant mother of three children was shot and killed on May 4, 1947 by a white man, Albert Huey, at Camp Hill, Alabama. Huey was running amuck shooting up the Negro community after an argument with a Negro war veteran, when he accosted Mrs. Noyes and shot her in the hip. She slumped to the street. Huey kicked her, shouting "Get up!" She staggered to her feet and started to run but Huey shot her in the back. She crawled on to the porch of a white woman, Mrs. Enory Reeves, where she died. Huey was released on \$1000 bail and no charges were ever placed against him.

CHARLES SMITH was slain by Marvin Matthews and Wyatt Adams on November 23, 1947 while they were terrorizing the Negro community at Lillington, North Carolina. At the same time they shot and wounded Daniel Lee Brasford and attacked four other Negroes. A Harnett County jury freed the men after deliberating twenty-seven minutes.

WESLEY THOMAS, 51, a Negro woodchopper, was shot in the back and killed by W. D. Thompson, 21-year-old white, on June 30, in Louisiana. Thomas had engaged in an argument that morning with a white farmer from whom he was asking back pay for work performed. A posse was looking for him when Thompson found him and shot him as he was running towards his house. "He tried to run into the house and I let him have it," Thompson said—and was exonerated on the grounds that there were weapons in the house towards which Thomas was running.

ELMORE BOLLING, 30, was shot and killed in December, 1947, in Lown-desboro, Alabama. Clark Luckie, a white man who claimed that the Negro had insulted his wife over the telephone, was arrested for the murder but was later released.

CALIB HILL, prisoner in the Irwinton, Georgia jail, was taken from his cell on May 30, 1949 by two white men, according to Sheriff George Hatcher, who said they picked up the jail door keys from his desk. Hill was beaten, then shot to death. His body was found three miles from town.

DR. M. A. SANTA CRUZ, prominent Negro dentist of Pulaski, Virginia, was beaten to death on February 6, 1951 by two white hoodlums who

were molesting two Negro girls. He was killed when he attempted to protect them.

MORRIS SCOTT was slain during the week of October 7, 1950 in Linden, Alabama, by William R. Welch and George Baker. Welch admitted firing the shotgun blast that killed Scott. County Sheriff T. Wilmer Shields declined to disclose a motive for the killing.

Perhaps this fragmentary list may serve to indicate the extent of mass murder on the basis of "race." Each slaying to no small degree terrifies entire Negro communities. For that is its purpose. It is not uncommon for the inhabitants of such communities to spend days and nights hiding in the woods and swamps after a slaying. These crimes are not unconnected with the Negro's fight for the right to vote, as guaranteed him by the Fourteenth and Fifteenth Amendments to the Constitution of the United States. If a Negro has no right to life, he clearly has no right to vote. If a Negro may die for asking for a bottle of beer, something similar may happen if he asks for a raise or back pay or tries to organize into trade unions or go on strike. In the South the Negro's fight for the ballot is the central issue. Around it revolve most of the incitements to genocide and virtually all of the widespread terrorist activity of the Ku Klux Klan.

Incitement to Genocide

Incitement takes many forms but the common denominator of every form is the openly avowed determination that the Negro shall not have the rights guaranteed him under the Constitution of the United States, the United Nations Charter and the Genocide Convention. Thus, James E. Byrnes, Governor of South Carolina, former justice of the Supreme Court of the United States, former Secretary of State, former Senator, recently declared that South Carolina would abolish the state's school system rather than abolish segregation in the schools. Openly flouting the basic law of the United States and the United Nations, he not only incited to genocide but reinforced a system which trains thousands of children in white supremacy, guaranteeing genocide and its protagonists in the future. When in another recent statement, the former Secretary of State—so solicitous while in that office for free elections everywhere save in his home—declared that South Carolina would "find a way" to retain its white primary elections, he incited genocide against any American Negro who tried to avail himself of his legal right to vote in South Carolina. That this is not rhetoric will be proven by numerous instances of Negroes killed or assaulted when they attempted to vote after white citizens had been incited to murder and other violence against the Negro people by such statements as those of Byrnes.

We shall prove, moreover, that such incitements by high government officials are the rule rather than the exception in many parts of the South. We shall show Governor Herman Talmadge of the State of Georgia inciting genocide over the radio on October 22, 1949 when he said, speaking of Negro efforts to enforce the Constitution, "We will fight them in the counties and the cities. . . . We intend to fight hand to hand with all our weapons, and we will never submit to one inch of encroachment on our traditional pattern of segregation." We shall show numerous other such instances on the part of Governor Talmadge and other officials of the State of Georgia, submitting in the Appendix a detailed case history revealing how genocide is used in Georgia to deprive American Negroes of their right to vote. The Georgia case history is typical of the record of such violence throughout the South.

We shall submit for your attention incitements to genocide, sometimes delicately phrased but always unmistakable in their meaning and tragic in their result, by former Governor J. Strom Thurmond of South Carolina, Governor Fielding M. Wright of Mississippi, and former Governor Dixon of Alabama. We shall show how these officials and others formed a conspiracy in 1948 to deprive the Negro people of their vote through violence. Its guise was a political party, the so-called States Rights or Dixiecrat movement. Its successful purpose was the liquidation of President Truman's demagogic appeal for civil rights. We shall submit excerpts from the official speakers' handbook of the States Rights movement, approved by Governors Thurmond, Wright and Dixon and punctuated throughout with incitements to violence. Typical of the incitements is that on page 52 which reads:

"In many countries throughout the South a few thousand whites operate farms, business and industry and furnish employment to hundreds of thousands of negroes. If these negroes voted and elected their kind of officials, which would happen if they voted, there would not be a business or industry operating in the county 12 months after they took over—*unless violence was resorted to for the protection of business and industry and farming against the improvident acts of incompetent and corrupt administration. Certainly no right thinking American wants to wreck any section of our country.*" (Italics ours.)

Not even the highest tribunals of the American state, the Senate and the House of Representatives, are exempt, as we shall show, from these incitements to genocide. For example, in June of 1948 Senator Allen J. Ellender of Louisiana, told the Senate of the United States: "The more freedom and the more privilege a Negro is given, the more he will abuse that privilege. He will run wild and do violence to the society in which he moves." It is manifest, we submit, that after hearing Senator Ellender some white Americans might think it their duty to prevent Negroes from

doing "violence to the society" in which they move by seeing to it that they do not get "more freedom" and "more privilege."

By means of this spurious rationale, genocide is made into civic virtue. To view such expressions as philosophic abstractions or political huckstering is to ignore the violence and death that are the daily fare of the Negro people as a direct result. Senator Walter F. George of Georgia, wrote in a moment of candor in 1936: "Why apologize or evade? We have been very careful to obey the letter of the Federal Constitution—but we have been very diligent and astute in violating the spirit of such amendments and statutes as would lead the Negro to believe himself the equal of the white man. And we shall continue to conduct ourselves in that way."

Klan Terror

With statesmen justifying genocide, it remains for others in the scores of vigilante organizations that dot the South, chartered and encouraged, as we shall show, by the various states, to carry out the crime more specifically. Great inflammatory anti-Negro meetings in which thousands of robed members participate are common throughout the South particularly during election years. A Reverend Harrison, known as the "Railroad Evangelist," told a meeting of the Atlanta Ku Klux Klan, for example, on November 1, 1948, "In God's sight it is no sin to kill a n—r, for a n—r is no more than a dog." At the same meeting, according to witnesses, one "Itchy-Trigger-Finger" Nash, an Atlanta patrolman to whom the Klan had given an award for killing more Negroes than any of his colleagues, expressed the hope that he would "not have to kill all the Negroes in the South by myself. I want some help from my brother Klansmen."

Typical of the membership oaths of these vigilante organizations is that of the United Sons of Dixie, which was incorporated in Tennessee, on December 28, 1943 and operated as a wartime front organization for the Ku Klux Klan. The oath included: "Will you fight to make the U.S.A. a white man's country? These United States of America must, and shall be, a white man's country for white people, the master race. We must keep it that way. . . ." At one point in a ceremony for new members, according to a report filed with the Federal Bureau of Investigation, the president of the United Sons of Dixie said, "We want 15,000,000 members in the United States, and every one of them with a good gun and plenty of ammunition. Eventually we must eliminate the Negroes from this country."

Typical, too, of speeches heard on many street corners in Southern cities, was that of Homer Loomis, Jr., leader of the Columbians, a racist vigilante organization chartered by the state of Georgia, on the corner of Stovall Street and Flats Shoals Avenue, Atlanta, Georgia, on October 1,

1946. "We don't want anybody to join," he said, "who's not ready to get out and kill n—rs and Jews." Two days later at a meeting of the Columbians at 198½ Whitehall Street, Atlanta, Loomis said, "There is no end to what we can do through the ballot. If we want to bury all n—rs in the sand, if we will organize white Gentiles politically to combat the Jew and n—r blocs, we can pass laws enabling us to bury all n—rs in the sand." During the same year, Loomis told the Imperial Klouncilium of the Ku Klux Klan, East Point Klavern, Georgia, "We propose that all n—rs in America be shipped back to Africa with time-bombs on board the ship, as an economy measure."

Other racist terrorist organizations include, as we shall show, the American Gentile Army, sometimes called the Commoner Party, and J. B. Stoner's Anti-Jewish Party. But by far the largest is the Ku Klux Klan, chartered in most of the Southern states as well as elsewhere. Its philosophy, so reminiscent of Hitler's, is exemplified by the statement of its Imperial Wizard, Hiram W. Evans, writing in "Negro Suffrage—Its False Theory":

"The first essential to the success of any nation, and particularly of any democracy, is a national unity of mind. Its citizens must be One People (Ein Volk). They must have common instincts and racial and national purpose. . . . We should see in the negro race a race even more diverse from ourselves than are the Chinese, with inferior intellect, inferior honesty, and greatly inferior industry. . . . His racial inferiority . . . applies equally to all alien races and justifies our attitude toward Chinese, Japanese, and Hindus. . . . No amount of education can ever make a white man out of a man of any other color. It is a law on this earth that races can never exist together in complete peace and friendship and certainly never in a state of equality."

Operating on this principle thousands of hooded, masked Klansmen, robed in white, ride through the countryside, killing, flogging, shooting, wrecking, pillaging. Their activities are winked at by what passes for democratically elected legal authority, when not initiated by it. Police officers themselves often participate in their activities. The target of their organized terror is almost always the Negro people — although with increasing frequency members of the Klan are hired to prevent the unionization of workers to keep wages down. The terror organized by the Klan, with the cooperation as we shall prove, of the various states, is a powerful mechanism in preventing almost two-thirds of those eligible to vote under the law and the Constitution in seven Southern states from actually voting. It is the major instrument of terror in preventing political democracy in Southern United States, thus perpetuating in power, as we shall show, a minority clique and the corporate interests they represent, not only locally but also nationally in the Federal Congress.

Mental Harm

Our evidence includes many instances of psychological terror and mass intimidation on the basis of "race" particularly as perpetrated by the Klan. These, we maintain, contravene that part of the Genocide Convention forbidding the causing of "serious mental harm to members of the group." Some indication of this terror is manifest in the following cases:

Cyclops Roper of the Georgia Ku Klux Klan reported on April 1, 1946 that he had conferred with gubernatorial candidate Eugene Talmadge on ways and means of keeping Georgia Negroes from voting and that Talmadge had replied by writing the word "Pistols" on a scrap of paper.

In a radio address from Jackson, Mississippi, on June 22, 1946, Senator Theodore Bilbo of that State announced that he was a Klansman. He called upon "every red-blooded American in Mississippi to resort to any means at their command" to prevent Negroes from voting. After a good deal of violence against those Negroes who tried to vote, Bilbo was re-elected.

On March 2, 1948, 300 robed Klansmen at Wrightsville, Georgia, paraded around the courthouse square and burned a cross there on election eve. Said Dragon Green: "Whenever the Negro takes his place at the side of the white man blood will flow in the streets of the South."

On March 20, 1948, at Jeffersonville, Georgia, crosses were burned on the courthouse lawn on Saturday and Sunday nights before the county primary day. Small coffins labeled "KKK" were placed on the doorsteps of those Negroes who it was thought might try to vote.

At Columbus, Georgia, KKK white supremacy leaflets were dropped from an airplane over Negro districts just before the primary election.

On June 30, 1948 at Macon, Georgia, a cross was burned before the home of Larkin Marshall, Negro Progressive Party candidate for the United States Senate. He also received notes threatening him if he did not withdraw his candidacy.

On July 23, 1948 at Stone Mountain, Georgia, three thousand robed Klansmen, convening in cars from all parts of Georgia and fourteen other states, inducted seven hundred new members under a 30-foot fiery cross. Herman Talmadge was extolled by Dragon Green as "the only man in the gubernatorial race who believes in white supremacy." Green again predicted that blood would flow in the streets if Negroes were given their Constitutional rights.

On August 9, 1948, on the eve of the Democratic primary at Columbia, South Carolina, the Klan burned fiery crosses in front of a Negro church where the mechanics of voting were being explained.

At Nashville, Tennessee, postal authorities on November 2, 1948 began

an investigation of hundreds of threatening notes received by Negroes and signed by the Klan warning them not to vote.

In Florida on November 3, 1948 a Klan motorcade burned fiery crosses in Negro residential districts from Mount Dora to Miami.

A Klan procession, including fifty motor cars, paraded through the streets of Brighton, Alabama, on December 22, 1948, to intimidate Negroes.

A similar demonstration for the benefit of the Negro people took place on the same date in Bessemer, Alabama.

Forty automobiles filled with hooded Klansmen warned the student body of Talladega College in Alabama on January 17, 1949 not to participate in the Alabama Students Conference on Civil Rights.

Mrs. J. M. Sweat, a Negro school teacher, received a threatening note from the Ku Klux Klan on January 24, 1949 when she moved into a white neighborhood in Richmond, Virginia. The note contained a bullet and said, "You Are Not Smart."

Police provided an escort for a Klan demonstration bearing an electric cross and Klan flags in Tallahassee, Florida on January 27, 1949.

At Denmark, South Carolina on February 9, 1949, 269 hooded Klansmen held an anti-Negro demonstration, parading through the rain, carrying red flares.

Klan activities, and their mob counterparts, are not confined to the South. Organized anti-Negro violence, often under police protection, has spread its pattern in the north.

At Union, New Jersey, on February 19, 1949, a five-foot cross was burned before a Negro school after a meeting protesting the death sentence against the so-called Trenton Six Negroes.

At Peekskill, New York, on August 27, 1949 a cross was burned during the assault of veterans upon those attending a concert.

This psychological and physical terror carried out by the Ku Klux Klan and other organized groups against the Negro people deters millions of them, as it is intended to, from voting or otherwise exercising their rights under the Constitution of the United States and the Charter of the United Nations. Under the weight of these calculated demonstrations the Negro people, particularly in the South, live their lives in fear of violence for allegedly overstepping one of the many prohibitions in the extra-legal white supremacy code enforced by the Klan—which often operates as a "state within a state." If Negroes sometimes avoid physical violence, they never escape from "serious mental harm directed against the group," in violation of Article II of the Genocide Convention.

Denial of Right to Vote

If millions of Negroes are prevented from voting through fear, thousands are brave enough to attempt it and risk the fate of Robert Mallard, Isaiah Nixon, and Macio Snipes, tragic instances of Negroes killed in Georgia for voting in accordance with their legal right under the Constitution. Typical of the experiences suffered by Negro citizens in attempting to vote were those testified to before a Senate Investigating Committee inquiring into the election of Senator Theodore Bilbo of Mississippi in 1946. Despite such testimony as the following, the Senate Committee ruled that no terror had occurred during the election.

ETOY FLETCHER, a veteran of the armed forces of the United Nations, testified that on June 12, 1946 when he attempted to register for voting at Brandon, Mississippi, he was beaten and flogged with a heavy wire cable. He was threatened with death, he said, if he made another attempt to vote.

RICHARD DANIEL, a veteran of the armed forces of the United States, testified that on July 2, 1946 at Gulfport, Mississippi, he was struck on the head by two election officials when he attempted to register for voting and then was arrested and beaten unconscious in his cell.

DR. WILLIAM BENDER, a minister from Touhaloo College, Touhaloo, Mississippi, testified he had been kept from the polls on Election Day by two white men who insulted him and another white man who met him at the polls with a pistol.

JOSEPH PARHAM testified that the sheriff had told him on election day, "You're too old to get in trouble" and that white men asked him, "What kind of flowers do you want?"

THE REVEREND C. M. EILAND, minister of Louisville, Mississippi, testified that two white men stopped him at the polls and told him they didn't want Negro soldiers (veterans) to vote and if they allowed him to vote, the soldiers might vote, too.

J. D. COLLINS, of Greenwood, Mississippi, testified that the Mayor of Greenwood and two other leading citizens had called on him and A. C. Montgomery, giving them a list of Negro veterans and urging them to visit them and tell them not to vote.

Witnesses testified before the Senate Committee that terror had kept all but 2500 of the state's potential 500,000 Negro voters away from the polls on Election Day. Mississippi's tactics are common to other Southern states where the Fourteenth and Fifteenth Amendment to the Constitution of the United States are honored in the breach but not in the observance. Your petitioners venture the hope that this will not be the case

with the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly.

The "Black Belt"

The primary locale of the genocide being practiced against the American Negro people, both historically and geographically, is the so-called Black Belt of the southern United States, where some five million Negroes live, a third of the Negro population of the United States. The Black Belt forms a crescent through twelve southern states, from Virginia's tide-water into North Carolina, South Carolina, lower and central Georgia and Alabama, into Florida, engulfing Mississippi and the Louisiana delta and wedging into eastern Texas and southeast Tennessee, with its western anchor in southern Arkansas. Here the Negro population, historically a majority, is larger than the total population of such countries as Switzerland or Norway.

Because this area was the core of chattel slavery, at least legally abolished some eighty-six years past, and because it has the greatest concentration of the plantation system of sharecropping and peonage, those remnants of slavery, the Black Belt is the chief source of the racist contamination that has spread throughout the United States. Here the American citizen who is a Negro is virtually without political or economic rights of any kind. He is bound to the soil by a system of virtual peonage and unending debt. He is paid for the most part, not in wages but by a portion of the crop he raises. The constant threat of violence prevents him from asking an accounting from the landlord when, as is often the case, at the end of the season he is told no money is due him. Many black men have been killed for demanding such an accounting.

Most sharecroppers work from dawn to dark for a living which verges on starvation. Often these black Americans are not even able to quit or move not only because of lack of money but because of ancient debtors' laws which make it a crime to move while owing money, a condition that is constant for sharecroppers forced to buy at extortionate prices on credit in plantation stores. Much of the law of those states in the Black Belt, moreover, is directed towards guaranteeing an American peasantry without political or human rights available to work the land without pay sufficient for proper livelihood.

The Problem Agrarian in Origin

"The Negro question in the United States is agrarian in origin," writes Harry Haywood in his authoritative *Negro Liberation*.

"It involves the problem of a depressed peasantry living under a system of sharecropping, riding boss supervision, debt slavery, chronic land hunger and dependency—in short the plantation system, a relic of chattel slavery.

"It presents the curious anomaly of a virtual serfdom in the very heart of the most highly industrialized country in the world. Slave-whipping barbarism at the center of 'enlightened' twentieth century capitalist culture—that is the core of America's race problem."

The South's plantation system, concealed by the United States census through listing as "farms" those tracts operated by sharecroppers, is based on cotton as the chief money crop. In 1944 the crop, produced for the world market in successful competition with the "coolie" labor of Egypt and India, brought one and a half billion dollars. The growing and marketing of this crop by the comparatively few large land-owners who dominate this phase of American agriculture rests on large scale credits advanced, in the last analysis, by the country's largest banks. These banks in turn are dominated by the Morgans, Rockefellers, du Ponts, Mellons and associated financial oligarchies who dominate the South not only through command of credit for its chief money crop but through even more intimate control of the chief industries of the South. Thus, they profit not only from the exploitation of the sharecropper but from the depressed industrial wages that result from this exploitation.

Arthur F. Raper, well known authority on the American South, declares that the Black Belt plantation system is an incubus weighing on white workers as well as Negro and guaranteeing that industrial wages remain low. He writes:

"The Black Belt sketches the section of the nation where the smallest proportion of adults exercise the franchise and it defines the most solid part of the Solid South. . . . Human relations in Atlanta, Birmingham, Montgomery, Memphis, New Orleans and Dallas are determined largely by the attitudes of the people of the Black Belt plantations from which many of their inhabitants, white and Negro, came. The standard of living in these cities does not escape the influence of this area of deterioration. No real relief can come to the region so long as the planter, who wants dependent workers, can confound the situation by setting the white worker over against the black worker, and so long as the industrialist, who wants cheap labor, can achieve his end by pitting urban labor against rural labor. There are literally millions of farm laborers in the Black Belt who are eagerly waiting an opportunity to work for wages even smaller than are now being paid textile and steel workers in southern cities."

Genocide for Profit

Thus the foundation of this genocide of which we complain is economic. It is genocide for profit. The intricate superstructure of "law and order" and extra-legal terror enforces an oppression that guarantees profit. This was true of that genocide, perhaps the most bloody ever perpetrated, which for two hundred and fifty years enforced chattel slavery upon the American Negro. Then as now it increased in bloodiness with the mili-

tancy of the Negro people as they struggled to achieve democracy for themselves. It was particularly bloody under slavery because the Negro people never ceased fighting for their freedom. There were some two hundred and fifty years of chattel slavery in the United States.

The genocide that was American slavery, the killing of part of the group so that the remainder could more readily be exploited for profit, resulted in two wars. The first was the aggression against Mexico in 1846 seeking more territory for the expansion of slavery. The second was the Nineteenth Century's deadliest war—the Civil War of the states. The American Civil War (1861-1865) was a revolutionary war in which the American people destroyed the slavocracy, that minority of slaveholders who had controlled the country and its government for generations. In the wake of this conflict, a rising industrialism, then the dominant and most revolutionary current in American life, joined with four million liberated slaves and the poor whites of the South to impose its democracy on the former slavocracy, giving the Negro the right to vote and to participate in the South's political life.

The War Amendments—The Historical Background

It was during this progressive period, before industry had pyramided into monopoly, and in an effort to complete the revolutionary struggle, that the Fourteenth and Fifteenth Amendments to the Constitution were passed, to assure full and unimpeded rights of citizenship to the Negroes. The Fourteenth Amendment was ratified on July 28, 1868, the Fifteenth on March 30, 1870. If these constitutional safeguards were enforced, instead of being effectively abrogated by administrative and legislative action and inaction—backed by perverse judicial decisions of the United States Supreme Court—it is unlikely that this petition would be necessary.

The Fourteenth Amendment provides . . . "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. . . ."

The Fifteenth Amendment asserts, "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." It adds that "The Congress shall have power to enforce this article by appropriate legislation." The Federal Government's chief legal arm, the Department of Justice, holds that Congress has passed no enabling legislation permitting it to move for the enforcement of these laws, Theron Lamarr Caudle, Assistant Attorney General and head of its

Criminal Division of the Department of Justice, explicitly declaring in 1946 that "the federal government is powerless."¹

Reconstruction

For a short time the Federal Government under the Republican Party gave force to these Amendments. Democracy flourished. A free public school system was established for the first time in the South. Thousands of Negroes joined with democratic white officials to govern and administer states, cities, and counties, serving as legislators, mayors, tax assessors, members of school boards, and peace officers. Twenty-three Negroes were elected by the Southern people to the United States Senate and the House of Representatives, thirteen of them being former slaves. All remnants of slavery, all forms of segregation and discrimination were abolished by laws which for a short time were enforced.

The Republican Party, however, then the nation's dominant party and the instrument of a Northern industry fast becoming trustified, deserted the Negro people in 1876. They made a political "deal" with Southern Democrats which made the Republican, Hayes, President in return for giving a free hand in the South to the former slaveholders. This political deal merely formalized the alliance of northern industry and Southern bourbons to put down the growing resistance of labor and the farmer to the grasping power and wealth of monopoly. Southern Bourbons were obviously safer allies for defending the *status-quo* than the progressive Negro-white alliance in the South.

The Negro people fought back chiefly through the Populist parties that opposed the Wall Street trusts through the eighties and nineties of the last century. But their fight became more hopeless against the increased power of American monopoly. Terror was unleashed against them at home—there were 1,955 recorded lynchings from 1889 through 1901, according to the minimal count of Tuskegee Institute. Side by side went terror unleashed abroad, as American imperialism entered the international arena by subjugating the Filipino, Puerto Rican and Cuban peoples and reduced many Latin-American countries to economic and political vassalage.

The Growth of Terror

It was during this period of American imperialist adventure abroad that most of the state laws segregating Negroes and illegally denying them the vote were enacted in the Southern states. Disfranchisement laws were passed in Louisiana in 1898, in North Carolina and Alabama in 1901, Virginia, 1902, Georgia, 1908, Oklahoma, 1910. They but codified

1) *An Appeal to the World*, National Association for the Advancement of Colored People, New York, 1947, p. 40.

what was taking place in life. They disfranchised poor whites as well as Negroes, thus breaking the Populist movement. It was during this period, too, in which Negroes still had a remnant of political power, that the spurious charge of rape was elevated into an institution, an extra-legal political instrument for terrorizing all Negroes, particularly those demanding their rights under the Constitution. With the charge of rape, reaction sought to justify its bestiality and to divorce from the Negroes those white allies who had helped to carry out the democratic practices of Reconstruction.

In November, 1898, during the Spanish-American War, Colonel A.M. Wadell said in North Carolina, according to the *Raleigh News & Observer*² that "we are resolved" to win the elections in Wilmington, North Carolina, "if we have to choke the current of Cape Fear with carcasses. The time for smooth words has gone by, the extremest limit of forbearance has been reached." Five days later the Colonel led an armed force against the Negro-white administration of Wilmington, slaughtered scores, and announced himself the new mayor. The Government gave silent assent.

In 1900, when both men and newspapers spoke less circuitously than they do today, the San Francisco *Argonaut* said: "We do not want the Filipinos. We want the Philippines. The islands are enormously rich, but, unfortunately they are infested by Filipinos. There are many millions there and it is to be feared their extinction will be slow."³ In the same vein and in the same year Senator Tillman of South Carolina took the floor of the United States Senate and announced: "We took the government away. We stuffed ballot boxes. We shot Negroes! We are not ashamed of it!"⁴

Genocide and War

Thus there is ample historical precedent for genocidal crime increasing against the Negro people in time of war or threat of war as it is now increasing and has been since 1945. As Senator Edwin C. Johnson, remarked on May 17, 1951 in the United States Senate, calling for an end of the Korean war, that conflict is "a breeder of bitter racial hatred." Murder on the basis of race by police and courts, as in the typical cases of the innocent Willie McGee in Mississippi and the Martinsville Seven in Virginia, has long since become so frequent and widespread as to constitute an American phenomenon. Now it is increasing.

2) American Imperialism and White Chauvinism, Herbert Aptheker, *Jewish Life*, New York, July 1950, p. 24.

3) *Ibid*, p. 24.

4) *Ibid*, p. 24.

It is increasing partly because unpopular war requires a silencing of the people, a breaking of their will for resistance. Increasing violence against the Negro people goes hand in hand with increased repression throughout American life. The passive conformity found in American universities, where any new or democratic idea is suspect, according to the *New York Times*,⁸ is but a part of this larger pattern. Reaction knows that liberty is indivisible; that a victory for the Negro people in their fight for freedom may well presage a victory for labor and the forces of peace. Moreover, it feels that clamor against this baleful American crime, against genocide by the Government of the United States, is unendurable when all iniquity is supposed to rest with the enemy. The very presence of the Negro people in the United States under the existing circumstances is an indictment and an exposure that evokes hatred against them.

In addition, the great majority of Negroes are for peace, and peace endangers profits. George Bott, general counsel for the National Labor Relations Board, has formally ruled that advocacy of peace by a worker is cause for discharge. The venerable Dr. W. E. B. Du Bois, elder statesman of the Negro people, man of letters and scholar of international renown, has been indicted by the Government of the United States for his advocacy of peace. Such advocacy, it is charged, makes him a "foreign agent." Paul Robeson, a spokesman for the American Negro people who is known and honored the world around, has been denied a passport for travel abroad because he speaks uncompromisingly for peace. His voice, too, endangers the profits from war. All these factors combine to make the Negro people in the United States the increasing target of reaction's genocidal fury.

The End of Genocide Means Peace

This genocide of which your petitioners complain serves now, as it has in previous forms in the past, specific political and economic aims. Once its goal was the subjugation of American Negroes for the profits of chattel slavery. Now its aim is the splitting and emasculation of mass movements for peace and democracy, so that reaction may perpetuate its control and continue receiving the highest profits in the entire history of man. That purpose menaces the peace of the world as well as the life and welfare of the Negro people whose condition violates every aspect of the United Nation's stated goal—the preservation "of peaceful and friendly relations among nations" by the promotion of "respect for human rights and fundamental freedoms for all without distinction as to race. . . ."

Our case is strong because it is true. As it cannot be effectively denied that mortal dies, so it cannot be convincingly said that Negroes in the United States are not persecuted, segregated, assaulted and killed, day

in and day out, on the basis of race and in such numbers as to make this oppression an American institution. Therefore, we solemnly ask the General Assembly to condemn this genocide on the score that it is not only an international crime in violation of the United Nations Charter and the Genocide Convention but that it is a threat to the peace of the world.

The end of genocide against the Negro people of the United States will mean returning this country to its people. It will mean a new growth of popular democracy and the forces of peace. It will mean an end to the threat of atomic war. It will mean peace for the world and all mankind.

PART II

The Law and the Indictment

Why the Genocide Convention was passed, its provisions as an extension of the Charter of the United Nations, its relation to American law, our right of petition, the duty of the General Assembly to hear our complaint, precedents for hearing it, and the indictment of the Government of the United States of America for the crime of genocide against the Negro people of the United States.

The Law and the Indictment .

SHOCKED by the Nazis' barbaric murder of millions of Jews and millions of Poles, Russians, Czechs and other nationals on the sole basis of "race" under Hitler's law—just as Negroes are murdered on the basis of "race" in the United States under Mississippi, Virginia and Georgia law—the General Assembly of the United Nations adopted the Genocide Convention on December 9, 1948.

Why the Genocide Convention Was Passed

The Convention, to a marked degree, is a result of the Nuremberg trials of the Nazi war criminals at the conclusion of World War II. The trial, according to Supreme Court Justice Robert H. Jackson of the United States, then a special prosecutor of the Nazi criminals, indicated that domestic genocide in time of peace has an inevitable tendency to the greater genocide of war. Indeed he declared in his opening statement that the first was preparation for the latter. This domestic genocide, Mr. Jackson asserted, was the foundation of predatory war and the prelude to the larger genocide that followed against the nationals of other countries, a genocide seeking the political and economic control of Europe, if not the world, as the previous domestic genocide had secured it in Germany.

As Justice Jackson said in his opening statement at the Nuremberg trial:

"How a government treats its own inhabitants generally is thought to be no concern of other governments or of international society. Certainly few oppressions or cruelties would warrant the intervention of foreign powers. But the German mistreatment of Germans is now known to pass in magnitude and savagery any limits of what is tolerable by modern civilization. *Other nations by silence would take a consenting part in such crimes.* These Nazi persecutions, moreover, take character as international crimes because of the purpose for which they were undertaken. If aggressive warfare in vio-

lation of treaty obligations is a matter of international cognizance, *the preparation for it must also be of concern to the international community. Terrorism was the chief instrument for securing the cohesion of the German people in war purposes.*" (Italics ours.)

The relation between domestic genocide and international war caused progressive world opinion to favor the drafting and passage of the Genocide Convention. Genocide became an international crime because it was an international danger. "How a government treats its own inhabitants" must be of world concern when that treatment includes a war-breeding genocide that may engulf the world.

The Nuremberg trial punished *after* the crime and *after* war had been precipitated by its perpetrators. But the Genocide Convention looks toward preventing war through *preventing* and punishing the crime of genocide in time of peace *before* war occurs. It declares (Article I) that "The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish." It may be relevant to note that this American genocide of which your petitioners complain, also surpasses "in magnitude and savagery any limits of what is tolerable by modern civilization," in Justice Jackson's words. And above all it, too, is being used in part as an instrument "for securing the cohesion" of the people of the United States "in war purposes." We are confronted by a "deadly parallel."

Aspects of the Convention

It is sometimes incorrectly thought that the definition of genocide is the complete and utter extinction by force and violence of a people or group. Article II of the Genocide Convention, however, defines the crime as meaning

"any of the following acts committed with intent to destroy, *in whole or in part*, a national, ethnical, racial or religious group as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group."

Article III of the Convention provides that "The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide."

The Genocide Convention differs from other international proclamations such as the Declaration of Human Rights. It is more than a statement of moral principle. It is law, international law, setting out specific crimes and specific punishments. It has all the status of solemn treaty. It takes its place beside such international prohibitions as those forbidding and punishing piracy and slavery. As such it focuses attention on the criminal. Under its terms persons committing genocide or attempting to commit genocide shall be punished "whether they are constitutionally responsible rulers, public officials, or private individuals." (Article IV.)

The contracting parties under Article V undertake to provide effective domestic penalties for persons guilty of genocide, while Articles VII, VIII and IX provide measures for international cooperation and control. Under the Convention the nations of the civilized world recognize and accept their responsibility to take individual and collective action against genocide "in order to liberate mankind from such an odious scourge." (Preamble.) In addition the Convention provides for the future creation of a world criminal court having jurisdiction over genocide. (Article VI.)

Thus the essence of the Convention is recognition of the principle that the prevention and punishment of genocide requires international enforcement. It is designed to insure international liability where the state responsibility has not been properly discharged. It therefore applies to the existing situation in the United States. For the daily acts of genocide committed against the American Negro people are so numerous and of such long standing, embedded in the law and often perpetrated by such organs of state government as the police and courts, that they could not take place without the positive or negative sanction of the several states and the Government of the United States of America. White supremacy has been voiced as a state philosophy by government officials, Federal, state and city, and in order to effectuate that policy city, state and federal governments have sanctioned "direct and public incitement to commit genocide" and "conspiracy to commit genocide" (Article III), outlawed as national and international crimes "contrary to the spirit and aims of the United Nations and condemned by the civilized world." (Preamble to Convention.)

The Convention and the Charter

The Convention on the Prevention and Punishment of the Crime of Genocide, the requisite twenty states having ratified it in accordance with Article XIII, entered into force on January 14, 1951. It is binding on all its signatories, which include the United States of America.

The Genocide Convention, we submit, is clearly an extension and implementation of the Charter of the United Nations. Its obvious intent is to give force and effect to the Charter's numerous pronouncements that

the purpose of the United Nations is to contribute to "peaceful and friendly relations among nations" by promoting "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." Seven separate articles of the United Nations Charter deal with "respect for human rights" and "fundamental freedoms for all without distinction as to race. . . ."

The Genocide Convention thus provides for the enforcement of the very heart of the United Nations Charter. Failure to enforce the Genocide Convention would not only reduce the Convention to idle verbiage but would similarly transform the Charter. It is apparent that unless those provisions of the Genocide Convention forbidding "killing members of the group," "causing serious bodily and mental harm to members of the group," etc., are enforced there can be no reality to such salient articles of the Charter as the following:

ARTICLE I

The purposes of the United Nations are . . .

3. . . . to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. (59 Stat. 1037)

ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of . . .

b. . . . assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. (59 Stat. 1039)

ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for the peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote. . . .

c. Universal respect for, and observance of, human rights and fundamental freedom for all, without distinction as to race, sex, language, or religion. (59 Stat. 1045-46)

ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55. (59 Stat. 1046)

ARTICLE 62

2. It (the Economic and Social Council) may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. (59 Stat. 1046)

ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields for the promotion of human rights, and such other commission as may be required for the performance of its functions. (59 Stat. 1047)

ARTICLE 76

The basic objectives of the trusteeship system in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter shall be . . .

c. To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the interdependence of the peoples of the world. (59 Stat. 1049)

It is obviously the duty of member states of the United Nations to carry out these provisions of the Charter. If the Government of the United States of America did so there would be no necessity for this petition. The genocide practiced against the petitioners and the Negro people of the United States stems from a direct failure on the part of the United States to enforce its obligations under the Charter. We complain, therefore, not only of the violation of the Genocide Convention by the United States but also of its refusal to perform its solemn obligations under the Charter of the United Nations.

That genocide violated the United Nations Charter was admitted by Dean Rusk, Assistant Secretary of State of the United States, in testifying before the Senate Foreign Relations Committee. He said:

“Senator Pepper, I think it would be true not only that genocide would be a violation of the specific convention but these acts defined as genocide, if committed by governments, would be violations of their obligations to the United Nations.”¹

The Genocide Convention does not change the Charter, but strengthens it by reducing general proclamations to the status of specific law. Even if the Genocide Convention had not been ratified by twenty member states in accordance with Article XIII, this petition complaining of genocide committed against the Negro people of the United States could be sustained under the provisions of the Charter.

The Charter Supersedes Conflicting United States Law

The refusal of the United States to carry out the provisions of the Charter of the United Nations is not only an international offense but also a violation of a cardinal principle of United States law. For the Charter, having been signed by the United States and ratified by its Senate, becomes the supreme law of the land, its provisions against segre-

1) Hearings on Genocide Convention p. 17.

gation and discrimination superseding and voiding every state law in conflict with them. In a recent case (*Fujii v. California*, 97 A.C.A. 154), a native of Asia challenged the California law which bars Asians from owning land. The court held that the law of the Charter of the United Nations superseded the law of California when the latter was in conflict with the former.

This position of the court is in accordance with the fundamental principles of the United States law. The Charter, because it was ratified by the Senate and has the status of treaty, is, according to the Constitution of the United States, "the supreme law of the land and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State, notwithstanding." (Article VI, Section 2.)

The supremacy of treaties over state laws has in fact been the law of the United States since 1796 and the decision in the case of *Ware v. Hylton* which held that, "It is within the power of the Federal Government by treaty to remove from state control any matter which has become the subject of negotiations."

Yet the Government of the United States, despite its avowed adherence to the Charter of the United Nations, despite international law and its own law, has failed to insist on the supremacy of the principles of the Charter. It has taken no action to void the many racist anti-Negro laws of the several states. It has done nothing to negate "white supremacy" by law or executive and judicial action.

It has imposed no domestic penalties for violation of the Genocide Convention, although as a signatory it is clearly required to do so by the terms of Article V.

The obligation to implement the Convention is absolute and in no way dependent upon ratification. Having been ratified by twenty member states as provided for, the Convention has become binding on all member states. The obligations stem from the undertaking as a contracting party. But the Government of the United States has wilfully failed to pass such legislation. Enforcement at the level which the Convention looked to for control is non-existent in the United States. Indeed there has been no attempt at either state or federal enforcement.

Moreover, if the Charter and the Genocide Convention which implements the Charter, supersedes, negates and voids racist anti-Negro laws of the several states and the Federal Government, it also creates the solemn international obligation that the Government of the United States enforce those laws and constitutional provisions already in existence which would buttress and give effect to the principles of the Charter and of the Convention. This includes the Fourteenth and Fifteenth Amendments to the Constitution of the United States, guaranteeing equal rights to the Negro people. The President, the Supreme Court, members of Congress and other

officials solemnly swear to enforce these Amendments but *do not*, in violation not only of their oath of office but also of the principles of the Charter and the Genocide Convention.

But it is incumbent upon the United Nations to see that the Convention and the Charter are not violated, especially by member states.

There is a distressing disparity between the solemn pledges of the Government of the United States and its actions in fact. It is pledged to "fulfill in good faith the obligations assumed by them in accordance with the present Charter" (Article II) to the end that "fundamental human rights . . . the dignity and worth of the human person, the equal rights of men and women and the nations large and small" (Preamble) may result in the achievement of "international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedom without distinction as to race, sex, language or religion."

This is the solemn pledge of the Government of the United States. But its actions involve it in the killing and oppression of genocide on the Hitlerian basis of race. The failure of the Government of the United States to implement the United Nations Charter and the Genocide Convention, as well as its long-standing failure to enforce the Fourteenth and Fifteenth Amendments of the Constitution of the United States, clearly reveal that the oppression and genocide being practiced against the Negro people of the United States is a policy of the Government of the United States.

The Right to Petition

If the peoples of the world were voiceless save when their pleas were uttered by governments, the great protections of the Charter and the Declaration of Human Rights might become meaningless. The rights of individuals or minority groups to petition the United Nations is clearly inherent in the Charter and the Declaration of Human Rights. The General Assembly is charged with the obligation to "initiate studies and to make recommendations for the protection of human rights and fundamental freedoms for all." (Article XIII.) If those whose human rights are violated can speak only through the government that violates them, or through some other formal state entity, the right of the General Assembly to make recommendations for the protection of human rights is considerably vitiated. It is obviously necessary to hear the complaints of minority peoples if studies or recommendations protecting their rights are to have any meaning.

This was apparent to the League of Nations whose Council declared in a resolution of October 29, 1920:

"Evidently this right does not in any way exclude the right of minorities, or even of states not represented in the Council, to call the attention of the League of Nations to any infraction or danger of infraction."²

That "all are equal before the law and shall be accorded equal protection before the law" is the assertion of Article 20 of the Declaration of Human Rights. Yet without equal access to the law there can be no equality before it. A law that the sufferer cannot invoke gives no protection, equal or otherwise. The United Nations, moreover, declares itself an organization formed by "We, *the people* of the United Nations, determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . ."

Thus it is clear that the United Nations is more than a concert of state entities. Rather it exists in the name of the peoples of the world, was created for their benefit and can be invoked by them whenever their "fundamental human rights" are violated by a sovereign nation. If this were not true, if minority groups suffering under the crime of genocide had not the right to appeal to the United Nations, both the Charter and the Genocide Convention would be reduced to meaningless and hypocritical abstractions. It was not the purpose of the United Nations to define and forbid the crime of genocide while denying those suffering from it the right to state their case.

The Duty of the General Assembly

It is equally clear that the General Assembly has the right and duty to hear our complaint under the provisions of the Charter. This case involves those violations of "fundamental human rights" outlined in the Charter and forbidden by the Genocide Convention. It has frequently been held that any matter coming within the scope of the Charter is admissible before the General Assembly. Thus, Mr. Evatt, in addressing himself to the resolution on the Mindzsenty case, said:

"There was not a single question or matter coming within the scope of the Charter, relating to its aims, its principles, or any one of its provisions, which could not be discussed by the General Assembly. If any question was covered by an article of the Charter, that question would no longer be a matter essentially within the domestic jurisdiction of a state."³

The General Assembly, itself, took this view when it passed a resolution condemning the Asiatic Land Tenure and Indian Representation Act passed by the Parliament of the Union of South Africa in 1946. This Act denied South African citizens of Indian descent certain civil rights, dis-

2) League of Nations, Protection of Linguistic, Racial or Religious Minorities by the League of Nations, Geneva, 1931, pp. 7-12.

criminating against them on the basis of race, just as Negroes are discriminated against by racist laws in the United States. The Government of India contended that the Act breached treaty obligations and violated the spirit and letter of the United Nations Charter. It requested the General Assembly to pass a resolution urging South Africa to desist from any policy of discrimination.

South Africa questioned the authority of the Assembly to pass such a resolution. It pleaded immunity under Article XI, Paragraph 7, of the United Nations Charter which states that "Nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the jurisdiction of any State. . . ." The General Assembly, however, rejected this plea, basing its action on Article 55 of the Charter which authorizes the United Nations "to promote . . . a universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race." The Assembly resolution declared that "it is of the opinion that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two governments, *and the relevant provisions of the Charter.*"³

As has been said, a complaint against a nation on the ground that genocide is practiced against a minority people can be sustained by Article 55 of the Charter which has been ratified as treaty by the Senate of the United States. We repeat that the Genocide Convention is an implementation of the Charter, a law for the specific enforcement of certain provisions of the Charter. The two are so closely connected that they must be considered as a whole. Under any circumstances, however, those who are denied the rights guaranteed by the United Nations have a right both in justice and in law to appeal to the United Nations for relief. Therefore the petitioners herein again allege that their complaint of genocide can be sustained not only on the basis of the provisions of the Genocide Convention but also, as in the decision against South Africa, on the basis of Article 55 of the Charter.

American Opinion Believes the Convention Applies

It is relevant to note that the American Bar Association believes that the crimes against the Negro people in the United States come within the provisions of the Genocide Convention. It is for that reason, in fact, that the Bar Association has opposed its ratification. It believes that if the violence and persecution directed against the Negro people were liable for punishment in other than domestic courts, irreparable harm might be done to "the American form of government," i.e., so-called "state's rights."

³) A/BUR/SR 58, p. 13, UN Document.

) U.N. document A/C 1 & 6/12.

This is a profound commentary upon the character of government by those who today rule America, rather than upon any truly "American form of government," as it is called.

The American Bar Association is the pre-eminent organization of lawyers in the United States. Its resolution not only makes no attempt to deny that oppression and violence on the basis of race is directed against the Negro people in the United States but, on the contrary, is based on the prevalence of that violence. It admits the very substance of our complaint. What it fears is that punishment by an international agency might seriously breach the "American legal system." It admits that the lynching and terror directed against the Negro people will be construed as genocide under the terms of the Convention. Nonetheless, it maintains that these crimes are genocide only under United Nations law and are not genocide in reality and in fact.

Its Special Committee on Peace and Law through the United Nations objected to the ratification of the Genocide Convention because:

"Endless confusion in the dual system of the United States would be inevitable with the same crime being murder in state law and genocide in the federal and international fields. Race riots and lynching being both local crimes and genocide depending on the intent and extent of participation."⁵

The Bar Association's complaint is hypocritical—it exaggerates a non-existent danger. It well knows that neither Federal nor state courts enforce the laws against race riots or lynching. Unpunished lynchers far outnumber any punished. We allege, and shall hereinafter prove, that the courts, on the contrary, are used for the "legal" murder of innocent Negroes on the basis of race and as an instrument of white supremacy and genocide.

The American Bar Association passed a resolution opposing the ratification of the Genocide Convention on September 7, 1949. Its resolution deplored genocide but added that "The Convention raised important fundamental questions but does not resolve them in a manner consistent with our form of government." It further declared:

"American citizens might eventually come to be triable by an international tribunal where they would not be surrounded by the constitutional safeguards and legal rights accorded persons charged with domestic crime."

Here again is tacit admission that the United Nations has venue and jurisdiction under the Genocide Convention of complaints brought before it relevant to the crimes being committed against the Negro people in the United States. The American Bar Association is well aware that Negro

5) American Bar Association Special Committee on Peace and Law, Rep. 12, 1949, pp. 13, 15.

citizens desire to be tried by "tribunals" where they would be surrounded by constitutional safeguards and more than formal legal rights. However, the Bar Association goes on to argue with the terms of the Convention, declaring that genocide ought to be defined as a crime only when "Genocide directly affects thousands of persons. Anything short of a crime against thousands constitutes the local crime of murder." It further holds that "reliance of punishment of individuals is upon the national courts" and states in its resolution that genocide "can only happen with the official approval or complicity of the Government of the United States."

We agree with the last statement. Genocide, in this instance, and perhaps in all instances, takes place only with the "approval and complicity" of the government under which it is perpetrated. We allege, and shall prove, moreover, that "thousands of persons" *are affected*, are the victims of the genocide directed against the Negro people in the United States, and that the national courts, instead of trying the guilty, are themselves as a branch of government guilty of genocide as a matter of consistent policy. Over the years the courts have legally murdered innocent Negroes on the basis of race, thus playing their part in oppressing the Negro people and keeping them in economic and political bondage. It is because we Negro petitioners have no true and real recourse in these courts, because we receive no protection from the state, because police and courts are themselves involved in the genocide directed against us, that we are forced to appeal to the General Assembly for redress and relief.

It is important to note that virtually all those who opposed ratification of the Genocide Convention before the United States Senate Committee on Foreign Relations, did so precisely because the Genocide Convention specifically applies to the crimes being committed against the Negro people in the United States. Thus Leander H. Perez, District Attorney of Louisiana, expressed the fears of the lynchers and white supremacists in the United States when he testified that:

"All forms of homicide and personal injury cases could be brought under the broad mantle of genocide, and the mechanics of the thing would simply be that the United States attorney would walk into the State district court and move to transfer the cases to the Federal Courts. But what is still worse than the destruction of our constitutional set-up and our framework of government in America is the over-hanging threat that citizens of our States some day will have to face the international tribunal, where now they must face the State Courts and a jury of their peers."⁶

Peculiarly enough, in view of the Fourteenth and Fifteenth Amendments to the Constitution guaranteeing equal rights to the Negro, virtually all white supremacists declare that nothing can be done about the wrongs directed against the Negro people without "destruction of our constitutional set-up." Of course, they know these constitutional amendments are

never enforced. They are equally adamant that perpetrators of crimes against the Negro people shall be tried locally by a "jury of their peers" because they know such trials are a bulwark of white supremacy and a protector of genocide. Harry S. Barger, of the National Economic Council, a fascist organization, argued openly when he testified before the Senate Committee on Foreign Relations:

"As a matter of fact, this pending Convention goes much further than merely outlawing mass murder. In effect its real purpose is to set up an international FEPC. If I may, I should like to suggest that the ultimate effect of it will be to punish in every country the crime of lynching. . . . The punishment should be left to the States where they have trial by juries of their peers and the punishment inflicted by the courts of justice set up under our American standards."

The Ku Klux Klan, a terroristic organization licensed by the states and permitted by the Federal Government despite its frankly anti-Negro program, also opposed the ratification of the Convention. It conducted an active lobbying campaign against such ratification.

At the Senate hearings, the question of whether or not lynching, race riots and other crimes committed against the Negro people were punishable under the Genocide Convention, was repeatedly raised and repeatedly answered in the affirmative. Alfred J. Schweppe, Chairman of the Bar Association's Special Committee on Peace and Law through the United Nations, testified:

"What is meant by inflicting mental harm on part of a group which may mean a single person? Also what about a lynching or a race riot? The State Department's letter of transmittal recognizes that genocide may be committed against a single individual. If, for example, in a town of the United States of America, where a crime has allegedly been committed by some unidentified Chinaman, I should decide to get rid of all or most all the Chinamen in the town by force, and should in the process kill or maim one Chinaman, I would be guilty of genocide, in that with intent to destroy part of the racial group, I had killed or maimed one individual. The Chinaman could well be a colored person, or a member of any other minority group."

The applicability of the Genocide Convention to crimes against the Negro people was raised by Senator McMahon of Connecticut at the hearings:

"SENATOR McMAHON: Now let's take a lynching case, for example. Let's assume there is a lynching and a colored man is murdered. Is it your contention that that could be construed to be within the confines of this definition, namely, with intent to destroy him as part of a group?"

"MR. SCHWEPPE: The International Court will ultimately tell us. Actu-

6) Hearings before the Committee on Foreign Relations, January 23, 1950, p. 229.

ally, a race riot of some substantial character would be more clearly within my concept of genocide.”

Thus, the very arguments opposing the Genocide Convention completely support our petition. First, they admit that the terror against the Negro people in the United States *is* genocide. Second, they admit this terror *is* punishable under the Convention. Third, they admit the Convention overrides state and national law. And finally, they come to the defiant conclusion that *just because the Genocide Convention would be effective in stopping this terror against the Negro people*, the United States Government must veto the Convention—and continue its present lawless terror.

The Bar Association and others seek to avoid the elimination of genocide committed against the Negro people of the United States by preventing American ratification of the Convention. They forget, however, that the Convention, having been ratified by twenty nations, is now in force and binding on all its signatories, including the United States. They overlook the fact that the Government of the United States, having signed the Convention, having solemnly promised to punish those guilty of genocide, having contracted to implement its laws thereto, is morally and legally bound by its undertaking.

The Indictment for Violation of the Convention

“It is manifest that a people cannot be consistently killed over the years on the basis of ‘race,’—and more than 10,000 Negroes have so suffered death—cannot be uniformly segregated, despoiled, impoverished and denied equal protection before the law unless it is the result of the deliberate, all-pervasive policy of government and those who control it.”⁷

The principal defendant in our indictment, if either term can be properly used in such a proceeding, is the Government of the United States of America. Whatever the proper terminology, however, we accuse the Government of the United States of America of being primarily responsible for the genocide committed against the Negro people who live under its sovereignty and are therefore entitled to its protection instead of its persecution. It is guilty of “killing members of the group,” we allege, for the reason, among others, that its Supreme Court has failed to use its power to save from death innocent Negroes, convicted on the basis of “race” by venal courts after torture in violation of the due process clause of the Fourteenth Amendment to the Constitution of the United States, as well as in violation of the United Nations Charter and the Genocide Convention.

Our indictment charges the Government of the United States with violation of virtually every provision of the Genocide Convention. Our

7) From the Opening Statement of this petition.

evidence, in Part III of this petition, sustains the charges. But the great and central fact is that the basic law of the United States itself specifically forbids violence and discrimination against the Negro people on the basis of race, forbids genocide, and that that law is not enforced as a wilfull and long-sustained policy of government in violation of the Constitution of the United States, the United Nations Charter, and the Genocide Convention.

The policy of non-enforcement of basic American constitutional law, written and passed to protect the Negro people, has become a legal authorization of genocide. It is the enabling act for genocide. It is the foundation for segregation and other discriminatory practices in law and by the courts. Non-enforcement of the Fourteenth Amendment of the Constitution of the United States, which guarantees the Negro people "due process of law" and "equal treatment before the law," obviously incites to genocide. Non-enforcement as a matter of cardinal policy of the Civil Rights Act, also drafted and passed by Congress to protect the rights of the Negro people, is government notification that the Negro people have no rights that will be protected by the Government of the United States.

The notorious failure to enforce, or even attempt to enforce, the Fifteenth Amendment to the Constitution of the United States, which stipulates that Negro citizens shall be secure in their right to vote, results, and long has resulted, in the murder of Negroes on the basis of race when they have attempted to vote. Nor are such murderers tried under the Fourteenth or Fifteenth Amendment or the Civil Rights Act. For genocide, killing members of the group, is the policy of the Government of the United States no matter what the legal circumlocutions used to conceal it.

It is evident that a government which has the power to punish murder on the basis of race and does not use it as a matter of invariable policy, encourages murders on the basis of race. Nor can the Government of the United States, we submit, escape liability by pleading that it is not responsible for the laws or actions of the several states under its central authority. Not only is it a well-known principle of American law that state statutes, such as those providing for segregation, must be in conformity with a Federal Constitution guaranteeing equality before the law for the Negro people, but it is an ancient and universally accepted principle of international law that a sovereign state is responsible for international crimes committed within its borders. It cannot escape such responsibility by the declaration that such crimes are authorized by the law of one of its own political subdivisions. A sovereign state must accept responsibility for international crimes committed within its confines. Genocide is such a crime.

We shall charge the Government of the United States with specific violations of specific provisions of the Genocide Convention. We maintain that if the United States is guilty of "conspiracy to commit genocide," as we allege, it is also guilty of "killing members of the group" and of violation of other provisions of the Convention. It is an established principle of law that conspiracy to murder makes every member of the conspiracy equally guilty with the conspirator who committed the actual act of murder. It would be a poor thing to charge a police officer or deputy sheriff with genocide and to leave untouched and unrebuked the sovereign power, in this case the Government of the United States, whose acts and failures to act, whose racist laws and statutes enforcing segregation, whose courts and legislatures and totality of policy, have manufactured the climate for genocide as well as the institution of genocide—whose very capital is self-admittedly a "disgrace to the nation" because of the bestial and inhuman character of its racist practices.

In view of this and other facts, we charge in relation to the following provisions of the Convention:

ARTICLE II (a). KILLING MEMBERS OF THE GROUP

The main characteristic of genocide is its object: the act must be directed toward the destruction of a group in whole or in part. Groups consist of individuals and criminal actions against groups must in the last analysis be actions against individual members of the group.

The crime of genocide is not conditioned upon the factual destruction of a group in whole or in part but on the intent to achieve this aim. Moreover, genocide is not characterized by intent to destroy a whole group, but rather on the intent of eliminating a portion of a group given identity by its common racial, national or ethnic characteristics. (U.N. Document A/C. 6/242)

The petitioners, in the first count of their indictment against the Government of the United States of America, charge that members of a minority ethnic group, the Negro people of the United States, have been and are being killed (see Evidence, Part III) and that such killings are intended and aimed at the destruction of the group in whole or in part to which the murdered individuals belonged.

ARTICLE II (b). CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP

The assaults, beatings and maimings directed against the Negro people on a basis of race, hereinafter described in Part III, obviously are instances of "serious bodily and mental harm," particularly when the crime is executed by officers of the state. (See Evidence, Part III) The petitioners charge, moreover, that the killing of substantial numbers

of the group, that is the Negro people of the United States, is done with the intent of inflicting serious bodily and mental harm on the whole group.

Mass murder on the basis of race is a powerful source of constant terror, as it is intended to be, to the whole Negro people. As a result of the pattern of extra-legal violence in which they live out their lives, if they do live, the entire Negro people exists in a constant fear that cannot fail to cause serious bodily and mental harm.

Another source of serious bodily and mental harm is the segregation which imprisons United States Negroes from birth to death, marking their status as inferior as a matter of law on the basis of race, cutting them off from adequate education, hospital facilities, medical treatment, and housing, forcing them to live in ghettos and depriving them of rights and privileges that other Americans are accorded as a matter of course. This imprisonment which cuts off United States Negroes from the services and privileges of their fellow citizens, which makes them pariahs in their own country, results in a condition which is temperately described by the words "serious bodily and mental harm."

Section (b) of Article II seeks to cover the various methods of genocide described by Rafael Lemkin, who coined the word and declared:

"Genocide can be effected by physical, political, social, cultural, biological, economic and religious and moral oppression."

The petitioners in the second count of their indictment against the Government of the United States of America charge it with political, social, cultural, biological, economic and moral oppression which have been and are being inflicted on the Negro people of the United States, and which has resulted and will result in "serious bodily and mental harm to members of the group."

ARTICLE II (c). DELIBERATELY INFLICTING ON THE GROUP CONDITIONS OF LIFE CALCULATED TO BRING ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART

As a result of segregation, of living in ghettos and disease-breeding housing, of being barred from the great majority of hospitals, as a result of discrimination in employment which makes for a tragically low income, of violence which often prevents trade union organization, of the semi-peonage of share-cropping, of a terror which prevents members of the group from using political action to better their condition, as a result of these and other factors, United States Negroes are deprived on an average of nearly eight years of life as compared with the life expectancy of white Americans. Disease rates and mortality rates are higher among

the Negro people than in any comparable segment of the United States population. (See PART III, The Evidence.)

This does not just happen. It results from "deliberately inflicting" on the group such conditions for the purpose of depressing wages, increasing profit, and retaining reactionary political and economic control through the divisions they effect in American life. The conditions are imposed with the intent to destroy in whole or in part.

Therefore, we charge as the third count in our indictment of the Government of the United States of America, acts, both by individuals and state and federal officials, which constitute "deliberately inflicting on the group"—the Negro people of the United States—"conditions of life calculated to bring about its physical destruction in whole or in part."

ARTICLE III. CONSPIRACIES, ATTEMPTS, INCITEMENTS AND COMPLICITY TO COMMIT GENOCIDE

Article III declares that the following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

It is obvious that genocide could not adequately be prevented or punished if only those who actually killed, or directly caused serious bodily or mental harm, or violated other provisions of Article II of the Convention were held to be guilty. Therefore Article III was included to apprehend and punish those involved by cooperation with those directly guilty of overt acts of genocide by reason of conspiracy, incitement or complicity to commit the crime.

The petitioners allege that public officials, particularly in the Southern states of the United States, are frequently guilty of murder on the basis of race, of genocide, by direct and public incitement to genocide, by participating in actual violence on the basis of race as in the case of sheriffs and law enforcement officers, by use of the courts to kill innocent Negroes on the basis of race as a matter of policy in sustaining white supremacy, by approving and soliciting the murder or assault of Negroes who attempt to vote, by being parties to the creation of that terror which results in "serious bodily and mental harm," by passing and enforcing laws providing for segregation in violation of the Constitution, the Charter and the Genocide Convention, and by refusing to enforce the criminal law against those guilty of crimes against the Negro people.

The petitioners further charge that officials of the Government of the United States of America in all its three branches, judicial, legislative,

and executive, are guilty of genocide, through their refusal to enforce those provisions of the Constitution of the United States which provide for "due process" and "equality before the law" for the Negro people, in violation of the United Nations Charter and those provisions of the Genocide Convention, among others, which prohibit conspiracy and complicity.

The petitioners charge, therefore, that the Government of the United States of America is involved with others in "conspiracy to commit genocide," in violation of Section (b) of Article III of the Genocide Convention.

They further charge that certain officials of the Government of the United States of America, as set forth in the evidence of Part III of this petition, have with others, including the Governors of certain states, directly and publicly incited to genocide in violation of Section (c) of Article III of the Genocide Convention.

They further charge the Government of the United States of America and others with "complicity to commit genocide" in violation of Section (e) of Article III of the Convention.

ARTICLE IV. RULERS AND OFFICIALS MAY BE PUNISHED

Article IV states:

"Persons committing genocide or any of the other acts enumerated in Article III shall be punished whether they are constitutionally responsible rulers, public officials, or private individuals."

The crimes committed against the Negro people on the basis of race in the United States are in part committed by officials taking an active part in such crimes and/or conspiring and inciting individuals to commit such criminals acts, and/or in granting immunity to the perpetrators of such acts. The petitioners charge, and submit evidence in Part III of this petition, that public officials of certain states, and certain officials of the Government of the United States of America, are guilty of conspiring to commit genocide, of complicity in genocide, of inciting to genocide, and of other offenses forbidden by the Genocide Convention and the Charter of the United Nations.

ARTICLE V. ENACTMENT OF DOMESTIC LAW TO ENFORCE THE CONVENTION

Article V provides:

"The contracting parties undertake to enact in accordance with their respective constitutions the necessary legislation to give effect to the provisions of the present convention and to provide effective penalties for persons guilty of genocide."

Regardless of whether or not the Convention is ratified, the Government of the United States as a contracting party, as a signatory to the Convention, is solemnly pledged to enact the legislation provided for in Article V. It is legally and morally bound to do so under the Charter and under the Convention. Failure could only be interpreted as a desire for the credit of signing the Convention without the obligation of observing it or the onus of opposing it.

This is the present situation. The United States Government has made no move, recommendation, or act to pass the domestic legislation "to give effect to the provisions of the present convention" to which it is solemnly obligated under international law. It has failed even to pass a Fair Employment Practice Act, or a Federal anti-lynching law, or even to enforce laws technically in being which could be used to eliminate genocide.

That this failure is deliberate, that it stems from the fact that genocide against the Negro people is an integral part of the fabric of American law, government and practice, is the only logical conclusion when it is known that the United States has effectively implemented other international agreements requiring domestic law for enforcement. It passed laws, for example, implementing the Treaty for the Suppression of the Opium Trade in 1883, the Treaty for the Punishment of Persons Breaking or Injuring Submarine Cables in 1889, the Convention on Slavery in 1890, the Convention on the Suppression of White Slave Traffic in Women and Children in 1904, the Convention on Obscene Publications in 1911 and the Multilateral Slave Trade Treaty in 1929.

Therefore the petitioners allege that the Government of the United States of America has wilfully violated Article V of the Convention in that as a contracting party it has not undertaken "to enact . . . the necessary legislation to give effect to the provisions of the present convention. . . ."

The obligation under Article V involves not only the enactment of new laws in the penal code of the United States. It also means the enforcement of those laws and Amendments to the Constitution which would eliminate genocide by granting the equal protection to life, liberty and property of the Negro people provided by the laws and Amendments to the Constitution of the United States. This the United States is also obligated to do, as we will show, under the Charter of the United Nations.

Instead of honoring this dual obligation, the United States has failed and continues to fail to enforce the basic guarantees of full and equal rights guaranteed by the Fourteenth and Fifteenth Amendments to the Constitution. The Supreme Court of the United States has in fact denied the language, purpose and intent of these Amendments by tortuous constructions holding that the authority of the Federal Government can-

not protect the rights of the Negro people if those rights are violated by individuals and not by the actions of one of the several states. Since all crimes, including those of states, are carried out by human beings, this decision has been used over the generations, and still is being used, to strip Negro Americans of the protection of their government.⁸

Now this important fact contains one of the legal bases supporting our complaint to the United Nations. The United States Government, having formally ratified the United Nations Charter and having signed the Genocide Convention as a contracting party, is guilty of breaches of solemn pledges to the United Nations in violating these Amendments. The failure to enforce them involves violation of international law as well as national.

The Genocide Convention and the United Nations Charter (Article 56) impose obligations upon the members of the United Nations. The word "pledge," if it has any meaning at all, involves the solemn promise, the contractual undertaking, to perform that which is pledged. Reference to "separate" action as distinguish from "joint" action reveals that Members are individually bound by the Charter to act on their own part for the achievement of "universal respect for an observance of human rights and fundamental freedoms for all without distinction as to race. . . ." Indeed this is the sense of the entire Charter for it would obviously be monstrous for members to violate at home what they undertake to uphold abroad. But this the United States has done.

Therefore the petitioners charge the Government of the United States with violating its pledges, its solemn international undertakings, under the Charter and the Genocide Convention, and allege that by reason of such violations the Negro people of the United States have suffered from acts of genocide.

ARTICLE VI. TRIBUNALS FOR TRIAL

Article VI provides:

"Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by any such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

Jurisdiction over the crime cannot be confined to the courts "of the State in the territory of which the act was committed" because the crime often involves the heads of such States. It is obvious that state or national authorities would be unwilling to prosecute and punish themselves. If

8) Cruikshank, 92 U.S. 589, 1876.

the crime of genocide is to be effectively eliminated, the Convention recognizes that preventive and punitive measures must be enforced against the officials of States or nations.

Article VI, moreover, provides for the setting up of an international penal tribunal. Just as conventions for the suppression of piracy, slavery, white slavery and other crimes impose an obligation on the States to conform to these conventions and punish infractions of them, so the Genocide Convention imposes an obligation on the Member States of the United Nations to take action against officials of an offending nation. Since action by means of an international tribunal is anticipated by the Convention, the petitioners call upon the General Assembly to establish such a tribunal to the end that justice may be done and future acts of genocide prevented.

There is ample precedent in international law for such action. The Geneva Convention of 1937, which provided for the establishment of an international court to judge individuals accused of offenses against the convention for the Prevention and Punishment of Terrorism, and the Nuremberg and Tokyo international military tribunals, which had been set up under multilateral agreements, are precedents for international trials.

The petitioners, therefore, call upon the General Assembly to follow the precedents of international law in dealing with violators of international conventions. As did the nations at the Nuremberg trial, the petitioners demand the punishment of crimes and atrocities which cannot continue without peril to the civilized world.

ARTICLE VIII. ACTION UNDER THE CHARTER

Article VIII provides:

“Any Contracting Party may call upon the competent organs of the United Nations to take action *under the Charter* of the United Nations as they consider appropriate for the prevention and suppression of the acts of Genocide or any of the other acts enumerated in Article III.”

This provision clearly stipulates enforcement of the Convention through the Charter and in doing so manifestly supports our contention that the Convention is an extension of the Charter, inseparable from it. It buttresses our point that complaints of genocide could be made and punished under the provisions of the Charter by proposing “prevention and suppression of the acts of Genocide” under the Charter.

It is accepted, we presume, that the General Assembly is a competent organ of the United Nations since it has already acted as to the denial of human rights in the Mindszenty and South African cases to which reference has previously been made. It is clear, too, that the Security

Council has the right and authority to listen to acts relating to genocide, since genocide is a practice which tends to war and disturbs international relations. Moreover, the United Nations would have jurisdiction, as we have said, over genocidal crimes, irrespective of the Genocide Convention, under the Charter principle of promoting "universal respect for and observance of human rights" as well as by virtue of its authority to deal with questions relating to the encroachment on progressive development of international law. (Article XIII, Paragraph (a) of the Charter.)

Article VIII provides that "Any Contracting Party may call upon the competent organs of the United Nations to take action under the Charter. . . ." Therefore, the petitioners plead and request that each and every Member State as contracting parties "call upon the competent organs of the United Nations to take action." We particularly plead that the representatives of the governments of France, Poland, Czechoslovakia, the U.S.S.R., the Ukrainian S.S.R., and Byelo-Russian S.S.R. call upon the United Nations to take action and we call upon them particularly because their nations and their peoples suffered under this "odious scourge." We plead with these representatives and all representatives, particularly of the Government of India whose nationals know something of oppression on the basis of race, to exercise their power under Article VIII of the Convention that the petitioners may obtain a proper hearing and that "the sounding board" of the United Nations may shock "the conscience of mankind" to the end that the crimes inflicted against the Negro people of the United States of America may be condemned and terminated.

ARTICLE IX. THE INTERNATIONAL COURT OF JUSTICE

Article IX states:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for Genocide or any of the other acts enumerated in Article III, should be submitted to the International Court of Justice at the request of any parties to the dispute."

Article IX is one of the most important in the Convention. *It creates compulsory jurisdiction of the International Court of Justice in all disputes relating to the Convention.*

Its importance becomes evident by comparison with various provisions of the Charter. Article 33 imposes upon members of the United Nations the obligation to seek a solution of disputes by judicial settlement only if that dispute is such that its continuance is likely to endanger international peace and security. Article IX of the Convention, however, contains

no such restriction. *Its jurisdiction is obligatory and relates to all disputes without exception.*

In accordance with Article 94 of the Charter, the members of the United Nations undertake to comply with the decision of the Court in any case to which they are parties, i.e., the fulfillment of its judgment constitutes an obligation under the Charter. Furthermore, the same Article stipulates that if a party to a case fails to perform the obligations incumbent upon it under a judgment of the Court, the other party may have recourse to the Security Council, which may make recommendations or decide upon measures to give effect to the judgment. Thus the Security Council may be involved in cases which otherwise would not come under its competence.

Finally the Charter imposes on all members the obligation to furnish the United Nations assistance in any action it takes in accordance with the Charter. Thus the Security Council's measures may involve action by all members of the United Nations against a State refusing to comply with the judgment of the International Court of Justice.

The obligation of the parties to submit disputes under the Genocide Convention to the International Court of Justice is broad in regard to subject matter. It includes not only the interpretation of the provisions of the Convention, but also its application, and the fulfillment of the obligations imposed. Thus the obligation to enact necessary legislation (Article V of the Convention) is relevant, and failure to do so may be submitted if in dispute, as may failure to extradite culprits (Article VII), or failure to prosecute those responsible for violation of the Convention (Article VI). In addition, disputes submitted may relate to the responsibility of a State for acts of genocide or any other punishable acts.

The petitioners in their prayer for relief (Part IV) call upon the General Assembly and the Contracting Parties to the Convention to submit, if in dispute, the application and fulfillment of the Genocide Convention by the United States of America, to the International Court of Justice.

In concluding Part II of this petition concerning The Law and The Indictment, it might be useful if the petitioners summarize their indictment of the Government of the United States of America. We charge the Government of the United States of America, and submit supporting evidence in Part III of this petition, with responsibility for, and participation in, violation of the Genocide Convention by killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, failure to enact domestic legislation enforcing the

Genocide Convention as was contracted by becoming a signatory to it, and violation of international law by its failure to carry out its solemn pledges under the Charter and under the Convention.

For these offenses, the petitioners ask the General Assembly for relief and redress on behalf of the Negro people of the United States now suffering under the crime of genocide.

PART III

The Evidence

VARIOUS ACTS of genocide against the Negro people of the United States from January 1, 1945 to June 1951, chronologically arranged under those articles and provisions of the Genocide Convention which they violate.

The Evidence

ALTHOUGH we believe the evidence tabulated below proves our case, we appeal to the General Assembly not as a court of law, which it is not, but as the conscience of mankind which it should be. We appeal not to the legal sense of mankind but to its common sense. When a crime is manifestly and overwhelmingly true, known to history and notorious to the world, that fact itself becomes part of the evidence before the General Assembly.

Similarly, although we cannot list it below as part of our evidence, we believe that the knowledge gained through the observation and the sense of every delegate to the General Assembly is in reality a part of our proof. Any delegate who has visited the capital of the United States at Washington, D.C., governed directly by the central government without benefit of local authority, knows of his own knowledge that segregation and oppression in violation of the Charter and the Convention is the policy and creature of the Government of the United States. Its scope and extent in the nation's capital has been attested to by a committee created by President Harry S. Truman in a document entitled, "To Secure These Rights." One of the most eminent officials of the United Nations, Dr. Ralph Bunche, has openly rejected a high post in his own government's State Department because of the inhuman segregation in the capital.

Although our evidence voluminously details the crimes of genocide suffered by the Negro people, it falls far short of adequately presenting reality. The crimes presented are only those experienced by some of the petitioners and that marked minority of crimes committed which happened to receive mention in Negro yearbooks, the Negro press or the labor press. The vast majority of such crimes are never recorded. This widespread failure to record crimes against the Negro people is in itself an index to genocide. Those cases included below appeared in the

Pittsburgh Courier, *The Black Dispatch*, the *Amsterdam News*, among other Negro newspapers, reports by Tuskegee Institute, the National Association for the Advancement of Colored People and the American Jewish Congress' Social Action Commission, the Urban League, the American Council on Race Relations, the American Civil Liberties Union, labor papers, and occasional hearings by city, state and Federal agencies of government. They have been arranged chronologically, beginning in 1945 and continuing until June, 1951 under the various headings of Articles II and III of the Genocide Convention.

ARTICLE II (a). KILLING MEMBERS OF THE GROUP

It cannot be emphasized too often that those killings of members of the group which are recorded are a distinct minority of those actually killed. This is historically true. Thus former Confederate General Reynolds, of Texas, testifying before the Congressional Joint Committee on Insurrectionary Affairs, said during Reconstruction, "The murder of Negroes is so common as to render it impossible to keep accurate account of them."¹ And as recently as 1940, a Congressional report quotes, "a native Southerner who must remain anonymous" to the effect that "countless Negroes are lynched yearly, but their disappearance is shrouded in mystery, for they are dispatched quietly and without general knowledge."¹

We call attention to the number of cases in which the Government of the United States of America is directly involved, such as the slayings of Willie McGee, Edward Honeycutt and the Martinsville Seven, when the Supreme Court of the United States refused to permit them life despite its legal power and duty to do so under the Fourteenth Amendment guaranteeing the due process of law and equality before the law which those executed never in fact received.

We emphasize, too, the several cases enumerated below in which the Department of Justice, of the executive branch of the Federal Government, was asked to intervene under the Fourteenth and Fifteenth Amendments but refused. If these two amendments were enforced, few of the slayings on the basis of race listed below would have occurred.

We call attention, too, to the spreading pattern of murder and violence in the North as well as the South, similarly protected and participated in by police officials.

1945

June 6.—DENICE HARRIS, 22-year old war veteran, was shot to death in *Atlanta, Georgia*, by police and a civilian as he drove a white man to meet a white

1) Civil Rights Congress Survey of Major Developments in the Year 1950 With Respect to the Negro People, p. 12.

woman at a rendezvous the pair had made by telephone. The telephone conversation was overheard by the woman's husband. Harris was killed by bullets from a police pistol. He had driven the car at the request of the white man. The Fulton County coroner's jury called the killing a "justifiable homicide."

August 15.—LILA BELLA CARTER, 16 years old, was raped and murdered at *Pine Island, South Carolina*, under circumstances which pointed suspiciously to a white insurance agent. When the young woman's father went to authorities to demand an investigation, he was jailed. Miss Carter's neck and jaw were broken and she had been placed face down in a pool of water in order to give the impression that she had met her death by drowning. No action was taken against the rapist.

August 21.—ERVIN JONES was fatally wounded in his home in *Portland, Oregon*, when three police officers came to the house to search the premises. They had no warrant and failed to identify themselves as officers. The Jones family believed them to be burglars. Jones defended his home against their entry. One of the officers went to the rear of the house, entered, and shot Jones in the back with a sawed-off shot gun, killing him. The coroner's jury exonerated the police and a grand jury subsequently refused to indict them.

September 9.—MOSES GREEN, veteran of World War I, was shot to death by two Aiken County law officers near *Elenton, South Carolina*. The Officers were deputy sheriffs who were identified. Green was returning from town in his truck and as he stepped out into his own yard he was shot without warning.

October 10.—JESSE PAYNE was taken from the jail at *Madison, Florida*, and shot to death by a lynch mob. Payne had been removed from the lynch-proof state prison and taken to an unguarded one-story shack jail at Madison and left there unguarded. On the date of his arrest, July 4, he was attacked and wounded by a posse. Attorney General J. Tom Watson of Florida recommended the suspension of the sheriff in charge of the jail, stating that the evidence indicated that the jail had not been broken into but that Payne had been delivered up to the lynchers by law officers. Nevertheless, the two Madison County grand juries refused to indict the sheriff and Governor Millard Caldwell refused to suspend him.

October 29.—Police emptied their guns into an unidentified Negro man at 8th Avenue and 144th Street, in *New York City*. Eyewitnesses stated that the man, with his hands raised in surrender after having been pursued by a police patrol car, was alighting from a Buick sedan when he was shot. When a crowd gathered to protest, police reinforcements arrived and clubbed the protesters. Several witnesses went to Harlem Hospital where the man lay bleeding. This and subsequent delegations were unable to find out the man's name.

October 29.—The body of SAM McFADDEN, veteran, was found floating in the Suwanee River, near *Live Oak, Florida*. Governor Millard Caldwell's own investigator and twenty witnesses gave evidence that McFadden had been lynched. Evidence was also given that the Brandford, Fla., police chief, a wealthy turpentine operator reputed to use peon labor, and another man were the lynchers. According to the evidence, McFadden, who had left his home to buy groceries, was put into a car and driven in the direction of the river. His body was discovered by two fishermen, and the date of the lynching was fixed by the authorities as approximately September 21. The Suwanee

grand jury refused to indict any of the three. Later, the ex-marshal of Brandford was tried for allegedly subjecting McFadden, who was 60 years old, to a "trial by ordeal" and then forcing him to drown himself. He was charged with arresting McFadden, beating him with a whip and pistol and making him jump in the river. The ex-marshal was convicted, sentenced to one year in prison and a \$1,000 fine.

November.—Seventy-year-old MRS. NICEY BROWN of *Selma, Alabama*, was beaten to death by a drunken policeman who was off duty. He beat her over the head with a bottle. The officer was acquitted in November, 1945, by an all-white jury which deliberated a few minutes. The attorney for the policeman stated at the trial: "If we convict this brave man who is upholding the banner of white supremacy by his actions, then we may as well give all our guns to the n—s and let them run the black belt."

November.—A new trial which had been ordered by the U.S. Supreme Court freed a Baker County, Ga., sheriff and two former white police officers for the death by beating of ROBERT HALL in October, 1943. Hall had been arrested at his home near *Newton, Georgia*, on January 29, 1943. The next day the sheriff and two other whites beat him about the head with a blackjack until he fell unconscious. His death occurred soon afterwards.

November 1.—Fourteen-year-old WILBERT COHEN was killed when two bullets from a policeman's gun were fired at him as he was leaving a friend's house. No action was taken against the policeman either by the grand jury or by the police department.

November 17.—ST. CLAIRE PRESSLEY, war veteran, was killed in *Johnsonville, South Carolina*. As he stepped off the train in Johnsonville on his way to Hemingway, S. C., Pressley was arrested on suspicion of implication in a minor disturbance which had occurred several days before. Pressley offered no resistance to arrest, but as he was being marched down the street, the policeman suddenly pulled the trigger of his gun and killed the Negro veteran.

December.—Charges were made that PVT. ERIC L. BOLTON of *Chicago* died en route to France of an inter-cerebral hemorrhage "possibly caused by his head being rammed against a cement wall." The words are those of Capt. Earl J. Carroll of San Francisco. General Eisenhower ordered an investigation into the death.

December.—PHINIZEE SUMMEROUR was shot and killed by a white man on an *Atlanta, Georgia*, bus, following an argument over smoking. A grand jury in December, 1945, freed the white man.

December.—Two persons were killed when a reign of terror swept over the Negro community of *Union Springs, Alabama*. A third Negro was wounded and a fourth was hounded out of town. The white policeman who was the murderer was known. EDGAR THOMAS was murdered when the white policeman heard him discuss the Negro question with a friend in Thomas' own store. JESSE HIGHTOWER was also murdered. ED DAY GARY, a veteran, had one eye shot out. REV. J. L. PINCKNEY was ordered to leave town because he had been a witness to Thomas' murder.

December 23.—MR. AND MRS. H. O'DAY SHORT and their two small daughters were burned to death two days before Christmas, 1945, in a fire of incendiary origin set by persons who did not want them to move into a "white neighborhood" in *Fontana, California*. The family had received threatening notes and the police had told the family they were "out of bounds." There was no

electricity in the Short's home and neighbors knew that the family was temporarily using lamps. While the Shorts were away, people broke into their home, sprayed the interior with an inflammable chemical, and left. When the Shorts returned, the father struck a match, and the lamp fuel, believed to be kerosene, exploded. All four were fatally burned.

December 26.—WALTER CAMPBELL, union organizer of the Food, Tobacco, Agricultural and Allied Workers of America, CIO, was stabbed to death at *Little Rock, Arkansas*. He was organizing workers, particularly Negroes, against a 12 hour working day and 50c per hour pay. The confessed slayer was set free.

1946

February.—FRANK ALLEN, taxi driver, was killed by police of *Memphis, Tennessee*. A field report of the American Council on Race Relations characterized the killing as "suspicious." The two white officers said that Allen shot at them. However, another version stated that Allen was unarmed; that the officers dragged Allen from his cab and shot him in a vacant lot.

February.—JAMES MANGUM, 17 years old, was sentenced to death for alleged "rape." He charged that his "confession" had been forced from him by brutality. Nevertheless, the U.S. Supreme Court twice denied his appeals, and the state parole board refused to pardon him or commute his sentence.

February 5.—A policeman of *Freeport, L. I., New York*, shot and killed Pfc. CHARLES FERGUSON and his brother, ALFONSO FERGUSON. A third brother, SEAMAN THIRD CLASS JOSEPH FERGUSON was wounded in the shoulder and thrown into the brig, while a fourth brother, RICHARD FERGUSON was arrested and sentenced to 100 days in jail. The brothers had protested jim crow at a local cafe, where the proprietor had refused them service because they were Negroes. After the killings, Freeport police threw a cordon around the bus terminal and stationed men with tommyguns and tear gas there, saying that they wanted to "prevent a possible uprising of local Negroes." Investigation proved that none of the brothers was armed, and that they were peaceably on their way from the cafe to the bus station when they were attacked by the policeman. Witnesses, including two white women, made affidavits that the brothers were not disorderly. The killer-policeman was exonerated by the Chief of Police and by the Nassau Grand Jury. An investigation ordered by Governor Dewey after five months of organized protest, whitewashed the police, the grand jury which refused to indict the policeman, and the District Attorney of Nassau County. The investigation also denied the lawyer for the slain brothers' families the right to cross-examination and the right to put specific questions to witnesses.

February 9.—Pvt. NATHANIEL JACKSON was shot to death by a guard with a tommygun at the U.S. Disciplinary Barracks at *Granville, Wisconsin*, after a group of prisoners complained that meat had been omitted from their lunch. Two other Negroes not named in newspaper accounts, were injured in the ensuing attack by guards.

February 11.—Accused of a robbery and murder that had occurred on February 11, 1946, EDWARD PATTON was sentenced to die by the criminal court of *Lauderdale County, Mississippi*. Attorneys for Patton showed that his "confession" had been forced from him, he had been grilled for three consecutive days, and had been twice taken to the woods to be shown the

Patton was again convicted at *Meridian, Mississippi*, in Sept., 1948.

February 17.—TIMOTHY HOOD, veteran, was shot to death in *Bessemer, Alabama*, by a police chief. Previously, a street car conductor had fired five shots into Hood's body because Hood had attempted to pull down a jim crow sign. Hearing that Hood was in a nearby house, wounded, the police chief entered the home and fired into Hood's brain. The Bessemer coroner called the acts "justifiable homicide."

February 25.—Five hundred National Guardsmen swarmed into the Negro section of *Columbia, Tennessee*, firing riot guns and other firearms. Police opened up with machine guns on the Negroes barricaded in their homes. Every Negro business establishment in the two black business areas was completely wrecked.

The terror against the Negro community (Mink Slide) began officially the day before when MRS. GLADYS STEPHENSON and her son JAMES, a veteran, had an argument with a radio repair man. The repair man kicked and slapped Mrs. Stephenson and tore the sleeves out of her coat. Her son, James Stephenson, came to her defense and was arrested immediately and beaten by the police. As a lynch mob formed on Court Square, friends spirited James Stephenson and his mother out of the state and the Negro community prepared to defend itself from attack and prevent any lynchings from occurring. A large number of Negroes were arrested and jailed.

WILLIAM GORDON and JAMES JOHNSON were shot and killed on February 28 by police while they were being held in jail. Napoleon Stewart was also shot and wounded while in jail. The three were shot by five policemen at three-yard range. Gordon and Johnson might have been saved after the shooting had they been taken at once to the City Hospital. But this hospital was for "whites only" and they were driven over rough roads 43 miles to Nashville instead.

JOHN BLACKWELL was nearly killed by police beatings. An all-white Maury County Grand Jury began to hand down indictments against members of the Negro community on March 23. Subsequent legal events took place over a period of many months.

The trial itself was characterized by Vincent Sheean, special writer for the *New York Herald Tribune*, as a "travesty of justice." It was proved by the defense that the Negroes in the area had good reason to fear a lynching since the area had a record of many. It was further proved by the defense that James Stephenson had been removed from the jail and sent out of the state only a short time before a lynch mob collected at the jail demanding his life; that the mob gathered at Court Square spoke openly of lynch plans. The defense also presented more than 200 witnesses, Negro and white, to prove that Negroes are systematically excluded from the grand and petit juries of that county. The trial judge refused to eliminate prospective jurors who admitted past or present membership of the Klan; those who said they approved of the Klan's activities, or those who said they would give less credence to a Negro than to a white witness.

February 25.—KENNY LONG, veteran, was shot to death by a highway patrolman in *El Campo, Texas*. Together with his brother, MERON LONG, also a veteran, and a cousin, COSBY CLAY. Kenny Long was at a filling station drinking soda pop. A white lounge began to order Clay about, then called a police car. A deputy sheriff in the car stated: "Don't you know I hate a goddam n——r?" The three white officers began slapping and punching the

three Negroes, and one of them shot Kenny Long dead. Meron Long and Cosby Clay were handcuffed, beaten and arrested.

March 12.—JAMES LEWIS, 14, and CHARLES TRUDELL, 15, condemned to death at *Meadville, Mississippi*. They were charged with a pistol slaying, and indicted, tried and convicted—all in one day. The case was appealed to the Mississippi Supreme Court, which overruled a suggestion of error in the trial. They were refused a pardon by Governor Fielding Wright, and were executed.

Spring.—A Veteran's Justice Committee met April 9, 1946, to press an investigation into the killing of two members of the 1310th Engineer Regiment on May 22, 1945 in Camp Lucky Strike, St. Valerie, France. The two were PFC. ALLEN LEFRIDGE and T/5 FRANK GLENN. They were shot dead while unarmed by two white guards posted at a Red Cross tent with orders to keep Negroes from talking to French girls employed there. Court-martial proceedings had absolved the killers. At a subsequent hearing before the Veteran's Administration, Alfred A. Duckett, formerly of the 1310th cavalry, testified that there had been prejudice against Negro soldiers at the camp. He also stated that a French civilian employee on the post had told him that the guards had orders to prevent Negro GIs from talking with French women.

April.—GEORGE COLLINS, a Negro shore patrolman, was killed early in April, 1946 at the Navy Marine base at *McAlester, Oklahoma*, by a local police officer. Collins had been stationed at the naval ammunition depot. Negroes in the community stated that Collins' death was the third such incident since the establishment of the Navy Marine Base a few years previously. They declared that the city police carried on a veritable reign of terror against the Negro shore patrolmen; that on numerous occasions they swooped down on the Negro section, making searches and seizures without warrants.

May 1.—At a secret meeting of the Ku Klux Klan's Klavaliar Klub whipping squad held at the klavern No. 1, 198½ Whitehall Street, *Atlanta, Georgia*, "Chief Ass-Tearer" Cliff Vittur warned the Klavaliars to be more careful, criticizing them for using the cab of a Negro cab driver they had killed a short time before, and for not wiping their fingerprints from the steering wheel. Had he not called a "brother Klansman" on the police force to wipe the wheel, the Klavaliars involved would be in "hot water," Vittur said. Atlanta newspapers the day following the lynching reported merely that the body of a Negro man had been found on Pryor Road, "apparently the victim of an auto accident." Inside reports on this Klavaliar meeting were turned over to the Georgia Department of Law and the Federal Bureau of Investigation by Stetson Kennedy, of the Georgia Bureau of Investigation, but no prosecution was forthcoming.

May 18.—WILLIAM ARTHUR was killed in *Baltimore, Maryland*, while allegedly resisting arrest by police officers. The following day, May 19, WILBUR BUNDLEY was killed by an officer. Nine witnesses stated that he was shot in the back while running. A few days later, ISAAC JACKSON was shot and killed by a policeman. A number of organizations began a protest against consistent police brutality in Baltimore.

June.—ELLIOTT BROOKS of *Gretna, Louisiana*, was killed by the Gretna chief of police because he "knew too much" concerning the disappearance of

another Negro who was a prisoner, according to affidavits filed with the Gretna branch of the NAACP.

July.—SUTTER MATTHEWS was killed in *Moultrie, Georgia* some time in July, 1946, according to a county coroner's report made on July 31, 1946. The killers had laid the corpse across the tracks of the Georgia Northern Railroad, but Matthews was already dead, killed with a blunt instrument.

July 17.—PVT. SAMUEL HICKS was discovered dying of a fractured skull on a road near Geiger Army Field near *Spokane, Washington*. A white soldier stated that he had seen Hicks slugged by two whites and left on the road. There had been feeling against Negro soldiers at the field for some time. When Hicks' death was discovered on July 17, 1946, Negroes started a search for the killers. Then a force of white MPs, armed with guns, clubs, and tear gas, invaded the area. One MP carefully aimed and fired at a fleeing Negro soldier. Two tear gas bombs were tossed into the Negro soldiers' quarters.

July 20.—One of the comparatively few Negroes who voted in the 1946 *Georgia* elections was a veteran, MACIO SNIPES. Snipes voted in Rupert's district of Taylor County. On July 20, 1946 he was dragged from his home and killed by four white men. He died of pistol wounds. The killers were freed. The killing of Snipes was one of the first fruits of the election campaign waged by Eugene Talmadge. Talmadge had warned Negroes to keep away from the polls. One of the methods used to intimidate the Negro community was the posting of signs on Negro churches which read: "The first Negro to vote will never vote again."

July 24.—The body of LEON McTATIE was found in a Sunflower County bayou near *Lexington, Mississippi*. The condition of the body showed that McTatie had been lynched. Six white men were charged with whipping him to death for stealing a saddle. They were acquitted by a jury after ten minutes deliberation.

July 25.—MR. AND MRS. ROGER MALCOLM and MR. AND MRS. GEORGE DORSEY were lynched near *Monroe, Georgia*. Dorsey was a World War II veteran. A group of 20 to 30 white men beat the two women, then lined the four against trees and shot them dead with a sixty-shot broadside from rifles, pistols and shotguns. Roger Malcolm, a sharecropper, had quarreled with his landlord about the disposition of the crop. Malcolm had also objected to advances made to his wife by a member of the landlord's family. After the quarrel, a lynch mob gathered on July 14. It dispersed, but gathered again on July 25. Eugene Talmadge, white supremacy candidate for governor of Georgia made an official visit to the landlord's family. The Federal Government investigated, but took no action against anyone. Walter White, secretary of the NAACP, revealed on August 6, 1946, that Atty. Gen. Tom Clark had the names of six men charged with the lynching in his possession. On October 28, 1946, Clark told the *Herald Tribune* forum in regard to the Monroe lynchings that "the jurisdiction of the federal government depends upon a thin thread of law. The Federal statutes give me the power to prosecute only when a person has been deprived of a federally secured right. The right of life, liberty and property, the Supreme Court has repeatedly held, is not a federally secured right." The federal jury reported in December that it was unable to find anyone "guilty of violating the civil rights statute."

July 29.—HARRISON JOHNSON, sharecropper, was shot to death near *Eatonton,*

Georgia. His body was perforated with six revolver bullets and he was beaten with a gun butt. The slaying took place on the highway and the killer was given his freedom at once by the sheriff.

August.—JAMES WALKER was shot dead by a hail of bullets as he sat on his father's porch at *Elko, South Carolina*. The shots were fired by a white filling station owner and his brother who had quarrelled with Walker.

August 3.—JOHN J. GILBERT, chalk mill worker, was found shot to death by the roadside near his home at *Gordon, Georgia*. Investigation showed that he had been active in the work of union organization and was killed on his way to work by whites who hated unions.

August 3.—BUDDY WOLF was murdered by a deputy sheriff in *Hattiesburg, Mississippi*.

August 3.—While his mother stood 100 yards away, J. C. FARMER, a veteran, was shot dead near *Bailey, North Carolina*, by a posse of twenty to twenty-five men who swooped down on him in eight cars. Farmer had been waiting for a bus when he was attacked by a policeman, and a scuffle started. Farmer was lynched one hour later.

August 8.—JOHN C. JONES, a veteran, was lynched on August 8, 1946, near *Minden, Louisiana*, shortly after his release from jail when a charge against him collapsed. On August 15 his lash-welted body was found in a lake two miles from Minden, indicating that floggers had operated on Jones before he was dumped in the lake. The deputy coroner reported "multiple bruises and contusions apparently made by a wide leather belt or a thick strap." At the same time and in the same place, ALBERT HARRIS, JR., 17 years old, was shot at by the lynchers. He feigned death until they had quit the scene and then he fled the state. Young Harris' father, ALBERT HARRIS, SR., was beaten by Minden mobsters in an attempt to force him to tell his son's whereabouts. Investigation showed that when Jones returned from the army, he began suit to recover the rights to oil-producing land owned by his grandfather and leased to an oil syndicate. The land was producing thousands of barrels of oil per month for which Jones' family received less than \$1 monthly. In February 1947, six white men including the Minden chief of police were identified as Jones' lynchers by Albert Harris, Jr. Two of the six, deputy sheriffs, went on trial in Shreveport before a federal jury. Young Harris told the jury how he saw the lynchers beat and burn Jones with a blow torch. He saw Jones' wrists chopped off with a cleaver; he saw Jones' eyes pop out of his head from the white-hot flame of the torch. Young Harris also told how he and Jones had been released from the Minden jail into the arms of a waiting mob. Both Harris, Jr. and Harris, Sr. had to be closely guarded by a number of U.S. marshals during the trip to Shreveport and during the trial, because of KKK violence let loose in the area. All of the accused lynchers were freed.

September 27.—WALTER LEE JOHNSON, a veteran, was fatally wounded in *Atlanta, Georgia*, by a street car motorman. Johnson was standing on an Atlanta street when the street car drew to a stop. Johnson recognized one of the passengers inside and called out to him jokingly. The motorman thought the joke was meant for him, he left the car, stepped to the sidewalk, and shot Johnson dead. The motorman was freed.

October.—BERRY BRANCH, elderly Negro citizen of *Houston, Texas*, was killed by a bus driver.

November 1.—JOSE ADRANO TRUJILLO SEIJAS, a veteran, and the adopted son

of the brother of President Rafael Trujillo of the Dominican Republic, was shot to death by a deputy sheriff in *Bunnell, Florida*. Young Seijas had protested Jim Crow practices in a local cafe. The deputy sheriff had been called to the cafe by phone. He went up to Seijas who was seated in his own car outside the cafe and shot him through the chest.

November 2.—CHARLES W. SCOTT died in the prison infirmary in *Washington, D. C.* Injured in the crash of an allegedly stolen car, Scott was taken to the hospital where he received twenty minutes of treatment. When he appeared in court, the judge ordered that he be returned to the hospital as he was too ill to remain in court. He was brought back to court on that same day, but the judge again ordered him taken away for treatment. He died within twenty-four hours. The National Negro Congress and other organizations demanded a full investigation of why Scott had not been kept in the hospital and whether Scott was beaten in jail after a policeman involved in the crash had died.

November 15.—A seventy-five-man sheriff's posse hunted down and killed GEORGE HILL, a sharecropper, at *Toombsboro, Georgia*.

December.—WILLIAM DANIELS, a veteran, was shot to death in *Westfield, Alabama*, a small mining town outside Birmingham. It was near Christmas and Daniels was doing some shopping in the Tennessee Coal, Iron and Railroad commissary store. A white woman employee complained that Daniels had jostled her. In response to her complaint, a guard called Daniels outside the store and shot him dead.

December.—Nine white farmers charged with the lynching of JAMES EDWARD PERSON in *Danville, Illinois*, in October, 1942, entered a plea of *nolo contendere* and were ordered to pay a fine of \$200 each and court costs.

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February 17.—WILLIE EARLE was removed from the county jail at *Pickens, South Carolina*, by an armed mob and lynched between Pickens and Greenville, South Carolina. Earle was being held in jail on a charge of robbing and wounding a Greenville cab driver. The mob had received Earle from the hands of the jailer and when the lynching was over, they dumped his knife-ripped, shot-sieved body near a rural slaughterhouse. The head was gaping with shot gun wounds on both sides and the torso had been mutilated by knives. A telephone call to the Greenville mortuary told where Earle's remains could be found. Thirty-one white men, twenty-nine of them taxi drivers, were arrested, and full confessions obtained from twenty-six. At the trial in Greenville, most of the members of the lynch party admitted their share in the deed. They said they had gone to Pickens in eight or nine cabs and abducted Earle, that en route to the lynching several of them had beaten Earle in the car. He was then knifed five times and blasted to death with a shotgun. All the mob was freed, although twenty-six signed confessions describing their plan to do the deed and its actual commission.

May.—*Sardis, Georgia*. JOE NATHAN ROBERTS, 23-year-old veteran, was shot to death when he failed to say "yes sir" to a white man. A student at Temple University in Philadelphia on the G.I. Bill of Rights, Roberts was visiting relatives. No one was tried for the killing.

May.—HENRY GILBERT was beaten to death in the county jail near *La Grange, Georgia*. No one was tried.

May 4.—Camp Hill, Alabama. MRS. MAY NOYES, 22-year-old pregnant mother of three children was shot to death by Albert Huey. Mrs. Noyes was only one victim of Huey's one-man reign of terror in the Negro community after he had an argument with a Negro veteran, AUSTRALIA FARROW. Huey shot up the Negro community, beat and slapped several Negro men and women, and when Mrs. Noyes ran away from him, he shot her in the hip. She slumped to the street and Huey kicked her, shouting "get up." She got up and as she began to run, Huey shot her again in the back. She crawled on to the porch of a white woman, Mrs. Emory Reeves, and died there. Huey was arrested, but was later released on \$1000 bail and no charges were ever placed against him. Instead Farrow was charged with attempted murder and the testimony of Huey was used to jail and frame him.

May 5.—The United States Supreme Court denied the appeal of the two Negro children, JAMES LEWIS, JR., 14, and CHARLES TRUDELL, 15, of Natchez, Mississippi. The boys had been convicted of killing a white farmer in 1946. They were electrocuted after the denial by the Supreme Court. (See 1946)

May 9.—Eighteen-year-old WILLIE FRANCIS of St. Martinsville, Louisiana, went to the electric chair for the second time. The first attempt at his execution had been on May 3, 1946 but the electric switch had failed to operate. Many organizations tried to save him on the ground that a second attempt at electrocution would be "cruel and inhuman treatment." No court would grant the plea and Francis died in the chair.

May 24.—ERNEST GILBERT, 68-year-old farmer, was shot to death at his home in *Gretna, Virginia.* Three unmasked white men entered Gilbert's home and demanded the right to look into his safe. When he refused permission, they attacked him. When he defended himself, they riddled him with bullets, killing him with five pistol wounds.

May 27.—The body of WILLIAM PITTMAN, taxi driver, was found, horribly mutilated on the side of a country road near *Rocky Mount, North Carolina.* He had been dead for some time. The story was hushed up, but a report was given to officials of the National Negro Congress on May 27, 1947. Pittman was believed to have been the victim of lynchers. His head was bashed in, the legs and arms were severed and the body split open. His taxi was discovered in the nearby woods.

June 7.—WILLIE G. ANDREWS was shot and killed in *Warrenton, North Carolina,* by Police Chief Will Carter of Norlina, who claimed Andrews tried to seize his gun.

June 30.—Louisiana. WESLEY THOMAS, 31, Negro woodchopper, was shot in the back and killed by W. D. Thompson, 21-year-old white. Thomas had engaged in an argument that morning with a white farmer for whom he worked and from whom he was asking back pay. A posse was looking for him when Thompson found him and shot him as he was running toward his house. "He tried to run into the house and I let him have it," Thompson said. He was exonerated on the grounds that there were weapons in the house towards which Thomas was running.

July.—ELIJAH MYLES, 21, was shot in the back by Ferdinand J. Mohr, foreman of the *Orleans Parish, Louisiana,* Agricultural Dump. Dr. George Fasting, pathologist at the Charity Hospital of New Orleans declared the fatal bullet had entered Myles' back though Mohr claimed the dead man threatened him. In spite of this evidence, a no-true bill was returned in the case.

July 11.—Eight Negro prisoners in the Anguilla Stockade, *Brunswick, Georgia*, were mowed down by pistol and rifle fire. The men were part of a group of twenty-seven that had refused to work in a snake-infested swamp land without boots. Back at the camp Warden W. G. Worthy became enraged with the men, opened fire and was joined in the massacre by four other guards. Two other Negroes were wounded.

July 17.—WILLIAM BROWN, 83, was slain by Charles Ventril, game warden of *Point Coupee Parish, Louisiana*. Brown was hunting at the time, as was his daily custom for many years. Ventril, white game warden, came along and engaged Brown in an argument concerning the contents of his hunting bag, took him to the edge of the woods, and shot him in the back of the head. The warden is alleged to have walked to a nearby white sharecropper and told him, "I just shot a nigger. Let his folks know." This slaying was uncovered by a white labor union official. According to him the official coroner's report stated: "The Negro's gun was cocked; the killing was justifiable because the warden shot in self-defense."

August.—VERSIE JOHNSON, 35-year-old saw mill worker of *Prentiss, Mississippi*, was shot to death by a posse after he had been accused of raping a white woman. Three white law officers were arrested and charged with manslaughter. They were exonerated.

August 11.—JAMES WALKER, JR. was shot by a white man, Bill Craig, after an altercation with a group of Craig's friends. Craig was later exonerated by a Coroner's jury, which ruled justifiable homicide.

October 12.—BEVERLY LEE, 13-year-old youth, was shot by Policeman Louis Begin of *Detroit, Michigan*. Mrs. Francis Vonbatten of 1839 Pine testified that she saw the dead youth and another walking down the street, saw the squad car approach. She heard "Stop, you little so-and-so" and then a shot. The officer was subsequently cleared by Coroner Lloyd K. Babcock.

November 6.—ROLAND T. PRICE, 20-year-old veteran, was shot to death in *Rochester, New York*, by six patrolmen who fired a total of twenty-five bullets into his body. Price had just come from seeing the "Freedom Train" and was short-changed in the Royal Palm Restaurant. He argued with the bartender who called Policeman William Hamill. Hamill rushed into the restaurant, drew his gun, forced Price into the street, where he and the other officers began shooting. All were cleared.

November 15.—WALTER PALMER of *Edwards, Mississippi*, a Negro veteran, was shot dead after being arrested at a party. Palmer was shot in the back and the officer claimed he tried to escape. Case was reported to Atty. Gen. Clark.

November 16.—RAYMOND COUSER was walking down Montrose Street in *Philadelphia* when eye witnesses saw Patrolman Frank Cacurro stalking him with a drawn revolver. Cacurro fired, Couser staggered, wounded. The patrolman fired three more shots and Couser dropped dead. The patrolman claimed he had been dispatched to the Couser home after being notified of a quarrel and that he shot Couser because he thought Couser was armed.

November 16.—CHARLES FLETCHER of *Philadelphia* was slain by Patrolman Manus McGettingan who claimed he shot after receiving a call about a prowler. Fletcher worked at the Exide Battery Co. for ten years and had no police record.

November 23.—CHARLES SMITH was slain by Marvin Matthews and Wyatt Adams in *Lillington, North Carolina*, while they engaged in a reign of

terror in the Negro community. At the same time, the terrorists shot DANIEL LEE BRASFORD. They shot from a car and attempted to run other Negroes down. Eugene Williams, William Talton, A. E. Woods, Robert Perry and several other Negroes likewise testified that the terrorists had attacked them previously. A Harnett County jury freed the men after deliberating 27 minutes.

December.—ELMORE BOLLING, 30, was found riddled with shot gun and pistol shots in *Lowndesboro, Alabama*. Clark Luckie, a white man who claimed the Negro had insulted his wife over the telephone, was arrested for the killing, but was later released.

December 17.—CHARLES CURRY, 23, was slain by Nolan O. Ray, *Dallas, Texas* policeman, during an altercation on a trolley bus. Ray, in civilian clothes at the time, had ordered a Negro who had sat down beside him to move. The Negro passengers became incensed and Ray jumped to his feet, drew his revolver, and ordered all Negroes to "take your hands out of your pockets." When Curry did not comply fast enough, Ray shot him dead. He claimed he thought he saw Curry drawing a knife from his pocket. There was no weapon found on the dead man, however. According to witnesses, Curry had neither moved nor spoken during the entire incident. Two days after the slaying, Police Chief Carl Hansen dismissed Ray from the force. He was subsequently indicted for murder.

1948

January 28.—JAMES HARMON, *Camden, New Jersey*, 30-year-old construction worker, was arrested and held incommunicado for twenty-five days. He then died under mysterious circumstances at Lakeland General Hospital. Harmon was arrested by Patrolmen William Yeager and Joseph Hooven and booked as drunk and disorderly. But relatives and friends declared Harmon was a teetotaler. When he died his eye was swollen and the cause of death was admitted to be blood poisoning, after officials first claimed he died of heart disease. A severe beating was suspected at the hands of police.

February 2.—GEORGE THOMAS, Negro youth, was shot dead by a *Kosciusko, Mississippi* policeman who claimed he tried to escape after being arrested. Case was reported to Atty. Gen. Clark.

February 27.—ROY CYRIL BROOKS, member of Local 309, Food, Tobacco and Agricultural Workers, was shot down in cold blood in the crowded bright sunlit public square of *Gretna, Louisiana*. Brooks' murderer was a uniformed policeman, Alvin Bladsacker. Brooks had become involved in a minor altercation with the driver of a bus. Bladsacker, a traffic cop in the square, heard the driver's raised voice, entered the bus, and immediately slugged Brooks across the back of his head. Blood spouted from the base of Brooks' skull, and Bladsacker then prodded him out of the bus, announcing that he was going to take him to the police station. As they walked down the square, Bladsacker hauled out a .38 revolver and held it against Brooks' back. Brooks half turned and attempted to tell the policeman that he had done nothing wrong. Bladsacker shot him twice. Brooks fell on his back in the street and forty minutes later he was dead. The original incident with the bus driver had been this: a Negro woman passenger, after paying her nickel fare, discovered she was on the wrong bus and asked for her

- nickel back. When the driver refused, Brooks gave her a nickel, she left, and Brooks asked to ride on the woman's already paid fare. It was while the driver was loudly refusing Brooks that Bladsacker heard him. A Committee for Justice in the Brooks case protested and under pressure, Bladsacker was indicted for manslaughter. He was later released and put back on his job.
- Week of February 28.*—JAMES TOLLIVER, 40, of *Little Rock, Arkansas*, was beaten to death by Policeman Blaylock. Tolliver was trying to help a drunken woman when Blaylock came up behind him and struck him in the head. He died almost instantly.
- March 7.*—RAYFIELD DAVIS, 35, was slain by Horace Miller during a "civil rights squabble." A *Mobile County (Alabama)* Grand Jury freed the killer.
- Week of March 21.*—ELLIS HUDSON of *Nacogdoches, Texas*, 50, was shot to death by a Texas constable, one Heppenstead. Hudson had come to court to arrange bail for his son, Ellis, Jr., who had been beaten by the same officer when the boy did not address him as "sir."
- Week of March 21.*—SAMUEL BACON, 55, was shot to death in a *Fayette, Mississippi* jail by Town Marshal S. D. Coleman. Bacon, an employee of the Firestone Rubber Co. of Akron, Ohio, had been arrested and taken from a bus while on his way to Natchez, Miss., to visit relatives.
- March 27.*—IKE MADDEN, 27, was slain by *Birmingham, Alabama* police who claimed he was "resisting arrest."
- March 29.*—JOHN JOHNSON, 50, was slain by *Birmingham, Alabama* police who claimed he was "resisting arrest."
- Week of April 4.*—OTIS NEWSOM, of *Wilson, North Carolina*, 25-year-old war veteran and father of three children, was shot and killed by N. C. Strickland, gas station operator. Strickland killed Newsom after the Negro demanded that he properly service his car with brake fluid he had just purchased.
- April 19.*—ALMAS SHAW, of *Birmingham, Alabama*, was killed during a fight with police. Police claimed he ran and that when they caught him, he hit his head on the base of stone building. Killing was third in three weeks by police, as terrorist group Black Raiders resumed operations.
- April 27.*—MARION FRANKLIN NOBLE, 19, was slain by *Birmingham, Alabama* policeman C. L. Borders who claimed the youth attacked him when he was arresting him.
- April 30.*—EUGENE WARD, 1910 13th Avenue, *Bessemer, Alabama*, was shot to death by Patrolmen Lawton Grimes and Sam Montgomery. The cops claimed Ward "resisted arrest and reached for a knife."
- May 2.*—HOSEA CARTER, of *Sandy Hook, Mississippi*, a Negro, was found dead of a shot gun blast in the chest. Deputy Sheriff T. W. White reported that a white man "whose name I don't remember" killed Carter. White claimed that Carter and his brother Willie and a third Negro, William Harris, tried to enter a home and that a "neighbor" accosted them and shot Carter. "He did what any decent white man would have done," White said of the unnamed murderer. The other two Negroes were jailed.
- May 5.*—HENRY ROGERS of *Harlem, New York City*, was killed by 32nd Precinct Patrolman Thomas Hollinsworth. The policeman was called to settle an argument between Rogers and Clifton Smith, superintendent of a building at 301 West 151st Street. Police claim Rogers attacked Hollinsworth, and he shot in self-defense.
- May 23.*—*Augusta, Georgia*. Prison guard ordered unidentified Negro prisoner

into snake infested ditch. Prisoner refused, was severely beaten and died.

June 5.—IKE CRAWFORD, 29-year-old prisoner in the *Richmond County, Georgia* stockade, died after he was beaten to a pulp by guards David L. Turner, Horace Wingard, and Alvin Jones. The men were indicted for "prison brutality." A coroner's jury, however, reported that Crawford died of a liver disease.

June 12.—JESSE JEFFERSON of *Jackson, Georgia*, was slain on his farm, after two white men drove up behind his wagon and accused him of not giving them room to pass by.

July 12.—JAMES BURTS, 23, was slain by policemen R. C. Wooddall and S. C. Kelly in *Greenville, South Carolina*. Burt was beaten to death with a blackjack and a night stick and died in General Hospital. Dr. J. R. Bryson, Jr. said Burt was "in a pretty bad condition when he arrived." A General Sessions Court jury freed the policeman in November.

July 14.—WILLIE MILTON, of *Brooklyn, New York*, was shot in the back by Patrolman Kilcommons. Milton, a tenant leader in his community, had an altercation with a local bartender who assaulted him and two friends and abused them with racist epithets. JOE MILTON, the dead man's brother, was beaten by police in the Bedford Ave. station, who tried to make him admit he started a fracas in the bar.

August.—JOE W. PERKINS, 26, was killed by *Birmingham, Alabama* police who said he was trying to escape. He was the ninth Negro slain by police in the past four months.

August 21.—HERMAN BURNS, Negro war veteran was beaten to death by *Los Angeles* police outside the La Veda Ballroom. At the same time, his brothers Julius and John were attacked by several police. Mrs. Virginia Burns, the widow of the slain man sued the city for \$200,000 naming Mayor Bowron, Police Chief Clement Horrall, and Asst. Chief Joseph Reed as being derelict in their duty for failing to suspend or discharge the killer cops.

September 6.—ISAIAH NIXON, 28-year-old veteran, was killed in *Montgomery County, Ga.* in the presence of his wife and children after he had voted in the September 6 primary. A jury freed M. L. Johnson, the killer.

September 26.—HOSEA W. ALLEN of *Tampa, Florida*, was shot to death by Victor Pinella, proprietor of a beer tavern, when Allen asked to be served a bottle of beer. Justice of the Peace Spicola freed Pinella.

Week of October 16.—DANNY BRYANT, 37, of *Covington, Louisiana*, was shot to death by policeman Kinsie Jenkins after Bryant refused to remove his hat in the presence of whites.

November 20.—In *Lyons, Georgia*, ROBERT MALLARD, riding with his wife and two teen-age relatives was ambushed and slain by a gang of over twenty robed terrorists. Mallard was shot several times before his wife's eyes. Mrs. Mallard identified two of the killers as Roderick L. Clifton and William L. Howell, farmers. They were later acquitted. (Mrs. Mallard is a signer of this petition.)

Posse hunting down suspects in assault case in *Groveland, Florida*, shot and killed ERNEST THOMAS in pine woods. Posse was made up of deputies.

They claimed Thomas was armed. Several teams of dogs were used to find Thomas.

MALCOLM WRIGHT, 45, tenant farmer of *Houston, Mississippi* was beaten to death for allegedly not moving his wagon off the road fast enough to let white men in car pass.

Week of January 2.—**HERMAN GLASPER**, 30, was shot and killed in *Bryan County, Georgia*, by State Trooper Corporal Dee E. Watson. Glasper had been arrested on suspicion of being a hog thief. Sheriff E. W. Miles claimed that the shooting was an accident, that Watson shot when he stumbled over some bushes.

January 10.—**JOHN FERRELL**, young Negro father of 25 Mulberry Street, *Albany, New York*, arrested on a misdemeanor charge, was found dead in the First Police Precinct 10 minutes after being jailed. Police claimed Ferrell hanged himself. Ferrell, father of two children, had been arrested at his home, and police began beating him when they took him away according to his wife, Mrs. Marguerite Ferrell.

January 16.—**CHARLES PHIFER** was shot in the back and killed in the home of his stepmother, Mrs. Anne Phifer, of the *Bronx, New York*. Patrolman Eugene Stasiuk had been called to settle an argument and claimed Phifer attacked him. He failed to explain how he shot him in the back.

February 18.—**GEORGE WADDELL** was shot in the back and slain in his home by *Brooklyn, New York*, policemen who invaded it without warrant, with no charges against him. The police claimed they were looking for a gambling game when they forced their way into Waddell's home.

February 26.—An unidentified Negro prisoner was shot to death by a policeman. The prisoner, who was locked in a room with several officers in *Manchester, Georgia*, was shot three times in the back.

April 2.—**JIM MITCHELL**, 65, and **IRV LEE PARKER**, 18, were lynched near *Macon, Georgia*, according to the confession made April 2nd by John McKinney, who implicated Louis DuBose. After dragging the Okmulgee River, Mitchell's body was found with his throat slashed and his stomach ripped open.

Week of April 10.—**HAYES KENNEDY**, 45, died in a *Birmingham, Alabama* hospital after he had been beaten in jail. Police Sheriff Lacey Alexander claimed Kennedy fought with officers in the jail.

May 3.—**WILLIE JOHNSON** was shot to death by two *Brunswick, Georgia*, policemen who claimed that "he was looking suspiciously at a house." Johnson, 58, had been a resident of Brunswick for fourteen years, was a county employee, and a deacon of St. Paul's Baptist Church. The case was reported to the Civil Rights Section of the Justice Department by Mrs. Constance Baker Motley of the NAACP Legal Department.

May 30.—**CALEB HILL**, 28-year-old farm hand of *Irwinton, Georgia*, was taken from the County jail by an armed mob and several hours later, his body was found hanging near a creek. He had been shot through the heart several times. Hill was in the custody of Sheriff George Hatcher, charged with creating a disturbance and resisting arrest.

June 12.—**RICHARD BROWN**, and his cousin, **JAMES TAYLOR**, were shot and killed in *Harlem, New York City*, by plainclothes no-badge Patrolman Abraham Yudenfreund. No prosecution.

July 2.—**MALCOLM WRIGHT**, 45-year-old tenant farmer was slain near *Houston, Mississippi*, before his wife and four small children. Subsequently three

men, James Moore, James Kelum, and Eunice Gore were arrested and indicted in the killing.

July 4.—CHRISPIN CHARLES, a Navy veteran, was slain in *New Orleans, La.* by Patrolman E. Landry and E. Sahuc after they had arrested him during a family quarrel. The veteran was slain with six bullets after he protested, "I haven't done anything."

July 18.—FRANK BATES was "found" dead in a *New Orleans* jail cell. His body was battered, his ribs crushed and broken, his eyes swollen. Bates had been arrested after being picked up in the vicinity of the killing of a Catholic priest. No proof was ever produced that he knew anything of the killing, though a confession was third-degreed out of him. The coroner's verdict on his death was "malnutrition."

July 29.—WALTER DANDRIDGE, 32, was killed by *Birmingham, Alabama* police. His mother, MRS. SUSIE DANDRIDGE, 60, and his brothers JOHN, 44, and JAMES, 26, were wounded.

August.—JAMES SCOTT, 56, of *Peoria, Illinois* was shot dead by Fred Lang, a bartender in the Century Club. Scott had been assured by the proprietor that he could be served, but the bartender took matters in his own hands. He ordered the Negro not to come into the club again and in the ensuing argument pulled a gun and shot Scott. The killer was sentenced to from six to 14 years.

August 10.—GEORGE WESTRAY, 31, was shot and killed in the Lincoln Hospital, Bronx, New York, by Patrolman Daniel McEney. Westray had been previously beaten unmercifully.

August 11.—JAMES PERRY, 41-year-old Negro unemployed war veteran, died in Homer G. Phillips Hospital, in *St. Louis, Missouri*, after being beaten by four police officers. Cause of death was listed as intracranial hemorrhage. Perry had been picked up by the four police on complaint of a park watchman, who tried to evict Perry from a small park in a Negro section, at 4:00 p.m. that afternoon. His companion, a Miss G. Burns, told Civil Rights Congress representatives that police beat Perry about the head. She had been threatened, she said, and was forced to leave the park. The inquest said cause of death was unknown, and evidence presented there proved the police charge of larceny against Perry to be false. (Police claimed he had stolen soda from a soda wagon but the vendor testified it had been stolen by children.)

September 1.—A 17-year-old youth, DAVID HANLEY, was shot to death in *Lexington, Kentucky* by Patrolmen William B. Foster and William Lewis. The police claimed he tried to escape them. A Fayette Circuit Court jury found them not guilty of murder.

Week of September 8.—HOLIS RILES, 53, prosperous owner of a 200-acre farm was slain on his land at *Bainbridge, Georgia* by a group of white men. Riles was slain after he ordered the men from his land when they trespassed to go fishing. Jesse Gordon, a Negro eye-witness said the murderers drove away in two cars. Previously Riles had trouble from white men trespassing on his land. He had been warned to leave the district, but refused. Sheriff A. E. White called the murder premeditated. The Georgia Bureau of Investigation studied the case.

October 2.—LINWOOD MATTHEWS, 19-year-old Negro was stabbed to death by a gang of white mobsters who attacked him and six others of his athletic club as they sought to play football in Carroll Park of *Baltimore, Maryland*.

The youths were attacked and chased from the park. They then went to another section of the park but were attacked again. This time Matthews was slain. The mobsters fled before police arrived.

November 4.—Police of *New Orleans and Jefferson Parish* beat to death 42-year-old EUGENE JONES. His wife Martha, 25, told how police, identified as Earl Rolling, Dick Massa, and a third unidentified officer, came to their home in the dead of night and seized Jones. He was beaten before her eyes. Jones was taken away. Then the officers returned and asked Mrs. Jones for more clothes. She ran to the car and saw her husband on the floor covered with blood. The next day she was told he died of "natural causes."

November 12.—MICHAEL RICE, 69-year-old Negro farmer was shot and killed by Leroy Parker and Roy Lawing in *Walhalla, South Carolina*. The men then robbed Rice of from \$400 to \$500 and forced a terror-stricken 14-year-old Negro boy, HENRY DAVIS, to remain with the corpse on pain of death. Parker confessed that they shot the farmer when he refused to tell them where his cotton money was.

Week of November 19.—EUGENE JONES, an ex-Marine, was beaten to death by two *Jefferson Parish, Louisiana* Deputy Sheriffs in the Gretna jail. Jones' wife testified that he had been spirited away by four officers, and that when she called the jail a day later, she was told her husband was dead.

November 20.—SAMUEL LEE WILLIAMS, 34 (who died Nov. 28), and two other Negroes were shot by a *Birmingham, Alabama* street car conductor, M. A. Weeks. Williams and the other Negroes argued with Weeks about being ordered to move into the car's jim crow section, whereupon the conductor pulled his gun and fired. Police refused to arrest or place any charges against the conductor. The wounded Negroes were AMOS CRISBY, 24, and JOHN CARLINGTON III, 21.

December 31.—SAMUEL TAYLOR, 38, *Baldsville, Virginia* farmer was mutilated to death by a group of whites. Frank Clayton, a white farmer was arrested. Local reports charged that all the killers were known and that they included a woman.

1950

January 1.—GEORGE WEST was shot and killed by James W. Beaman, a *Harlem, New York* policeman. Beaman was subsequently discharged by the Police Department for "unsatisfactory conduct."

January 8.—Three Negro children, RUBY NELL HARRIS, 4, MARY BURNSIDE, 8, and FRANKIE THURMAN, 12, of *Kosciusko, Mississippi*, were slain by three white men, Leon Turner, Malcolm Whitt and Windol Whitt, who also raped PAULINE THURMAN, 17, and shot THOMAS HARRIS, father and step-father of the children. Harris died later of his wounds, on April 12. Turner and Windol Whitt got life, while Malcolm Whitt got 10 years.

MRS. MATTIE DEBARDELEBEN, of *Birmingham, Alabama*, refused to sell some chickens to three Federal revenue agents and a deputy sheriff. They beat her and she died "of a heart attack" on way to jail.

January 9.—NATHANIEL GRACE, 28-year-old citizen of *Brooklyn, New York*, died in the City Hospital of injuries following a forcible arrest by police. Essex County Medical Examiner Martland said that Grace did not suffer any skull fracture or apparent brain injury.

February 28.—*Fernandina, Florida*. Victim and another Negro, JAMES WIL-

LIAMS, 18, picked up by Deputy Sheriff Dave Stokes who intended to arrest them for vagrancy. They told him they worked on a nearby farm. While driving around with the prisoners in his car, Stokes stopped at service station to get friend, Reginald Johnson. Stokes claimed that unidentified man grabbed his gun and began shooting, whereupon Johnson killed Negro with shotgun.

March 2.—Seventy-six-year-old JAMES TURNER, Negro Baptist minister, of *Cairo, Georgia*, was found slain in his bed and his three young children were also found dead—all their heads smashed in with an axe. His wife said that someone dressed in a white garment that looked like a gown ran after her. She escaped and went to the police.

May 8.—THURMOND TOWNS, 19-year-old garment worker of the *Bronx, New York* was killed in *New York City*, by police of the 32nd Precinct. Towns was shot in the St. Nicholas Park after police claimed he ran when they sought to question him about a purse snatched from a woman passerby. Towns, however, was found to have a large sum of money in the bank, and was known as a model citizen and unionist.

June 5.—An unidentified Negro man was beaten to death in the *Washington, D. C.* penitentiary. Attested to by fellow prisoners. No mention of incident in press.

June 19.—LORENZO BEST, 32, of *Anniston, Alabama*, was killed with four bullets by Police Sgt. J. D. Thomas. A coroner called it "justifiable homicide."

August.—LEROY FOLEY died in Breckinridge County Hospital, *Hardinsburg, Kentucky*, after he and two other Negroes lay on the floor three hours and were refused medical attention for automobile injuries. The other Negroes were JESSIE WALLACE and JOHN H. SMITH. According to Nurse Betty Graves, they were put on the floor "because we don't have facilities for colored people." Foley died an hour after his arrival. To get the men out of the hospital a Negro ambulance service was called from a distance of seventy miles, and arrived after three hours. Jesse Lawrence, the driver of the ambulance, charged: "The blood had not even been wiped from their faces. Their shoes had not been removed, and their belts had not been loosened" The hospital sent the injured men bills for \$11.50 and \$1.50 for the telephone call to get the ambulance.

Week of October 7.—MORRIS SCOTT was slain in *Linden, Alabama* by William R. Welch and George Baker. Welch admitted firing the shotgun blast that killed Scott in his home. County Sheriff T. Wilmer Shields declined to disclose a motive for the killing.

October 20.—SAMUEL ELLIS, Navy veteran of *Philadelphia* was slain by a rookie cop on a subway. Ellies died an hour after being admitted to Hahne-man Hospital.

October 20.—HARVEY WILSON of *Vanndale, Arkansas* was shot and killed by W. M. Stokes during an argument over the purchase of a small amount of coal oil. Stokes was arrested and charged with first degree murder.

November 1.—JAMES R. CLARK, 28-year-old former policeman, received ten months in an *Opelika, Alabama*, Federal Court on the charges of violating the civil rights of a Negro he and another policeman, Doyle Mitchum, had beaten to death while holding him under arrest. Both were acquitted of the murder of WILLIE B. CARLISLE, 19, of *Lafayette*. They beat him to death with a rubber hose. Mitchum got six months.

December.—SAM JONES, 35, *San Pedro, California*, construction worker and

- member of AFL Laborers' Local 802 was beaten to death by Policemen James R. Graham and Richard W. Clare. At the same time, they severely beat Jones' companion, NATHANIEL RAY, 46, shipbuilder and member of CIO Shipyard Workers Local 9. Ray is the father of eight children. The policemen claimed the men drew knives after being arrested for drunkenness.
- December 7.*—JOHN DERRICK, veteran just discharged from Fort Dix, N. J., was shot down in *Harlem, New York City*, at 119th Street and Eighth Avenue, by Patrolmen Louis Palumbo and Basil Minakotis attached to the 28th Precinct. Derrick was slain with his hands in the air. The policemen were subsequently cleared by the New York County Grand Jury.
- December 8.*—MATTHEW AVERY, 24, student at the North Carolina A. and T. College, died after an auto accident and being refused admittance to Duke Hospital at *Durham, North Carolina*. Duke doctors said there was no space for Avery and he died an hour later, while being transferred to another hospital.
- December 12.*—ROBERT J. EVANS, 86, was shot by *Norfolk, Virginia* Patrolman E. M. Morgan who claimed the old man pulled a knife on him. Evans was shot when Morgan accosted him during an alleged search for a man involved in a knifing.
- Week of December 23.*—KELLY GIST of *Wake County, North Carolina* was slain near Raleigh, by a former convict and parolee, N. G. Williams, who shot him point blank in the chest with a 20-gauge shotgun. Williams claimed Gist cursed at him. Williams was arrested and held without bond.
- December 29.*—FRED PRETTYMAN, 28, of *Birmingham, Alabama*, was slain by police, who claimed he tried to escape. Coroner Joe Hildebrand immediately called it "justifiable homicide." Prettyman was the fifth Negro slain by police since Feb. 9, 1950, and the eleventh slain in the state since January 22.

1951

- January 13.*—ANDREW JOHNSON, 19, was killed by *Chicago* police in the Central Station. The young worker was arrested and charged with the murder of Coleman Hairston, a barber, during a holdup, but Sonny Porter, a porter in the shop, said Johnson did not look like the holdup man. Porter's testimony was barred by Coroner A. L. Brodie. Johnson was picked up by Edward Cagney and Joseph Corcoran, policemen, who gave him the third degree in the station. He was dead by 3:30 p.m. after being arrested that morning. He died of internal injuries including a lacerated liver. Police said, "he just keeled over and died."
- January 19.*—BOBBY LEE JOYNER, 17-year-old high school student was slain by Police Chief J. A. Wheeler and Policeman W. E. Williford who pumped seven bullets into the youth's body, claiming he tried to attack them with a knife, in *La Grange, North Carolina*. *The Greensboro Record* and the *Raleigh News and Observer* demanded that the officer be prosecuted. They were cleared by a Grand Jury.
- February 2 and 5.*—The *Martinsville Seven Negroes* were electrocuted in Richmond, Virginia for a crime they could not have committed, according to the evidence. The alleged crime was rape of a white woman who had since disappeared. They were *Clabon Taylor, Frank Hairston, Jr., Joe Henry Hampton, James Hairston, Booker T. Millner, Francis Grayson, J. L. Hairston*. (Mrs. Josephine Grayson, widow of the executed Francis Grayson and the mother of five children, is one of the present petitioners.)

February 6.—DR. M. A. SANTA CRUZ, prominent dentist, was beaten to death in *Pulaski, Virginia* by two hoodlums when he sought to protect two Negro girls they were molesting. Police arrested Charles Simmons, 20, and E. Buford Owen, 18, and charged them with murder. A taxi driver, Hubert Matthews Costigan, is charged with "aiding and abetting" since he carried them from the scene of the crime. The girls, Evelyn Bland, 17, and Marie French, 14, were accosted by the hoodlums and manhandled. When Dr. Santa Cruz intervened and went to a police call box, the youths attacked him from behind. He later died in an ambulance.

February 7.—The bodies of four Negroes slain under mysterious circumstances were found in *Edgecomb* and *Nash Counties, North Carolina*. The body of JOHN MELVIN, 50, was found on a farm in Edgecomb. WILLIAM BATTLE, 29, was found on his door steps. Both were nude and partially burned. The body of G. W. BATCHELOR, 80, was found in a corn crib. The one-year-old son of TOM GEORGE BATTLE was found dead in bed and Battle himself was shot in the arm.

May 8.—The state of *Mississippi* electrocuted WILLIE MCGEE, World War II veteran and father of four children for the framed "rape" charge made against him by a white woman, Mrs. Willametta Hawkins. The cause of freedom for Willie McGee had been taken up around the world during the five years that elapsed between his arrest on November 3, 1945 and his death on May 8, 1951. Because of the protests that continued to mount on behalf of McGee's innocence and the lynch atmosphere in which he was first tried and convicted, McGee was tried four times. As the evidence revealed, Mrs. Hawkins had forced McGee into a relationship with her, which he later tried to sever. It was in these circumstances that the white woman charged "rape." It was because the relationship between McGee and the woman had become known that the state of Mississippi ordered his death. The relationship between a Negro man and a white woman "violated" all the white supremacy patterns of oppression against the Negro people in the south. For this McGee was killed. (Mrs. Rosalee McGee, widow of the murdered defendant, and the mother of his four fatherless children, is a signer of this petition.)

June 9.—EDWARD HONEYCUTT was put to death by the state of *Louisiana* on a framed "rape" charge. At the time he was charged with rape, Honeycutt was kidnapped from the St. Landry parish prison in Opalouza, La. by a lynch mob. He was dumped on the low level of the Atchafalaya River as three members of the mob started matching coins to see which would shoot him. As they argued, Honeycutt dove into the river. He was dragged out and rearrested. None of the mob was convicted for kidnapping or attempted homicide. During Honeycutt's trial, guards patrolled the courtroom armed with pistols. Honeycutt said he had never seen the white woman who cried rape until he saw her in court. On May 28, 1950 an all-white jury found him guilty in 24 minutes.

ARTICLE II (b). CAUSING SERIOUS BODILY AND MENTAL HARM TO MEMBERS OF THE GROUP

Serious bodily harm is at once demonstrable; serious mental harm is more complex. Living from birth to death under the terror of threats of violence and lynching, constantly menaced by the law and police, as

well as by the extra-legal unwritten tenets of white supremacy and by the terroristic activities of the Ku Klux Klan, results in profound mental harm to members of the group.

"Perennial, hour by hour, moment by moment lynching of the Negro's soul in countless psychological, in myriad physical forms, that is the greatest and most enduring lynching of all," declare Harry Haywood and Earl Conrad in an unpublished paper on *Atrocities Against 15 Million Negro Citizens*. "This is written," they add, "into the spiritual hanging of all those millions, it is carved into their daily thinking, woven into their total living experience. They are lynched in the thousands of glances from white supremacists all over the land every day, in discourtesies; insults, snobbery; in all the great events of the total national experience and as well in all the minutest experience. The great daily clash of two peoples living together in antagonism, with walls of bigotry between, is a mass lynch act committed constantly against the fifteen million."

A white reporter, Ray Sprigle, posed as a Negro in the South in 1948. The insults and degradation he suffered, the indignities and bitterness, are well told in his book. More recently, the psychiatrist Abram Kardiner has studied the mental harm of segregation upon individual Negroes. Numerous individual biographies and autobiographies tell this story of mental harm in convincing detail.

We may also note an accumulating body of scientific evidence concerning the measurable serious mental and bodily harm inflicted upon them which are more fully described under Section II(c). Here we note the evidence of mental harm. The highest law officers of the Federal Government have openly admitted the serious mental harm inflicted upon Negro citizens by segregated housing. These conditions will be discussed below. In their brief submitted to the United States Supreme Court against restrictive covenants or segregated racial housing, then Attorney General—now Supreme Court Justice—Tom Clarke and Solicitor General Philip B. Perlman stated in 1948:

"... The combination of inadequate housing with racial segregation has most unfortunate economic, social and psychological effects. Colored people are forced to pay higher rents and housing costs by the semi-monopoly which segregation fosters. The incidence of crime and juvenile delinquency is much greater, and the occurrence of death and disease among Negroes is substantially increased. And to the corrosion which such congested and inadequate living conditions work upon any poorly-housed individual's mental health, as a citizen and a human being, there must be added the peculiar disintegrating acid which enforced segregation distills to harm not only the victim alone, but the whole fabric of American life."¹

1) Subsequently published as *Prejudice and Poverty*, 1948.

We include the continual and constant threats and demonstrations of the Ku Klux Klan against the Negro people as acts which cause serious mental harm to members of the group.

The cases are bare reports, a few among thousands. The incalculable damage that each "case" causes not only to the individual, but to the Negro community, requires little elaboration. What is obvious from casual notice is the careless disregard for Negro life, liberty, and person that is the distinctive trait of genocide.

Of great pertinence then in the conclusion of Helen V. McLean in an article "Psycho-dynamic Factors in Racial Relations" published in the *Annals of the American Academy of Political and Social Science*.

"The high incidence of hypertension among southern Negroes is probably one indication of an unconscious attempt at the mastery of the hostility which must be controlled. . . . the chronic rage of these individuals produces the hypertension which initially is fluctuating in character. Eventually the pathological changes resulting from this overload on the cardiovascular-renal system lead to a consistently high blood pressure.

"All available evidence from clinicians," the article continues, "indicates that functional (that is psychosomatic) disease is markedly on the increase in the Negro."

Dr. E. Franklin Frazier supports this view in an article titled "Psychological Factors in Negro Health" published in the *Journal of Social Forces*, Volume 3.

"The psychology of the Negro, developed in the repressive environment in which he lives, might be described as the psychology of the sick. . . . It must certainly mean a reduction in that energy which characterizes healthy organisms."

The mental harm done to the Negro people of the United States by the conditions forced upon them is incalculable. It has been ably documented in such studies as "Black Metropolis" by Horace Cayton and St. Clair Drake; "An American Dilemma" by Gunnar Myrdal; "Caste, Class and Race in a Southern Town" by John Dollard; "Brown Americans" by Edwin R. Embree; "The Negro Family in the United States" by Dr. E. Franklin Frazier; "Negro Liberation" by Harry Haywood; "Hemmed In" by Robert C. Weaver; "Patterns of Negro Segregation" by Dr. Charles S. Johnson; "The Philadelphia Negro" by Dr. W. E. B. DuBois, and the President's Report on Civil Rights and many others.

August, 1943.—The chief of police of *Sandersville, Georgia* ordered all Negroes in the city who were over 16 years of age to wear badges showing the name of their employer and work schedule. He further required that all Negroes report each Wednesday for farm work, regardless of their other, regular employment.

May 1, 1944 to July 20, 1946.—The *Chicago* Council Against Racial and Religious Discrimination, in a report titled "Arson-Bombing and Other Terrorism Against Negro Households in Chicago" (Documented Memorandum VII), reported that from May 1, 1944 to July 20, 1946, there were more than 59 arson-bombings and other acts of terror committed against Negro households. Two Negro children were killed and four persons seriously injured. The report said: "There has not been a single conviction for the 59 attacks. . . . In 26 instances police were assigned to guard property and prevent recurring attacks only after repeated requests by defense organizations. In some cases, police details have been guarding a residence for more than a year. In seven cases there was reported vandalism while a police detail was on guard."

1945

TOM JONES, 17, of *New Orleans, Louisiana*, was shot by a bus driver in the fall of 1945 for not saying "Yes, sir." He survived.

JAMES CORLEY, a veteran, was ordered returned to the South Carolina chain gang by Governor Dewey of *New York*. Corley was arrested in Aiken, S.C. in 1928 on a burglary charge, beaten when he denied it, and threatened with "worse."

Summer.—During 1945, *Alabama* officials refused to take action on behalf of MRS. RECY TAYLOR, of *Abbeville*, who had been kidnapped, stripped of her clothing, and raped by six white men on September 3, 1944. She was on her way home from church when she was forced into a car at the point of a gun and knives. The Henry County Grand Jury repeatedly refused, during 1945 and 1946, to indict the white men, although the driver of the kidnap car confessed and named his accomplices. In the summer of 1945, Mrs. Caroline Bellin (white) executive secretary, Committee for Equal Justice for Mrs. Recy Taylor, tried to visit Mrs. Taylor's home in *Abbeville*. The sheriff manhandled her and ordered her to stay out of the Negro section of town. A special grand jury, ordered by Gov. Sparks to investigate the case, refused to indict the white men.

WESLEY JOHNSON was lynched during 1945 in *Abbeville, Alabama*. LEE WARD, 17, was beaten by a mob in the same town in 1945, after he had been accused of stealing \$5. PETER JOHNSON, a soldier, home in *Abbeville* in 1945 after two years overseas, was beaten by a mob. FRED WARD, 16, was chased out of the town in the same year, for defending two young girl acquaintances from a group of white bullies. All these acts were part of the terror which followed the efforts to punish the rapists of MRS. RECY TAYLOR, a young Negro woman.

June.—Governor Ellis Arnall of *Georgia* asked that the persons responsible for chaining three 15-year-old youths at the County Negro Industrial Farm be removed. The youths said they had been chained for two weeks. The superintendent of the Farm said that he had had them chained to prevent their escape.

June.—A series of vicious attacks in the Harlem-Washington Heights neighborhood of *New York City* by gangs of white hoodlums sent citizens to see Inspector Brown, one of the Mayor's representatives, to demand protection. Inspector Brown stated that 15 arrests had already been made.

- June 6.*—A petit jury in DeKalb County, *Georgia*, acquitted two white men charged with kidnapping and raping a 17-year-old Negro school girl last Christmas eve, despite her unshakable testimony. The young woman was driving from church with a young man when she was forced into another car, driven to a shack and raped.
- July 13.*—The U.S. Navy Department upheld the 1944 conviction of fifty Negro seamen on charges of mutiny for refusing to load ammunition at *Pori Chicago, California*, where more than 300 had been killed earlier in an explosion. Mr. Thurgood Marshall of the NAACP declared in a communication of the Secretary of the Navy that if the men had been white "the case would not have merited a trial."
- June 17.*—WILLIAM PALMER was shot five times by J. C. Bradford of *Brandon, Mississippi*, because he refused to abide by segregation rules at the Knox Glass Company. Palmer will be crippled for life. Bradford went free after a hearing.
- July.*—Mayor Grady Cochran of *Lake City, Florida*, pleaded guilty on November 8, 1945 to a charge of aggravated assault against three Negroes whom he beat in their homes in July, 1945. The mayor had invaded two homes and violently attacked two men and a woman.
- July 1.*—White crowds attacked a large number of Negroes in *West Philadelphia, Pennsylvania* streets after a white taproom owner had insulted and refused to serve several Negro couples. Bricks were thrown and traffic was stopped.
- July 2.*—CHARLES COLLINS, organizer of the AFL Food Local Union 6, was assaulted by a policeman in the House Rules committee room in *Washington, D.C.* where a delegation had gathered from New York and Pennsylvania to urge funds for the FEPC. (Mrs. Collins is a signer of this petition.)
- July 9.*—PFC. HELEN SMITH, PVT. TOMMIE SMITH and PFC. GEORGIA BOSON, all members of the *U.S. Women's Army Corps*, were brutally beaten in the *Elizabethtown, Kentucky*, bus terminal for sitting in the "white" section when the "colored" section was full. A civilian policeman ordered Pfc. Smith and her two companions to move. When they protested, they were beaten. The policeman involved was later tried and acquitted.
- July 23.*—MR. AND MRS. HENRY BUFFINS of *Bayside, New York*, appealed to police for protection after several months of heckling by white neighbors, who had been trying to force the Negro family to move. The couple stated that provocative acts against their children were followed by threats to make the Negro family so miserable that they would sell their home.
- July 28.*—ALBERT PETERSON, 11 years old, of *Queens, New York*, was burned so badly that the flesh hung from his body. Robert Shilling, the son of a policeman, was accused of doing the burning, using ignited cigarette lighter fluid. For many weeks nothing was done to find the culprit.
- August.*—A young Negro woman was raped twice on an August afternoon in a tobacco field in *Wake County, North Carolina*. When the case came to court, evidence against her white attacker piled up and his attorneys decided to enter a plea of guilty to a lesser charge, assault with intent to rape. The judge accepted the lesser plea with its resulting lighter sentence—10 to 15 years—on the ground that it was in accordance with the general character of the defendant. The court's approval was gained by the defendant's statement that he refused to allow his parents to collect their social security payments, preferring to support them himself. The judge said: "A man

is not altogether bad who loyally and faithfully performs obligations to his family."

August.—CORPORAL MARGUERITE NICHOLSON of Philadelphia was arrested, held in jail, for two days and beaten, charged with violating *North Carolina* transportation laws. After two years in the WACs, Corporal Nicholson was riding on a Seaboard Airline train leaving Raleigh, N. C. when she was ordered to move forward. When she complied with the order, Corporal Nicholson was ordered to move still further forward. She refused. At Hamlet, N.C., officers arrested her and one officer abused, cursed and struck her before putting her in a cell. In court she was given a suspended sentence and a fine.

August.—Fourteen inmates of the Federal Correctional Institution at *Ashland, Kentucky*, were punished for refusing to eat under jim crow arrangements. These men, who were thrown into solitary confinement, included three Negroes, ten whites, and one Japanese-American.

August 3.—In *Memphis, Tennessee*, two young Negro women were raped by uniformed police officers. They were waiting for a street car to take them home from work, when the officers took them into custody. They were then driven to an isolated spot where the officers raped them. The officers warned them that they would be killed if they reported the incident. A complaint to the Chief of Police from the mother of one of the young women brought the advice that she keep her mouth shut. The two officers were acquitted by an all-white jury.

August 7.—MRS. NINA BELTRAM of New York and her five-year-old son were beaten near *Hamlet, North Carolina* by a conductor for the Seaboard Airline Railway because the jim crow car was full and Mrs. Beltram had found seats in the "white" car. The man assaulted both the mother and the child. He punched the mother in the side and kicked the baggage so that it knocked the child down and bruised him. Mrs. Beltram sued the Railway and was awarded a cash settlement.

August 17.—PETER PAUL HALL, 18, was convicted by an all-white jury in *Eufala, Alabama*, on a charge of "rape." He was tried in an atmosphere of violence, without benefit of defense testimony. The jury deliberated for ten minutes. Two days after Hall's arrest on July 5, many Negroes were beaten on the streets of Eufala, according to an admission made by the town Chief of Police to a *Chicago Defender* reporter. Gangs of white hoodlums hunted down, beat and drove all Negroes from the downtown area. A 9 p.m. curfew was set for Negroes; night workers were afraid to report for their jobs; scores of Negroes left town daily.

August 22.—ROBERT McALPIN, Negro photographer of light skin, was arrested in *Harlem, N. Y.*, as a "white intruder." This was part of a definite policy of Harlem police to try to frighten white persons away from the Negro community.

September.—Because WILL BROWN, farmer in *Joiner, Arkansas*, gave advice to tenants concerning crop settlements and tenancy arrangements, the white plantation owner who was also deputy sheriff, attacked and tortured Brown. After seizing Brown, the deputy conducted a mock court, acting as prosecutor, judge and jury. After delivering the mock sentence, the deputy forced Brown to suffer beatings and bestial tortures, then left him for dead. Brown crawled home, and later explained to authorities why the plantation owner-deputy sheriff had attacked him.

September.—When MR. AND MRS. J. SMYIL moved into their new home in *Philadelphia*, some of their windows were smashed and neighbors made threats of further violence against them.

September.—MRS. RUBY MAYNARD, former WAC, was awarded damages in federal court at *Montgomery, Alabama*, against the Capitol Motor Lines. En route from Tampa, Fla. to Greenwood, Miss., Mrs. Maynard protested when the bus driver abused a Negro who sat down next to a white soldier. The driver cursed and threatened her and she was ejected from the bus at Uniontown, Ala.

September 15.—L. C. AKINS of *Dallas, Texas*, was sentenced to die for defending himself against a white policeman. On September 15, 1945, as he boarded a Dallas street car, a policeman's wife charged that he had jostled her. The policeman struck Akins and shot him through the body. In the struggle that followed, Akins picked up the gun and shot and killed his attacker. Akins was sentenced to die. The U.S. Supreme Court refused to reverse the sentence, although Justices Stone, Black, and Murphy dissented. Akins' sentence was finally commuted to life by Governor Coke Stevenson of Texas.

September 21.—Sixty-four-year-old MRS. WILLIE BRADLEY was beaten unconscious by the turnkey in a *Springfield, Illinois* jail. Mrs. Bradley was in jail because six policemen had entered her home and arrested her, her daughter, Anna Bee Bradley, and Kenneth Scruggs. Removed to the hospital after the beating, Mrs. Bradley was found to have suffered two broken ribs. In court, the police magistrate gave Miss Bradley thirty minutes to leave town after she refused to promise the Chief of Police that she would not discuss her mother's case elsewhere. Although Mrs. Bradley was a day worker registered with an employment office and was often employed, her daughter worked in a war plant, and Mr. Scruggs was employed at the State House, all three were held on a charge of vagrancy.

October.—ROBERT YOUNGER, a cook in *Rockingham, North Carolina*, was threatened with lynching when he carried out the restaurant owner's order not to allow the white waitress to use the toaster. When Younger transmitted the order, the waitress charged that he attacked her. Negro friends rushed Younger to Hamlet, N. C. by car, but a lynch mob followed and surrounded the house. Police removed the man to the Hamlet jail, but the mob stormed the jail. Removed to still another jail, Younger was tried in a lynch atmosphere. When the waitress admitted during the trial that Younger had not attacked her, the judge ordered him freed. However, local hostility against Younger was so pointed that he was forced to leave Richmond County and find work elsewhere.

October.—Because a white merchant in *Lexington, Georgia*, claimed that her son, then in the army, owed his store a debt, MRS. HATTIE CANTRELL was badly beaten by the merchant. A complaint was entered with the Attorney General of the United States on Mrs. Cantrell's behalf in October, 1945.

October 12.—*Harlem, New York* Democratic leader, GUY BREWER, was beaten and kicked in the face by a policeman when he protested the closing of a registration board before its scheduled time. When the case came to court, Brewer, not the policeman, was found guilty of disorderly conduct. The Appellate Term of Special Sessions Court reversed the sentence.

November.—FLETCHER MILLS, 19-year-old Negro sharecropper from Tuscaloosa, Alabama, was held on an extradition charge, pending hearing before Gov. of *Pennsylvania*. The Alabama farm owner had struck Mills over the

head with a three-foot wooden club, and Mills, in self-defense stabbed his assailant in the arm. Three armed men then appeared at Mills' home and he fled to Detroit, where he was jailed. Although he couldn't read, Mills was forced to sign his name to an extradition warrant charging him with intent to murder. A letter, sent north from Alabama, said: "If Hide (nickname for Fletcher Mills) come back tell him that lawyer said don't come back on this side of river because mob crowd said that wherever the sun shine that is where they will lay him."

November.—McCoy THOMPSON, newly discharged from the Navy, was beaten to a pulp at *Hemingway, South Carolina*, because he had the temerity to ask why he was being arrested. En route home to Columbia, S. C., he got off the train at Hamlet to mail a letter. The conductor cursed him. At Hemingway he was beaten with fists and with a machinist's hammer, then jailed and fined \$50 on a charge of disorderly conduct and drunkenness.

November.—On her way home, Miss ANNIE L. SMYTHE, teacher, in *Johnson, South Carolina*, was approached by a local police officer. The white man gave Miss Smythe a choice between having sexual relations with him or being arrested. She resisted his advances and was promptly arrested on disorderly conduct charges. Miss Smythe was released only after protests arose from many sources. No action was taken against the policeman.

November.—JOHN TATE, disabled veteran, stepped into an *Atlanta, Georgia* restaurant which had employed him before the war. An officer placed him under arrest. He was fined in court. The *Atlanta Daily World* commented on November 11, 1945: "Some Atlanta police are reported to be beating up discharged and disabled Negro veterans at the slightest provocation and practicing a general 'get-them-in-line-with-post-war-attitude.'"

November 27.—Miss ODETTE HARPER, a Red Cross director, was forced from her train at *Newport, Arkansas*, at 2:30 A.M. by a conductor and three MP's. The MP's brandished their clubs and said: "You god damned n—s keep in your own coach." In order to visit a Negro nurse lieutenant, Miss Harper had been compelled to pass through several "white" coaches. On this visit the three white MP's had first accosted her, not merely brandishing clubs, but also reaching toward their pistols.

December.—JOSEPH HARDY of the *U.S. Navy*, was insulted and assaulted, together with many other Negroes, in the town of *Vallejo, California*, while attending a movie. Following this outrage, Hardy spoke publicly against discrimination and was then asked to sign a blue dishonorable discharge on the ground that he had "created prejudice." Only after certain influential persons intervened was the "undesirable discharge" changed to "discharge under desirable conditions."

December 15.—JOHN J. HILL aided another passenger on the subway by pointing out to him that he had passed his station. For his pains Hill was rewarded by a *New York City* Transit policeman who arrested him on a charge of picking pockets and threatened him with bodily harm. The detective took Hill to the lavatory and said: "I'll beat your brains out, you black ———. Before we get finished with you you'll wish you were back in Mississippi." Hill was fined \$50 or ten days in Felony Court.

December 20.—Fourteen-year-old ERNEST BROOKS, JR. was sentenced to life imprisonment on a charge of "rape" in *Hanover County, North Carolina*. He had originally been scheduled to die, but on December 20, 1945, Governor Cherry of North Carolina commuted the sentence to life in prison.

December 22.—CAB CALLOWAY, famous bandleader, was slugged by a city policeman at the entrance to *Kansas City's Play-Mor Ballroom*. Calloway had been invited to the hall by Lionel Hampton, whose band was playing there. Calloway was struck over the head with a pistol several times by a policeman. Eight stitches had to be taken in his head, and Calloway was charged with drunkenness and disturbing the peace. All charges against the bandleader were dismissed in court.

1946

—Police were especially violent against Negro strikers during the strike against the Piedmont Leaf Tobacco Co., at *Winston Salem, North Carolina*, in 1946. MRS. MARGARET DEGRAFFENRIED, mother of four children, was beaten by police during the strike and sentenced to three months on a road gang. CAL ROBERSON JONES, a worker at another tobacco plant, who happened to pass by the Piedmont plant, was beaten by police and sentenced to eight months on a road gang. BETTY KEEL WILLIAMS, a young woman striker, was sentenced to 30 days. PHILIP KORITZ (white), organizer for Local 22, Food and Tobacco Workers Union, was sentenced to six months on a road gang for coming to the defense of Jones while Jones was being beaten. The union was asking a wage of 65 cents an hour.

—WILLIAM DUDLEY, member of the United Cement, Lime and Gypsum Workers' Union, was kidnapped, handcuffed and flogged in *Wilkinson County, Georgia*, by four hooded men who said they were Klansmen.

—LEON JOHNSON, steel worker of *Clairton, Pa.*, was ordered extradited to the Georgia chain gang by Governor Martin of Pennsylvania. Johnson testified that on the chain gang he had been subjected to almost daily beatings by the prison guards, forced to work while heavily shackled, deprived of needed medical care, and that his life had been repeatedly threatened by the prison guards.

January 25.—In *Birmingham, Alabama*, 100 Negro World War II veterans marched on Jefferson County Courthouse to demand that they be registered as voters. Their demand was rejected by the Board of Registrars. Veteran after veteran was turned down for refusal to 'interpret the United States Constitution.' Alabama law only requires the ability to read or write as a condition for registration.

January.—TRAVIS BUTLER, a veteran, was shot in the back in *Houston, Texas*, because he took the only seat vacant in a bus. The seat happened to be in the "white" section and the conductor asked Butler to move. When he refused, a general melee took place, during which Butler was shot. He was subsequently fined on a charge of "aggravated assault."

January 23.—ARNOLD P. JOHNSON, uniformed veteran, was forced to go to the 110th street headquarters of the 120th MP Battalion in *New York*, where the officer in charge beat him up. Johnson, as a discharged veteran, was not under the jurisdiction of the Military Police. Yet the reason given for his arrest was that Johnson was illegally wearing his army uniform, in spite of the fact that government regulations stated that a veteran could wear his uniform as long as *necessary* after discharge, because of the clothing shortage. Johnson was held in the station overnight and was neither allowed to make a phone call nor notify his family in any other way. When he was finally released, Johnson charged that many Negro soldiers and ex-soldiers

have been beaten at this particular station. Mrs. Benita Schuster, a war veteran, had been manhandled by the officer in charge of the 120th MP Battalion a short time before the Johnson incident. While eating in a restaurant, she was yanked off to headquarters, and left to sit on a bench for thirteen hours, although she was ill.

February.—MISS AMY SPURLOCK was attacked by police in *Jackson, Mississippi*, after white teen-age students had attacked a group of Negro teen-age students. Police appeared on the scene and joined in the attack on the Negroes. They singled Miss Spurlock out for special brutality, and then arrested and fined the young woman.

February 13.—A Negro veteran of the *Navy*, who was not named for his own protection, was lashed 52 times at gun point by nine white men. He was accosted on February 13, 1946, by four men in an *Atlanta, Georgia* suburb, forced into a car at gun's point, and taken to a place where, together with five other men, his four kidnapers whipped him. This was revealed on June 7, 1946 by Asst. State's Attorney General Dan Duke.

February 13.—ISAAC WOODWARD, JR., discharged from the Army only a few hours, was on his way home when he had his eyes gouged out in *Batesburg, South Carolina*, by the town chief of police, Linwood Shull. Woodward was travelling on a bus from Atlanta, Ga. to Winnsboro, S. C. About an hour out of Atlanta, Woodward had an altercation with the bus driver. At Batesburg, S. C., the driver called the police and ordered Woodward out. Chief of police Linwood Shull struck Woodward across the head with a billy, and in jail gouged out his eyes, blinding him for life. On November 5, however, an all-white federal jury acquitted Shull after being out for 15 minutes. Shull's attorney had stated to the jury: "If you rule against Shull, then let this South Carolina secede again."

February 28.—BERTA MAE WATKINS, a Negro woman, resident of New York City, purchased a ticket at the Pennsylvania Station in New York for a through trip to West Palm Beach, Fla., which gave her the right to occupy a specific seat on the *Champion*. In *Jacksonville, Fla.*, she was ordered by agents of the Atlantic Coast Line Railroad Co., and the Florida East Coast Limited Railway Co., to move from her seat. When she refused, the Jacksonville police were called to arrest her. She was convicted of violation of the Florida segregation statute.

March 17.—NICK WILLIAMS, restaurant worker in *Philadelphia, Pennsylvania*, was indicted, tried and convicted all on the same day, on eleven charges from rape to burglary and assault with intent to kill. The trial jury never left the witness box. Williams had no chance to produce witnesses or consult a lawyer. He was represented only by a court defender.

April.—CHARLES N. HUNT, Negro veteran, was kicked and beaten with a blackjack in a *Philadelphia, Pennsylvania*, police station, following an argument between Hunt and a white motorist. Hunt had to be taken to a hospital for treatment.

April.—JAY GOULD COTTON was arrested in Freehold, New Jersey, after he had escaped from the Georgia chain gang. He had been sent to the chain gang at the age of 14. He was extradited to Georgia through the action of Governor Walter E. Edge and the Jersey courts, in spite of his attorneys' contention that he was a juvenile when arrested and should have been tried in juvenile court.

April 13.—MAJOR BENTON, a war veteran, was sentenced to death in *Rocking-*

- ham, North Carolina* by an all-white jury. The complainant against him, a white woman charging "rape," testified at the trial that she could not identify Benton. Benton's "confession" had been signed after a two-day police third degree, during which his life had been threatened. The North Carolina State Supreme Court set aside the verdict Dec. 2, 1946 and ordered a new trial. At the new trial Benton's relatives urged him to plead "guilty" to a lesser charge rather than to go before the prejudiced all-white jury again. He did so and received a life sentence.
- May.**—**NAPOLÉON RIVERS, SR.**, an elderly man of *Mobile, Alabama*, was beaten unconscious by a patrolman in May, 1946, when he went to the Board of Registrar's Office to "vouch for" a number of Negro veterans who were trying to register.
- May 7.**—Two white patrolmen stopped and searched the car driven by **COUNCILMAN BENJAMIN J. DAVIS**, in *New York*. They declared they were searching the car "on suspicion." They also questioned the occupants. In the car was a white friend and co-worker of the Negro City Councilman, George Blake Charney. In a letter to Police Commissioner Wallander, Councilman Davis stated: "In my judgment, my car was stopped only because it was in a 'white' section of the city at an early hour of the morning, and because one passenger was white." (Mr. Davis is a signer of this petition.)
- May 20.**—**LORENZO REED**, who had escaped from a Florida road camp in 1945, was ordered extradited from *New York* by Governor Thomas E. Dewey. Reed had been sentenced after being accused of stealing twenty cents. In *New York*, he testified that his life had been threatened by guards; that he had been beaten while held over a keg; that he had been kept in a sweat box. His trial took place in Panama City, Florida, without counsel, and had lasted exactly ten minutes. The trial resulted in a conviction of twenty-five years.
- May 28.**—**BONIS E. BYRD** accidentally bumped into a policeman in *New York*. He apologized but got three blows on the legs and additional blows on the body. He was taken to a police station where the same policeman poked him in the eye with a billy. Byrd was then booked on charges of assault. The case was called up five times but had to be dropped because the officer never appeared.
- June 8.**—Three white thugs raped a young Negro woman, **YVONNE KENNY** and beat her white escort, Jack Hylands, to death in *New York City's Central Park*.
- June 8.**—A lay preacher, **WILLIAM J. DESSAURE**, was beaten by four white policemen in *Rockville Center, Long Island*. Dessature had gone to the police to register a complaint about a gambling place. When the police found the place empty, they charged Dessature with having led them on a wild goose chase. They beat him, then booked him on a charge of second degree assault, saying he had assaulted all four of them. All charges against the police were dismissed, although many witnesses testified to the beating of Dessature. Dessature was found guilty by a jury drawn from a panel that excluded Negroes. Two prosecution witnesses admitted under cross-examination that the District Attorney had suppressed sections of their statements which revealed that the police had threatened Dessature's life. Dessature was sentenced on May 16, 1947, to one and a half to three and a half years in jail.
- June 12.**—After an argument with a taxi driver in *New York* who refused to take him home, **CARLTON POWELL**, bass player, was beaten almost to

death. Instead of taking Powell home, as he had been directed to do, the taxi driver took him to a police station at East 51st street. There three plainclothesmen pounded him. He was finally taken to Bellevue Hospital with three lacerations on the back of his head; one laceration which split his forehead to the bone; contusion of the left face; three upper teeth knocked out; a lower tooth knocked out and one lower tooth broken. Powell was under suspicion because he was a Negro in a "white" area. He was indicted on charges of felonious assault.

June 23.—According to Percy Green, editor of the *Jackson Advocate* (Mississippi), Miss MATILDA PINCKNEY was beaten in *Brandon, Mississippi* by persons who told her that: "Negroes will not be allowed on the streets after dark." This is the same town of Brandon in which ETOY FLETCHER (elsewhere listed) was beaten on June 6 when he registered to vote. Mr. Green charged that Negroes in Brandon were living under a "reign of terror."

July.—TOM GILLESPIE was shot by a white man when he attempted to vote in the summer election in *Athens, Tennessee*. A few weeks later; on August 10, a white mob attacked 1500 Negroes in Athens. The mob had first marched on the city jail to demand the release of two whites who were jailed after a fight with Negroes. Then the mob began to chase Negroes on the streets. L. C. Horton, a veteran, was physically assaulted, as were twenty or thirty others, including women and children. W. C. Starkey, a white man who stood up against the mob, was flogged three times for it.

July 6.—CLYDE TAYLOR ALLEN was one of a crowd that gathered on a *New York City* street to watch an incident that involved the police and a veteran. When police began shoving members of the crowd around, Allen objected. For his protest he was hit three times on the arm and his arm was broken. He had to be hospitalized, but when he left the hospital, he was arrested on charges of disorderly conduct and resisting arrest.

July 14.—When a cab driver refused to take three Negro women to the *Bronx, New York* they complained to a patrolman. The patrolman answered their complaint by brutally beating and kicking Mrs. JOSIE STEWART, kicking Mrs. HELEN URQUART on the leg, and dragging them, together with Miss LEITHA GRIFFITH, off to jail. All three women were found guilty of assault and jailed, in spite of the fact that Mrs. Stewart had to have seven stitches in her lip and suffered internal injuries as a result of the beating.

July 16.—Mrs. LUCY GORDY JAMES of *Detroit, Michigan* charged that Patrolmen Earl Johnson, Arthur Cobb and Orrin Hamilton, beat her severely. Mrs. James is a member of the Gordy family, prominent Negro business people of Detroit. She sued the officers for \$10,000 damages, charging illegal arrest, assault and maltreatment.

July 19.—Half-blind and elderly, JAMES SLAPPEY was stepping into a cab in *New York* when a policeman with a gun drawn cursed him and ordered him out. Slappey was marched into an areaway where another policeman waited. The two policemen struck Slappey in the mouth with a blackjack, splitting his lip and knocking out several teeth. One policeman pointed his gun at the elderly Negro's head and threatened to blow his brains out. Slappey was then booked on charges of attempted burglary. In the station house, police forced him to try on a straw hat which was several sizes too small for him. They claimed the hat belonged to the holdup man. When the case came to court. Slappey was found guilty of "resisting an officer and causing a crowd to gather." Sentence was suspended.

- July 24, 1946.—At Newark, *Delaware*, a fiery cross was burned on the fringe of the Negro community.
- July 25.—EDGAR HOLT, a vice-president of the Southern Negro Youth Congress, was beaten on July 25, 1946, at *Newport News, Virginia* by the foreman and several other whites while he was on a construction job. Holt had asked the foreman for a drink of water, but was told that whites drank first. When he objected, the foreman struck him in the face and several whites joined in to beat him. The men then dragged Holt to a road and left him lying there.
- July 31.—When Miss CONSTANCE CHANEY and CHARLES MARTIN resented a policeman's question as to their business while they stood talking on a *New York* street, the questioner beat them over the head with his club.
- August.—Three deputy sheriffs gave LUCIAN J. HOPKINS four blackjack beatings as he was being transported over back roads from *Alton* to *Edwardsville, Illinois*.
- August. JOHN T. WALKER, Negro veteran, received threats and warnings from white people when he began to build a house in August 1946 in *San Mateo, California*. The house was burned on December 6 before it was completed. Officials dubbed the arson as "a boy's prank" not to be taken too seriously.
- Summer, 1946.—On June 14, a Ku Klux Klan death threat was mailed to David Levinson of *Philadelphia, Pennsylvania*, a civil liberties attorney. Philadelphia papers on June 21 carried photostats of this threat. A fiery cross burned on the grounds of the First Baptist Church at Crestmont, Pa., on July 26. The Bellefonte, Pa. *Centre Daily Times* reported the burning of several Klan crosses in August. The Franklin County Klan inserted an advertisement in the Chambersburg, Pa. *Public Opinion*. Following many demands, Governor Martin of Pennsylvania ordered an investigation. The investigation showed that the Klan was doing business in Pennsylvania; leaders were named and places given where meetings were held. In October, 1946, the Secretary of State of Pennsylvania wrote to an attorney, Saul Waldman, that the Klan had a business permit for the state.
- Summer, 1946.—Records in the office of Secretary of State Thomas J. Curran of *New York* revealed to investigators in 1945 that the Knights and Women of the Ku Klux Klan became a corporation under New York law on October 30, 1925. One of the incorporators was Queens Motor Vehicle Commissioner Horace A. Demarest, a Dewey appointee. A letter mailed on April 5, 1946, to Dorothy Langston (white), secretary to the Committee for Justice in Freeport (L. I.) announced that the KKK would take action against those active in behalf of the Freeport victims. On August 14, 1946, Assemblyman Leo Isaacson and Chester Addison, American Labor Party candidates for state assembly, charged in a joint letter to Borough President James J. Lyons that the Klan was being revived in the Bronx. They stated that Wilson Bush, Bronx Klan leader, was cited by Assistant District Attorney Duke of Georgia as having recently met with other Klan leaders. The Klan in New York State was ordered dissolved in July, 1946.
- August 3.—GEORGE MIKE ELIOT, war veteran who had been blinded and wounded in action, was talking to a friend on a *Philadelphia, Pennsylvania*, street, when a policeman began to shove him. Eliot protested that he was blind, and the policeman then clubbed him and kicked his wounded leg.
- August 6.—At *Miami, Florida*, ROOSEVELT WINFIELD, chief steward of the Porters and Cleaners Unit, CIO Transport Workers Union, was driving

to work when a car forced his auto to the curb. Three men in white hoods and KKK nightshirts jumped out and threatened to kill him. They said that if he continued to take up the workers' grievances he would be "drinking the waters of the bay."

August 11.—When a 2000-strong white mob went on the rampage against the Negro community of *Athens, Alabama* fifty to one hundred Negroes were injured during the attack.

August 19.—An armed mob of 300 officers and civilians, using bloodhounds, drove fourteen persons belonging to three Negro families into a swamp near *Magee, Mississippi* on August 19, 1946. The officers had surrounded the house of a Negro family named Craft, accused of an altercation with whites. The Crafts and their neighbors, the Hubbards and Coopers, fled into a swamp. The deputies then organized the "posse" and captured the following persons: JOHN CRAFT, war veteran; T. J. CRAFT; ALBERT CRAFT, JR.; GARFIELD CRAFT; OLIVER COOPER; J. W. COOPER; HORACE COOPER; LUTHER COOPER; JOHN BILL; L. T. HUBBARD. Other members of the families not named in news reports were subsequently captured. L. T. Hubbard was wounded by "posse" gun fire; W. O. Craft and eleven-year-old Albert Craft, Jr. were severely beaten when they were tracked down and captured. The entire group was first taken to the Magee jail, but threatening lynch mobs forced their removal to Jackson, Miss. In November, in the Smith County Circuit Court L. T. Hubbard was convicted of assault with intent to kill after only twenty-five minutes of deliberation. John Craft, W. O. Craft and Garfield Craft were found guilty on the same charge. In May, the Mississippi Supreme Court reversed the lower court decision, freeing W. O. Craft. The others were freed later.

August 23.—Three white hoodlums were fined \$10 in *Collins, Mississippi*, after being proved guilty of attempting to rape three young Negro women at the point of guns.

September.—The State of *Illinois* refused to extradite RAYMOND KNOX of Alabama back to his home state. Knox had received a promise from prison authorities that he could join the Navy, and, upon receiving an honorable discharge, that he would be released from further service of his prison sentence. After serving fifteen months in the Navy Knox was honorably discharged and then went to Chicago, where Alabama unsuccessfully sought his extradition.

September.—Friends and neighbors of an unnamed eleven-year-old Negro girl demanded that a white man whom they had caught in the act of raping her be prosecuted. The child had been left alone in a *New York* apartment. Neighbors who noticed the man enter the apartment, broke in and caught the white rapist in the act.

September 3.—In *New York City* JAMES JOHNSON was held in \$50,000 bail on charges of assault, robbery and attempted murder. Johnson stated in court that he had been brutally beaten, in addition to being hung by handcuffs to an overhead steampipe for several hours by N. Y. police in an effort to make him "confess." Johnson had come to New York after escaping the Florida chain gang in 1943. Friends stated he had served thirty-two months of a five-year sentence on the gang. The sentence had been imposed because of Johnson's alleged theft of a carton of cigarettes. His friends fought against his extradition to Florida on the grounds that he faced certain torture and

possible death if returned to that state. Johnson was sentenced in New York to from fifteen to thirty years in prison.

September 4.—One hundred and thirty-nine soldiers recently returned from war duty overseas were arrested on September 4, 1946, in *Florence, South Carolina*. Police armed with riot guns approached them and made them march single file through the city to jail. There they were charged with "disorderly conduct" and all but two were fined.

September 9.—ALBERT WOODEN, a porter for the Illinois Central Railroad, was beaten with a blackjack in *Memphis, Tennessee* by a white conductor for the same railroad after Wooden had protested segregation of Negroes. While Wooden was being beaten a policeman looked on, handling his gun as though he meant to shoot Wooden.

September 15.—JOHN FULLER, CARL WATKINS and RICHARD BERRY were attacked by white hoodlums in an attempt to prevent them from attending a dance that was to be held at the Queensbridge Housing Project community center in *New York*. The white hoodlums approached the three Negro youths with cries of ". . . kill the n——s."

September 17.—PAUL DORSEY, veteran, was assaulted in *Waynesville, North Carolina* by four white hoodlums who ordered him off a bus and into a waiting automobile. A lynch mob of 400 persons planned to murder Dorsey, but the police intervened and prevented the lynching. Dorsey was placed under arrest, however, and the lynchers went free.

September 25.—A white conductor for the Illinois Central Railroad shot JAMES GRAVES, a porter, through the chest in *Mound Bayou, Mississippi*. Graves and the conductor had argued over the seating of two Negro passengers. The conductor slugged Graves behind the ear with a blackjack, then shot him.

September 27.—One Negro high school student was severely beaten, another stabbed and scores battered and bruised as the result of an attack by white high school students outside the Benjamin Franklin High School in *New York*. The following day large gangs of white youths attacked Negro youths. Police of the 23rd Precinct said that the attacks were "just one of those things."

September 28.—The Coney Island, *New York* Civil Rights Committee charged that hoodlums, having recently threatened to drive all Negroes from Coney Island, hit ARTHUR CRAWFORD, a veteran, from behind with a blunt instrument, causing him to be hospitalized for a week. PFC. THEODORE TARVER had been clubbed and arrested by the police on the pretext that he did not move fast enough during a parade.

October.—AURELIUS S. SCOTT, educator, was confined to a mental institution under circumstances that pointed to a frameup. Mr. Scott had filed his candidacy for the post of coroner in *Atlanta, Georgia*. Of the thirty-three white candidates among whom the vote would have been split none was willing to withdraw. There was, therefore, a good chance that Mr. Scott might be elected. Much pressure was exercised to force him to withdraw his candidacy. On October 20, 1946, *The N. Y. Times* ran a story from which the following section is quoted: ". . . a reservation has been made at a Nashville, Tennessee sanatorium for 45-year-old Aurelius S. Scott, whose entry into the Fulton County race had caused turmoil in local political circles and a prediction that he stood a good chance of being the first Negro office-holder in the deep South since Reconstruction." The action was de-

nounced by officials of the NAACP, the Phelps-Stokes Fund, the National Urban League and the American Civil Liberties Union. Mr. Scott, however, remained in confinement.

October.—ANDY WRIGHT, one of the nine *Scottsboro, Alabama* youths sentenced to die on the world-famous "rape" frameup in 1931 and saved by a world-wide protest movement, was rearrested in October, 1946 for "violation of parole." The parole board restored his freedom. In June, 1947, he was rearrested again, and again returned to prison. Later, he was set free on parole.

October.—In *Richmond, Virginia*, a Negro mother whose name was withheld, was raped by two white patrolmen. Both officers were suspended from the force.

October 16.—Seventy-five Maury County whites formed a lynch mob in front of the *Mount Pleasant, Tennessee* city hall. Inside two Negroes were being questioned by police for driving a car belonging to a white man. A lynching was averted, and the two Negroes, ROY LEE JOHNSON and B. HOGAN, escaped with their lives.

October 28.—During October and November, 1946, a reign of terror against the Negro citizens of *Atlanta, Georgia* was inaugurated by *Columbians, Inc.*, newly chartered Anti-Negro and Anti-Semitic organization. Members, wearing a red flash insignia, patrolled the Atlanta streets terrorizing Negroes. A bomb blast rocked the home of Mrs. MINNIE SIBLEY of Atlanta on November 1. CLIFFORD HINES was beaten on October 28, 1946 by the Columbians for 'walking in a mixed neighborhood.' Attorney General Eugene Cook announced on Dec. 10, 1946, that he had confessions from members of the Columbians which showed they were a Nazi-modelled conspiracy. One of the confessions described a meeting of the leaders, and stated in part: "They were going to start out first against the n——s. After he (Homer Loomis, Jr.) got control he would go ahead and run the n——s out of Atlanta. He said they would have enough guns and ammunition to blow them out of Atlanta. They would then organize in other states. Of course, the n——s and Jews would just have to be shot at." The activities of the Columbians, incorporated in Fulton County Superior Court, August 8, 1946, were described by Congresswoman Helen Douglas Mankin as follows: "The Columbians, Inc. were carrying on a violent campaign of hatred and intimidation against minority groups throughout Fulton County, with the result that a substantial number of Fulton County voters remained away from the polls in the general election." Two of the leaders of the Columbians were sentenced in 1947 to jail on charges of riot and possessing dynamite. Ass't. Atty-Gen. Dan Duke told Georgia officials in connection with this investigation: "While investigating, start in the Police Department. Then you'll have a real investigation." Duke named as a Klansman the former head of the Georgia Bureau of Investigation.

October 28.—Miss ROSE GAULDEN, a prominent *New York* woman, was roughly handled by detectives as she left her apartment. She was arrested on a framed charge of "numbers running." She was released after protests had been registered by many organizations.

November.—A *Houston, Texas* bus operator struck GUY FELDER in the face with a money changer because Felder's car had run into the rear of the bus. Seven of Felder's teeth were loosened and had to be extracted. A county jury awarded damages to Felder in November, 1946.

November 2.—Mounted police, patrolmen, scores of detectives and strong-arm

- men physically assaulted Negroes and whites both inside and outside of the Golden Gate Ballroom in Harlem, *New York*. Occasion was Governor Thomas E. Dewey's wind-up election rally. When they protested some of Dewey's remarks, three Negro veterans, WALTER GARLAND, BURT JACKSON and DANIEL HARDY were beaten in full view of the audience. Dorothy Langston and Ruth Sackowitz, both white, were also hit by police.
- November 9.*—HENRY NEAL, 28 years old, was sentenced at *Tridelfhia, West Virginia*, to a life term in the penitentiary for allegedly stealing \$40 worth of home furnishings.
- November 9.*—JAMES E. JACKSON, a veteran, was besieged in his *New Orleans, Louisiana* home by white hoodlums who threatened to take him to the woods and shoot him. The police who were called arrived too late to catch the besiegers. Instead, they took Jackson to the police station and charged him with "disturbing the peace" because he broke a window in an attempt to attract the aid of neighbors during the siege. He was fined \$25.
- November 13.*—Governor Walter E. Edge of *New Jersey* ordered HERMAN POWELL sent back to Georgia on November 13, 1946 to finish serving a life term on the Georgia chain gang. Powell had been originally sentenced because, in March, 1941, when he swerved on a slippery road to avoid striking a car containing two white women, he lost control and crashed into the car instead. After he regained consciousness in the hospital and was able to face trial, Powell was tried in Johnson County Superior Court before an all white jury and convicted of the murder of one of the women. An appeal to the Georgia Supreme Court resulted in affirmation of the conviction. He escaped the chain gang and reached Newark, N. J. where he was joined by his wife and two children. In Newark, Powell had begun to reestablish his life, found work, and earned his living for two years before the Governor of New Jersey ordered his extradition. The daughter of the dead woman, who had been in the car with her, testified that the accident was unavoidable.
- November 19.*—SAMUEL TAYLOR of *Pritchard, Alabama*, was convicted and condemned to die on November 19, 1946 on a charge of "rape." The NAACP in filing its appeal declared that Taylor's "confession" had been wrung from him by means of physical assault on his person. For four consecutive nights he was third-degreed and threatened with death by policemen if he refused to "confess." In December, 1948, the U.S. Supreme Court decided to review the case.
- November 20.*—KEITH HOWARD, editor of the *Yellow Springs News* and a leader of a movement to end discrimination in *Yellow Springs, Ohio*, was attacked by two cafe proprietors with whom he attempted to consult concerning their practice of discrimination. Howard was beaten and threatened with death if he tried to enter the cafe again.
- December.*—L. C. JENKINS, a veteran, was castrated by a group of white men near *Collins, Mississippi*, but the crime was hushed up in the local press. It became known only through a letter from the wife of a Chicago NAACP official who happened to be visiting in Mississippi. Jenkins and a friend, W. C. Holloway, accepted a ride from an unknown white man after they had attended a movie in Collins. After going a short distance, the driver ordered Holloway from the car and told him to leave town. The driver stated that he wanted to "get" Jenkins because of Jenkins' attentions to a young Negro woman in whom the white driver was also interested. Jenkins

was taken to a side road north of Collins where a group of white men waited. They tied Jenkins to a tree and performed the castration with a razor blade. Jenkins managed to struggle home and was taken to the hospital. The county sheriff discovered the razor and rope used in the crime. Jenkins, however, was afraid to name the white man and Holloway went into hiding. Threats of violence prevented any Negroes from coming forward to give testimony.

December.—Charges that a campaign of terror had been organized during 1946 elections to keep Negroes from the Mississippi polls brought a Senate Investigating Committee to *Jackson, Mississippi* in December, 1946. Although the Committee did not subpoena witnesses and thus give them official protection, many Negroes and some whites came forward voluntarily, and in defiance of threats against their lives. ETOY FLETCHER, Negro veteran, told how, on June 12, 1946, he had been seized and flogged with a heavy wire cable near Brandon, Miss., when he attempted to register to vote. He was first chased from the courthouse by four white men, then taken to the woods, made to undress and lie down on the ground, where he was lashed. He was threatened with death if he made another attempt to register. RICHARD DANIEL, Negro veteran of Gulfport, Miss., described how on July 2 he had been struck on the head by two election officials, then arrested by a policeman and taken to City Hall where he was beaten unconscious. He was then tried and convicted on charges of drunkenness and disorderly conduct. DR. WILLIAM BENDER, a Negro minister from Tougaloo College, Tougaloo, Miss., testified that he had been kept from the polls on election day by two white men who insulted him and another white man who met him at the polls with a pistol. JOSEPH PARHAM, a very old man, testified that the sheriff had told him on election day: "You're too old to get into trouble," and that white men had asked him "What kind of flowers do you want?" REV. C. M. EILAND, minister, of Louisville, Miss., said that two white men stopped him at the polls and told him they didn't want Negro soldiers to vote, and if they allowed him to vote, the soldiers might vote too. J. D. COLLINS, Greenwood, Miss., told how the mayor of Greenwood and two other leading white citizens had called him and A. C. MONTGOMERY and given them a list of the Negro veterans in the town, urging Montgomery and Collins to contact them and tell them not to visit the polls. T. S. WILSON of Jackson, Miss., testified that thousands of Negroes would have registered and voted in Jackson if they had not been intimidated by the speeches of Senator Bilbo and by other threats and acts of terrorism. PERCY GREEN, editor of the *Jackson Advocate* stated that the work of the NAACP and the Mississippi Progressive Voters League was almost suspended because of the fear inspired by Bilbo's campaign. It was the contention of witnesses that the terror kept all but about 2500 of the state's potential 500,000 Negro voters away from the polls on election day. The hearing of the Senate Committee in Mississippi was headed by Sen. Allen J. Ellender, a supporter of Senator Bilbo. The Committee's report denied the existence of terror in Mississippi.

December 4.—COSTELL JONES told a federal court in *Chicago* how a Mississippi sheriff had burned him with a blow torch, beaten him and broken his fingers to force him to "confess" to a murder he had not committed. Jones escaped prison after being sentenced and serving part of the sentence. The federal court freed Jones.

December 6.—JOHN R. FORT and LETHOLIAN WADDLES, two Negro veterans and their families, were targets for an anti-Negro demonstration at the Airport Housing Project in *Chicago*. They had moved into the Project along with 91 white veterans and their families. When *Theodore Turner*, another Negro veteran had moved into the project a month before, a cordon of 500 police had to be detailed to guard his life and those of his family. As a result of this mob terrorization, seven other Negro families withdrew the applications for housing which they had already filed with the authorities.

—A reign of terror against Negroes was carried on in Greenwich Village, *New York*, during 1946 and 1947. Fifteen to twenty hoodlums attacked MISS SARAH VAUGHAN, MISS NAOMI WRIGHT and GEORGE TREADWELL, three entertainers of Cafe Society Downtown, as they entered a subway station on August 11, 1946. The two women were kicked, struck, spat on and called filthy names, and the man was physically assaulted. The three reported to a nearby police station, but were told that the police were too busy to bother. On the same morning, ARTHUR SMITH, a jeweler, was chased into the arms of the police by a crowd. A few weeks earlier, in the same area, REVELS CAYTON was attacked by a gang. Still earlier, in the same area, J. C. HEARD, a band leader appearing at Cafe Society, was struck from behind. In June, 1946, SAMUEL BENSKIN, a pianist, was attacked. On April 11, 1947, LT. STEVE KERR and his wife, NORMA KERR were dragged from their apartment in the Village because they had invited a Negro friend, CHARLES WHITE, to live with them. The police were called three times during the beating, but failed to respond. The following day, April 12, CHARLES WHITE and DAVID McADOO, Negro, were beset by a crowd in the neighborhood. Both suffered scalp lacerations.

1947

- MARGUERITE DAISY CARR, 13, early in 1947 petitioned to attend a white school in the *District of Columbia* because Negro schools offered only half day's work, due to overcrowding. Petition denied. The court held that it was "not open for this court" to judge segregation in schools.
- January 1.*—GOLDEN YAMAR HOWARD, who had testified before the grand jury investigating the *Monroe, Georgia* lynchings, was approached in Monroe by two white brothers who demanded to know what he had told the jury. He was beaten about the face, then dragged to a shed behind the ice plant where he worked and beaten again.
- January 31.*—When two white men accosted EDWIN WAY, a veteran, on the highway near *Woodford, South Carolina* and accused him of breaking into one of their homes, Way denied their charges. The whites then tried to force Way into a car and he shot at both of them in self defense. One white man was killed. Placed on trial for "murder" in Columbia, S. C., Way received a life sentence. Before the event on the highway, Way had been threatened by a group of white railroad workers.
- February 3.*—At *Osowatomie, Kansas*, a lynch mob attempted to murder GEORGE MILLER, a section hand. The lynchers had already thrown a rope around Miller's neck when sheriff's deputies rushed him to Lawrenceburg for safekeeping. The lynching was averted.
- February 11.*—When police demanded to see his draft card, HAROLD JONES, a fruit peddler, was a bit slow in taking out his wallet. Before he could get

it out, one policeman hit Jones with his fist. The two police then put him in their car, drove him to a dark spot under the 155th Street viaduct in *New York City*, knocked him down, kicked him, beat him with their night sticks and left him. When Jones was again able to move he returned to the place where he had dropped his wallet. There the same policemen saw him, took him back under the viaduct and beat him again. In spite of the fact that Jones had his upper plate broken; a puffy, closed right eye; a deep scalp laceration on the right side of the head; deep mouth cuts on the inside and outside of his lips; loosened lower teeth; bruises on both legs, on the stomach and on the back, complaints made to the 32nd precinct station brought no results.

February 23.—A 60-year-old businessman, LEO NETTLETON, was beaten by an off-duty Nassau County policeman at the Harlem entrance to the Tri-Borough Bridge in *New York*. Nettleton's car stalled as he was on his way home to Corona, and the car behind him, which happened to be a police car, crashed into him. The policeman and his white woman companion ran up to Nettleton, knocked him to the concrete, and began to beat him. They left him on the pavement and drove away. Taken to the Joint Disease Hospital for treatment of a cut left eye; deep lacerations on his ears, temple and chin; and deep knee and shin bruises, Nettleton was in the hospital in the presence of a doctor when the policeman again appeared and threatened to blow Nettleton's brains out.

February 23.—Election board hearings in *Chicago* early in 1947 heard evidence of how ALBERT JANNEY, young Negro candidate for alderman in the 20th ward, had his life threatened. The 20th ward had never been represented by a Negro. A young Negro woman resident of the ward told how she had been visited in her home by a man who accused her of working in behalf of Janney. The visitor reminded her that when Octavious Grundy, a Negro, had run for election for alderman in the 1920's, he had been found murdered on election eve. The caller said the same thing might happen to Janney.

February 25.—DORA L. JONES, 57, of *Los Angeles, California*, was revealed to have been kept in a state of peonage for twenty-nine years by Albert Wesley Ingalls and his wife, Elizabeth. Testimony revealed that the Negro woman had been subjected to physical abuse, imprisonment in the Ingalls' home, a work day of about seventeen hours, threats of jail or an insane asylum, and deprivation of false teeth after all her own had been pulled. She had been made to wear old clothing, sleep in bathtubs or in the back of automobiles during the twenty-nine year period. Mrs. Ingalls was found guilty of violating the 13th amendment, given a three-year sentence and a \$2500 fine which was later suspended when she agreed to pay Miss Jones \$6000 in back wages. Her husband was freed of the charges on the direct intervention of U.S. Atty. Gen. Tom Clark.

March, 1947.—The home of REV. AND MRS. A. C. EPPS was damaged by a dynamite explosion in *Atlanta, Georgia*. About two weeks before the dynamiting, Mrs. Epps had been visited by ten white men who warned her to move out of the neighborhood. She reported that she watched the men go, and saw them in pleasant conversation with policemen parked in a car across the street. In the same week the Epps' home was bombed, two other houses in the same neighborhood were damaged by dynamite explosions.

March 12.—JOSEPH KIRK, a veteran, was half blinded by *Birmingham* city police. Kirk was waiting for a street car when two police drove up, accused

him of disorderly conduct, searched him and threw him into a car. In the car he was beaten unconscious by the officers. He awoke the next morning in the hospital with a bandage over his right eye and an arrest ticket near his pillow. His eye had to be removed.

April 1.—MR. AND MRS. AGGIE HONTON were severely beaten near *Decatur, Georgia* by white men who entered their apartment and falsely identified themselves as policemen. The white men forced the couple into a car and struck them with a pistol.

May 1.—About 400 men stormed the St. Clair County Jail at *Poll City, Alabama*, and fired shots through the windows at ROBERT HUNT. State highway patrolmen finally dispersed the mob and two carloads of police took Hunt to Birmingham for safekeeping. During the transfer Hunt was nicked on the arm and leg by flying glass when one bullet smashed a window.

May 27.—In *Rich Square, North Carolina*, GODWIN BUSH had been arrested by local police on May 22 on a charge of attempted rape. He was later taken to jail by several armed and masked white men and pushed into a waiting car from which he leaped and ran as the thwarted mobsters fired their rifles at him.

May 1.—A sharp struggle broke out in the *Federal* prison at *Fort Leavenworth, Kansas* between Negro and white military prisoners and their guards. The white prisoners had objected to eating in the same mess hall with Negroes, and on the following day, May 2, 514 white prisoners attacked 213 Negroes.

May 5.—WOODROW DRUMMONDS, a veteran, was slapped by a white patrolman because their cars grazed each other. The event occurred at *Greenville, South Carolina* on the opening day of the trial of lynchers of WILLIE EARLE.

May 23.—GODWIN BUSH was seized by lynchers from the Northampton County Jail in *Jackson, North Carolina*. The lynchers received the jail keys from the jailer. Bush was at first believed to be lynched. He managed, however, to break away from the mob of armed, masked men, and gave himself up to two FBI agents. Bush was then sent to Central State Prison in Raleigh. (Charge against him was "attempted rape" although the supposed victim, Mrs. Margaret Bryant (white) stated that she couldn't identify Bush.) Seven white men were arrested on charges of attempting to lynch Bush; at least one of them confessed to the FBI, naming six accomplices. All seven were at once granted bail of \$2500 each. On May 28, day after the seven were arrested, newspapermen had to leave Jackson because threats had been made against their lives in connection with the whole lynch attempt. An official who refused to be quoted told reporters one of them "might be killed." Reporters later were told that they better get going "if they didn't want their cars torn up." In the same area on April 26, 1947, about a month before the attempt to lynch Bush, WILLIE CHERRY and DICK BOONE, charged with rape, had been threatened by lynchers while being held in the same jail from which Bush was taken. They were saved by transfer to Raleigh State Prison.

June 10.—JAMES HARRIS, 18-year-old Negro of *Hurtsboro, Alabama*, narrowly escaped death at the hands of a lynch mob after he was rescued by Mayor Hugh Van. A mob of white men had already beaten Harris and put a rope around his neck when the Mayor arrived on the scene and with three assist-

- ants, prevailed upon the would-be lynchers to release Harris in his custody. Harris was later accused of attempted rape.
- June 27.*—MR. & MRS. WILLIAM S. SMITH of the Benning Road district, *Washington, D. C.*, were severely beaten when they protested over having their property trespassed on by two white men driving a bull dozer. The men left and returned with eight police who beat and kicked both Smiths with guns and blackjacks and arrested them both on charges of assault and battery.
- June 28.*—THOMAS TINGLE, JAMES MONROE TINGLE and HENRY S. SMITH were accused of attempted rape of three white girls in *Little Rock, Mississippi* on the night of June 28. Jailed in Decatur where police claimed they confessed to alleged crime. Smith was taken to jail in Newton, Miss. First trial resulted in a hung jury, with several white witnesses testifying that the attempted rape did not take place. They voted eight for acquittal, four for conviction, even in the face of this evidence. The Tingle brothers testified they had been beaten brutally and that their "confession" had been secured by this brutality. The second trial was held on August 29, where the youths were convicted and sentenced to two years in prison, an extraordinarily low sentence for the type of crime which they were alleged to have committed. (NAACP appealed case)
- August 7.*—LLOYD C. JONES, 29, a disabled veteran, was shot by Patrolman Francis Le Maire in *New York City*. Le Maire shot and beat Jones with his night stick in the Columbus Circle Park when Jones did not move on as fast as he wanted him to. Jones was charged with disorderly conduct, but was freed in Felony Court.
- September 2.*—ROY WILLIAMS, businessman, 1113 Washington Ave., *Bronx, New York*, was beaten by 30th precinct police who knocked his teeth loose, cut his arm, and fractured his right ankle. Williams was accosted by police as he drove his car and was accompanied by his wife, a light complexioned woman.
- September 27.*—CHARLES MOORE of Philadelphia charged that he was assaulted by trainmen on the Atlantic Coast Line Railroad when he refused to move from a reserved seat ticket he had purchased from the Pennsylvania Railroad. Moore was assaulted in *Florence, South Carolina* when he was taken bodily from his seat. He sued both railroads for \$25,000 in the Federal Court of Easton, Pennsylvania, on March 20, 1948.
- October.*—JAMES DEWITT was kidnapped in *Hartsville, North Carolina* and carried by force to a lumber camp near *Monroe, Georgia*. In Oct. 1947, two white men, John Ellis and J. W. Wilhelm were indicted by a Federal Grand Jury for kidnapping and peonage. John Ellis pleaded guilty, was sentenced to a year and fined \$500.
- October 11.*—CARNELL SIMMONS, his family and two other Negro families, moved into a house at 713 W. Fayette St., *Baltimore, Maryland*. Shortly thereafter, a mob began throwing stones and shooting into the house. The house was also set afire. Simmons got his gun, fired at the mob, and killed a white man. Simmons was tried for murder and exonerated by Magistrate Preston A. Pairo who held a man has a right to protect his home.
- October 18.*—SAMUEL T. SYMONETTE, *Harlem, New York City*, candy store owner, was permanently injured after a savage pistol whipping by Detectives Luigi Cardile, Alexander Kahn, Emanuel Berson, and James McCarthy of the 28th precinct. The detectives claimed they saw Symonette taking numbers from a woman they never produced. Symonette was subsequently

found guilty of disorderly conduct. At the same time, his store at 101 W. 143rd St., was completely wrecked by the detectives and Symonette was forced out of business, as a result.

November 1.—CALVIN MOORE, a 16-year-old youth, was beaten by Patrolman George Romanovich in the *Brooklyn, New York*, Fort Greene Housing project. Romanovich claimed the youth had a burglar tool and arrested him. At the same time OTIS WILLIS, 15, and TYLER TOULAN, 16, were also arrested and beaten in the 88th precinct.

November 10.—DON ALONZO BRIGGS, 47-year-old Harlem, *New York*, seaman, was beaten by Patrolman Bernard Martin of the 28th precinct in his home at 68 Lenox Ave. Briggs, a member of the National Maritime Union, was on the way up the stairs of his home when Martin and two white sailors accosted him. He was forced into his apartment after one of the sailors said "look he has a white hat on, he looks like the man." Briggs was taken to the police station after being beaten and was released when he promised to pay Martin \$300.

November 18.—HOWARD WHITE was sentenced to die in the electric chair for "armed robbery," a crime for which no white man would be likely to receive the death penalty. An appeal to the *Mississippi State Supreme Court*, which was made on March 18, 1947, upheld the death sentence although three of the Supreme Court justices denounced it as a "barbarous, cruel and inhuman sentence."

November 23.—JAMES SIMPSON, Negro truck driver of *Rock Island, Illinois*, arrested and charged with negligent driving, was attacked by police officer James Swift, who beat him across the head with a blackjack and struck him in the left eye, as a result of which he lost his sight in that eye. He was left for hours without medical attention. When he was finally removed to a hospital doctors discovered there was no possibility of restoring his vision. Swift was indicted by a Federal Grand Jury the week of October 16, 1948.

November 27.—MRS. ROSA LEE INGRAM and her sons WALLACE and SAMMIE, of *Ellaville, Georgia*, were sentenced to life imprisonment for the self-defense slaying of John E. Stratford who had molested Mrs. Ingram. The mother and her sons were originally condemned to death, but nation-wide protests forced the commutation of their sentences by Ga. Supreme Court Judge William H. Harper. [Mrs. Geneva Rushin, a daughter of the imprisoned Mrs. Ingram, is a signer of this petition.]

December 5.—JOHN WESLEY SCOTT was beaten by six *Memphis, Tennessee* officers who arrested him on charges of burglary and house breaking. The officers were indicted in April, 1949 by a Federal Grand Jury.

December 25.—WILLIE AND BESSIE BANKS of *Boston, Massachusetts*, were walking home when Mrs. Banks suffered an attack of indigestion. The intense pain caused Mrs. Banks to scream and her husband ran for a taxi cab. A 200-pound patrolman, seeing the suffering woman, ordered her to hush, and when she didn't, banged her head against the pavement knocking out her teeth. He then beat up Mr. Banks and arrested the couple for assault and battery. Subsequently the conviction of the couple was reversed in a higher court.

—Sheriff Jenkins A. Hill of Clarke County, Alabama, and Deputy Willie H. Harrell, *Grove Hill, Alabama*, were indicted on federal charges of beating and torturing nine Negroes between Dec. 1947 and June 1948. The persons

whose civil rights were violated were: GEORGE DICKINSON, ROBERT GORDON, ED FINSH, MOSE NICHOLSON, LEO W. WILLIAMS, JOHN ALLAN JR., JOHNNY J. MITCHELL, MATTIE LEE POE and EDWARD L. BUCK.

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- Washington, D. C.*, hotels early in 1948 refused to grant accommodations to Negro boys who were part of an Automobile Association of New York delegation. The boys had been chosen model schoolboy patrol members, devoting their lives to the safety of schoolmates.
- The Real Estate Board of *Washington, D. C.*, adopted in 1948 this code of ethics: "No property in a white section should ever be sold, rented, advertised, or offered to colored people."
- LARKIN MARSHALL, Negro newspaper editor, announced his intention of running for Congress in *Georgia*. The Klan burned a cross in front of his house and sent him warnings.
- January.—SGT. PERCELL MCKAMEY, Negro, applied with Ingeborg Franke (who had come from Germany) for a marriage license at *Harrisburg, Pennsylvania*. They were refused by the clerk, who said it was "against the policy" of his office to issue marriage licenses to interracial couples. Clerk's action upheld by registrar of wills. When finally forced to issue license by a judge, the clerk threw pen in wastebasket afterwards.
- January 1.—WILLIAM MORRIS of *Norfolk, Virginia*, was arrested and beaten while returning from his church watch meeting. Morris charged that police picked him up, and that while in the police wagon, he was so severely beaten that as a result of his injuries, he was confined to the Marine Hospital for ten days.
- January 10.—CHARLES SPEAKER, 54, MAURICE PROVOST, 40, and BRUCE C. MEALE, 55, teachers at the *New Orleans* Booker T. Washington High School, were arrested by Police Sgt. Victor Barberot as they brought a crowd of Negro students to view the "Freedom Train." The Police officer became enraged when Speaker asked his aid in letting the children view the "Freedom Train." The teachers were charged with refusing to move on and resisting arrest.
- January 11, 1948.—Four white youths attempted to burn down the building owned by Mrs. DAISY BANKS, 870 West Street, *Atlanta, Georgia*. This was the fourth attempt to burn down the building and the youths were suspected of being connected with the outlawed "Columbians," a terror group.
- January 16.—DEVERNON LE GRAND, 23, of *Brooklyn, New York*, was savagely whipped by 73rd precinct police in the station house. Le Grand charged he was driving his car when two plainclothes men stopped him, ordered him to the station house where they proceeded to accuse him of stealing a wrist watch and diamond ring he was wearing. Although Le Grand proved the articles belonged to him, the detectives beat him with a rubber hose, black-jacks and their fists, before releasing him.
- January 26.—FRANK F. PETERSON, 43, an undertaker of *New York City*, was manhandled and arrested on charges of disorderly conduct after he interceded on behalf of a friend, Mrs. Maggie Harmon, at the Department of Welfare Station 32.
- January 29.—CLEVELAND PIERCE, veteran of World War II and a *Hertford County, North Carolina* filling station operator, was brutally beaten by two

State highway patrolmen, James W. Revis and John Hackett while he was handcuffed. Pierce was arrested for speeding on a highway and was kicked and stamped on by both police. Revis was fined \$50. Hackett was freed of assault charges brought by Pierce, while Pierce was found guilty of speeding.

February.—The NAACP received an anonymous letter on behalf of 300 inmates of a Texas state prison farm camp. The letter read in part: "There is no one we can go to and tell our troubles without being beaten and kicked like we are dogs—not even a doctor. Do we have to be beaten and run like cattle merely because we are in prison? Do we have to be worked in the rain, or forever eat the food that a dog would not eat? We are not asking for freedom until we have paid our debt to society, but we are asking for someone to make it safe here for us while we are here."

The manager of the Texas prison system admitted that some of the alleged conditions were true.

February 1.—REGINALD HENRY, 28, and his wife, MARY, 22, of 538 E. 15th St., Bronx, New York, were beaten by a gang of over fifteen who broke into their apartment. Five of the men were identified and arrested. They were: Lawrence Madison, 510 E. 150th St.; John Haynes, 19, 441 E. 146th St.; John Hines, 19, 552 E. 150th St.; James McGrath, 523 E. 150th St.; and James Spinelli, 19, 510 E. 150th St. The Henrys had recently moved into their basement apartment.

February 8.—Five Negroes were attacked by a gang of over twenty whites in Coney Island, New York, as they walked along the street late at night. The gang used sticks, iron pipes and bottles. All five were severely injured. They were LUTHER BOSTIC, 23, 2823 W. 30th St.; his wife GRACE, 23; JAMES SPEARS, 28, 2829 W. 30th St.; JAMES and JOLIN McCLAIN, 64 Community St., Jersey City.

February 11.—JOHN MCKENZIE, RALPH COOPER, HORACE WILSON, JAMES THORPE, MCKINLEY FORREST and COLLIS ENGLISH, since become known as the "Trenton Six" were arrested and accused of killing William Horner, a merchant in Trenton, N. J. They were sentenced to death, but the courts later granted a retrial because of trial errors. Evidence shows the men could not have committed the crime, and were victims of a terror police dragnet in the Negro community at that time. Retrial, in which the state's own witnesses recanted, resulted in the freeing of four—two found guilty. Further appeals for the two are under way. (Miss Bessie Mitchell, sister of Collis English, is a signer of this petition.)

February 13.—A one-armed Negro Navy veteran, LEROY MCGOWAN, was arrested in Jackson, Mississippi, and was beaten by seventeen police officers at the corner of Amite and North Farish Streets. The case was reported to Att. Gen. Clark.

February 19.—Crosses burned in Negro section of Gadsden, Alabama.

February 20.—MRS. MAMIE PATTERSON, 54, of Tusculumbia, Alabama, mother of six children, was raped at pistol point by Charles Berryhill, 29, and Herschel Gasque, 27. The two men forced their way into the Patterson home, struck JAMES PATTERSON, her husband, over the head, beating him into unconsciousness. The men claimed they were trying to collect a debt from Patterson. They then raped Mrs. Patterson.

February 21.—In Jackson, Mississippi, J. V. WILLIAMS, a Negro veteran, was arrested in a Negro cafe. The officer pushed him into the street and then shot him in the hip, claiming he had attempted to escape. While the veteran

lay bleeding in the street the arresting officer was joined by several others who pistol-whipped the Negro as he pleaded for mercy. The case was reported to Att. Gen. Clark.

Week of February 22.—MRS. VIOLA SMILEY of 117 W. 141st St., *New York City*, charged she was beaten by four detectives, her clothes torn, her breast injured, when they searched her for alleged policy slips. Mrs. Smiley was attacked in the A. W. Tailor shop, 608 Lenox Avenue.

Week of February 28.—MRS. BILLIE MOTON HOLMES of *Flint, Michigan*, was beaten by Patrolman Milton Rye when he served a summons on her. Mrs. Holmes had ordered Morris Roumm, landlord, from her home, and he returned with the officer. Mrs. Holmes said Rye struck her in the face and dragged her down a stairway to the police car.

March.—Charged with "rape" by a 48-year-old widow, Mrs. W. P. Irwin of Shrewsbury, Louisiana, two young Negro men who were working on a garbage truck were thrown into the *Gretna, Louisiana*, jail. The two men, 23-year-old OCIE JUGGER and 21-year-old PAUL WASHINGTON, were not tried until eight months later. The white widow did not identify either of the two as her attackers at the trial, but the all-white jury sentenced them to die. When Jigger and Washington, both poor and unable to get legal aid, were scheduled to die, they had been in jail for a year and a half. Their cases came to the attention of the outside world when a few lines of type in white Southern newspapers announced their impending execution. When a new lawyer, brought in by a volunteer defense committee came in to appeal and handle the case, it was found that Jigger had mysteriously "escaped" from the steel-walled death cell of the modern Gretna jail. He has never been heard from since. No one has seen him. The trial revealed that Jigger and Washington had been beaten, whipped and starved to obtain their "confessions." The case of Paul Washington has been carried twice to the Louisiana Supreme Court, and to the U.S. Supreme Court. The latter court refused to hear Washington's appeal on October 19, 1950. What is being asked in Washington's case is a new and fair trial. Washington has a young wife and a baby daughter, born while he was first placed in prison. (Mrs. Washington is a signer of this petition demanding equality for the Negro people and an end to the genocide practiced against them.)

March 13.—ALTON FOWLER of *Palm Beach, Florida*, was beaten by 3 police officers and a railway agent and forced to confess that he stole cigarettes from a railway box car. Federal indictments were handed down against Deputies Euell M. Culbreth, Walter I. Minton, City Patrolman William M. Barnes and Special Agent Warden Bader of the Florida East Coast Railroad.

March 22.—DAVID BRYANT, 14-year-old Negro of *New Bern, North Carolina*, was sentenced to serve thirty years in the Central State Prison after the youth pleaded guilty through state-appointed lawyers to second-degree burglary. Bryant was given the severe sentence in Orange County Superior Court, March 15, and was jailed March 22. He was alleged to have entered the home of Lucille Eliot of Chapel Hill.

March 26.—LEO "SNUB" MOSELY, famous Negro trombonist, was beaten in the Shangri-La night club in *Astoria, Long Island, New York* by off-duty policeman, George V. Killoran. Killoran became enraged when a woman in his party admired the Negro musician, and he followed him into the men's room where he savagely beat Mosely. Subsequently, Killoran had to pay \$700 damages to Mosely, who sued him.

April 18.—OLES PRINGLE of *Cincinnati, Ohio*, was beaten by three officers who broke his leg. The officers were Ted Saddler, John L. Scudder and Joseph W. Rouse.

April 23.—ANNIE GRAYSON, 23, and MALINDA JACKSON of *Wetumka, Alabama*, were raped by John O. Howard and Jack Oliver, both 30 years old. The Negro women were riding with their husbands, Sam Grayson and William Jackson, when the white men shot the tires of their car and forced them out at gun point. They were taken into a wooded area, raped, and then robbed. The rapists were later arrested.

April 25.—MICHAEL BOOKER, 35, 1182 Jackson Ave., *Bronx, New York*, a cripple, charged that Anthony Russo, 40, Newark, N. J. bus driver beat and shoved him from a bus. Booker charged that between *Jersey City* and *Newark* two men got on and one said "Where I come from n—s aren't allowed to sit in front." Russo agreed with the man and made offensive remarks about Negroes. An argument ensued and Russo pushed Booker from the bus into the road. A motorist picked him up.

May 1.—JOSEPH BEAUFORD, 27-year-old Negro, and five companions, were attacked in a parking lot at Broadway and East Houston Street, *New York City*, by a gang of twenty-five or thirty whites. Beauford was badly beaten and was on the critical list in both Columbus Hospital and Bellevue Hospital. He received no treatment on admission to Columbus and was sent later to Bellevue. Two were arrested as a result: one 17-year-old white youth, Daniel Sgobbo, and a 15-year-old whose name was not given.

May 3.—GEORGE EDGAR WALLACE and JOHN WESLEY GRANT of Chicago charged that in *Covington, Kentucky*, while on the Greyhound Bus en route to Clarksdale, Miss., the bus driver told them "get in the back seat where n—s belong." Another driver, they declared, got a fire ax and threatened to kill them. They were then arrested by Kentucky police and lodged over night in the Covington jail and made to pay a fine. They later sued the bus company for \$70,000.

May 3.—GUS LAWRENCE, 54, of *Norfolk, Virginia*, was beaten and kicked at the Precinct Station 2. Lawrence declared he was knocked down, kicked and stamped on and that he lay on the jail floor for nine hours with broken ribs. Lawrence also said police beat a Negro in the cell with him at the time named Millard Massenberg. Police claimed Massenberg beat Lawrence.

May 15.—MRS. LENA THOMAS of Harlem, *New York*, was beaten by 28th precinct Patrolman Jack Shep. Subsequently, the entire community was aroused and hundreds of police were rushed into the area. Mrs. Thomas was beaten at the Foremost Food Market when the manager called the cop during an argument between Mrs. Thomas and a food checker. Mrs. Thomas sued the New York Police Department for \$10,000 damages.

May 16.—ED BLAINE, 30, of *Memphis, Tennessee*, was blinded by Patrolman Lonnie E. Bryan. Blaine had been arrested and claimed that Bryan and officer Carl W. Brewer had robbed him of \$10. When he reported it to the police station, Bryan hit him across the face while he was wearing glasses. Police Inspector Dwyer ordered the officers to take Blaine to the hospital, and during the trip, they blackjacked and clubbed him. Later, Blaine's right eye had to be taken out. Bryan was fined \$51 and Brewer was found innocent of the charges.

May 18.—A fiery cross was burned in *Gadsden, Alabama*, in front of the home of K. J. SULLIVAN, president of the Local NAACP branch of Etowah County.

The branch was holding a meeting at the time. Sullivan declared that on May 14 his house had been plastered with stickers that read, "Sullivan, the KKK is watching you." Police were never able to discover the culprits who set the crosses afire.

May 22.—Five crosses burned in Negro districts of *Dade County, Florida*.

May 25.—At *Norman, Oklahoma*, in the case of MRS. ADA LOIS FISHER for entry to the University of Oklahoma law school, District Judge Justin Hinshaw, at the request of Oklahoma Attorney General Mac Q. Williamson, ruled out testimony by Dr. Robert Redfield, professor of anthropology at the University of Chicago, that long study had failed to show convincing evidence of "any difference between Negro and white students on the question of intellectual capacity."

June.—CURTIS DRINKARD, taxi driver of *Boston, Massachusetts*, was beaten in a local police station and sustained a broken jaw. The attack on Drinkard was protested by the local NAACP on August 4th in a mass meeting at the Twelfth Baptist Church.

June 2.—A 15-foot cross was burned in *Knoxville, Tennessee*.

June 2.—Negro canning plant workers were attacked by group of white men on election night in *Okeechobee, Florida*.

June 7.—STEPHEN MOSES and his wife TRESSIE MAE MOSES, of *Brooklyn, New York*, were beaten by two plainclothes men. The Moses were preparing to leave for a vacation and were carrying bundles across the street when they were accosted by the plainclothes men. Moses resented being questioned by the men who did not identify themselves, and the men proceeded to pistol-whip him. Mrs. Moses was also beaten at the time.

June.—HARTNESS FLOWERS, of *Leake County, Mississippi*, asked the U.S. Supreme Court in November 1949, to reverse his conviction of assault with intent to kill for firing on a mob of white night-riders who had surrounded his home. He and his brother, JAMES, were both convicted after one of the mob was injured.

June 12.—A band of masked Klansmen raided a Negro Girl Scout camp near *Bessemer, Alabama*. Camp was closed, and two white instructors in charge were given twenty-four hours to get out of town.

July 5.—QUINCY LEE ROSS was beaten in *San Pedro, California*, by motorcycle patrolman Andrew Clark. Ross had seen a cousin of his sitting in a parked car. He went over to speak to her. The driver of the car had been stopped by the officer and was getting a ticket. When Ross walked up, the officer cursed him and asked what he wanted. He replied that he wanted to speak to his cousin, whereupon the officer struck him and arrested him. Later in jail he was again beaten. He was charged with interfering with an officer.

July 8.—Four Negro bricklayers, hired in *Chattanooga, Tennessee*, to work in Palmer, in Grundy County, were driven away by a band of white men. "We won't even allow Negroes to come into Grundy County, much less work here," they said.

July 16.—MAGISTRATE JOSEPH RAINEY of *Philadelphia, Pennsylvania*, was beaten and arrested. Charges of disorderly conduct were subsequently dismissed.

July 23.—Two Negro sailors stationed in *Orange, Texas*, were beaten by officers P. Brousaard and A. Powell. The officers have beaten other sailors and Negro soldiers, it is charged.

July 23.—A posse of 200 armed white men, including police, searching for THURMAN FULGHAM, 20-year-old Negro, so terrorized the Negro commu-

nity of *Dentville, Mississippi*, that seventy-five armed themselves and took refuge in the woods. According to the Associated Press, one section of the posse was "searching Negro houses in the area and carrying Negroes off to jail at Hazlehurst." Chief deputy Sheriff E. L. Bishop said the Negroes were being taken to jail "for questioning and for safekeeping—to keep them away from the mob at Dentville."

July 24.—A mob of about 200 white men gathered outside jail at *Ocilla, Georgia*, demanding custody of a Negro man charged with molesting white woman.

July 24.—A cross was burned at *Stone Mountain, Atlanta, Georgia* before hooded Ku Klux Klansmen.

July 31.—LEON AND ALFONSO LIPSCOMB, brothers and both veterans, were shot in *Brooklyn, New York* by Patrolman Frank Hogan in front of their home at 1458 Bedford Avenue. Hogan was drunk at the time.

August 9.—Two crosses were burned near Negro settlement in *Riviera Beach, Florida*, following a proposal to the town council that another Negro housing project be built.

August 9.—A cross was burned near Negro meeting in *Columbia, South Carolina*, where voting in Democratic primary had been discussed.

August 10.—REV. ARCHIE WARE, 66, was attacked at *Calhoun Falls, South Carolina*, after he had voted in the Democratic primary. In an affidavit filed with Att. Gen. Tom Clark, Rev. Ware listed the names of his attackers and two policemen whom he charges saw the assault and refused to protect him.

August 14.—Mrs. Lula Glass of Brooklyn, N. Y., appealed to *Bunnell, Florida*, authorities to help her find her son, whom she said was recruited by a white trucker for farm work in Florida during December of previous year. Said she had heard from relative that her son, TILLMAN STOVALL, was being held in peonage and fed bread and water.

August 23.—The house of CHARLES L. FULL, 12862 St. Aubin Street, *Detroit, Michigan*, was fired and the garage completely burned. The NAACP demanded an investigation. It noted that several other Negro-owned homes in this area had been under attack by the Corville District Improvement Association, a hate group. The Arson Squad investigated.

August 23.—The home of CECIL MARSHALL, 17803 St. Aubin Street, *Detroit, Michigan*, was fired and the garage destroyed. The NAACP demanded an investigation. It noted that several other Negro-owned homes in this area had been under attack by the Corville District Improvement Association, a hate group. The Arson Squad investigated.

August 24.—A cross was burned in the Negro section of *Anderson, South Carolina*.

August 27.—A public meeting of the Ku Klux Klan was held at *Cordele, Georgia*.

September 1.—There were 12 cross burnings in central *Florida*.

September 4.—Two police were charged with arresting and threatening Negro youth in *Fulton County, Georgia*, who refused to obey their order to go to church.

September 9.—LIVERT JONES, 23, of *Augusta, Georgia*, escaped death at the hands of a hooded gang that kidnapped him. Jones had applied for civil service examination to be a policeman. The gang pulled him from his home at gun point and put him in a car. Jones, however, grappled with the men

- in the back seat, managed to open the door and jumped from the speeding car.
- September 21.*—Police were needed to disperse groups of white men threatening two Negro plasterers brought in to work in the all-white county at *Dawson, Georgia*.
- October 9.*—A cross was burned before a home where a meeting was held to protest a new municipality. The new municipality would prevent the building of Negro housing units in *Miami, Florida*.
- October 26.*—A 12-year-old Negro girl was raped by Robert L. Gerlach near *Marvell, Arkansas*. Gerlach stopped the child, forced her into his car, took her to a secluded wooded area and raped her. Gerlach was sentenced to ten years in the penitentiary.
- October 28.*—The Ku Klux Klan distributed handbills announcing it would ride through eight *Florida* towns on election eve.
- October 30.*—ANTHONY HARDISON, 25, veteran, was beaten, arrested and held incommunicado in the Raymond St. jail of *Brooklyn, New York*. Hardison, a student of radio and television, was arrested and charged with possession of burglar tools. He was carrying his radio equipment at the time. Subsequently he was convicted and sentenced to three years in Sing Sing.
- November 1.*—The Ku Klux Klan burned two crosses: one in front of the courthouse at *Tuskegee, Alabama*, and other at the intersection leading to Tuskegee Institute, a Negro college.
- November 1.*—Four towns in central *Florida* had crosses burned in the Negro residential areas on election eve. Fifty cars, each containing from two to four hooded Klansmen, drove through Plymouth, Tavares, Leesburg and Wildwood.
- November 2.*—Postal authorities were checking on hundreds of letters sent to Negro voters in *Nashville, Tennessee*: "Keep away from the polls Nov. 2 —KKK" and "The Klan knows YOU."
- November 3.*—A Klan motorcade burned trail of crosses, mostly in Negro residential districts, from *Mount Dora to Miami, Florida*.
- November 3.*—NELSON BURNS, 48-year-old father of HERMAN BURNS, a youth killed by *Los Angeles* police, was himself savagely beaten by police. Police accosted Burns while he was driving his truck. They stopped him, examined his license and asked him if he was the father of the boy who was killed. He replied 'yes' and was immediately arrested. In the police station when he asked for the use of the phone to notify his family, he was beaten. Burns reported this to the Civil Rights Congress.
- November 5.*—PVT. VERTIE WHEELER of Co. G, 25th Inf., Ft. Benning, *Georgia*, was beaten by civilian police while military police looked on. Wheeler was beaten in *Colombus, Georgia*, by three police who kicked and beat him with night sticks.
- November 23.*—BAYARD JENKINS was convicted for the murder of Mrs. Kathryn Meller, 43, in June, 1948. On December 8, two weeks after conviction, Herbert Gulembo, a white grave digger, confessed to *Saginaw, Michigan* authorities that he and not Jenkins had killed Mrs. Meller. After public campaign, new trial was granted Jenkins on technical grounds, in September, 1949.
- December 12.*—A Klonvokation was held at *Macon, Georgia*, at City Auditorium two thousand hooded Klansmen attended to hear Dr. Samuel Green.
- December 20.*—DAVIS KNIGHT, 23, who served in the United States Navy

as a white man, was sentenced to five years in prison in *Mississippi*, after marrying Junie Scradney, white woman, on testimony that his great-grandmother was a Negro.

December 22.—The Ku Klux Klan paraded through the streets of *Bessemer, Alabama* in a fifty-car caravan.

December 22.—The Ku Klux Klan paraded through the streets of *Brighton, Alabama* in a fifty-car caravan.

1949

—Pianist HAZEL SCOTT, wife of Representative Adam C. Powell, refused service in a *Pasco, Washington*, lunch stand although she had been snowbound and without food for hours.

—Pastor of Capitol Christian Church in *Tallahassee, Florida*, invited DR. JAMES E. HUDSON, chaplain of Florida Agricultural and Mechanical College for Negroes, to speak during Brotherhood Week. Board of Elders cancelled the invitation.

—The *American Medical Association*, at national convention, maintained "white only" membership in segregated territory and other areas, and also refused to permit Negro physicians located in segregated areas to affiliate on a purely national level.

—DR. RALPH JOHNSON BUNCHE, former mediator in Palestine and director of the United Nations Trusteeship Council for Non-Self-Governing Territories, felt it necessary to turn down appointment as Under Secretary of State for the United States because his children would not be allowed to attend the school of their choice in *Washington, D. C.*

—WILLIAM LOEW, of *East Orange, New Jersey*, advertised his home for sale to either whites or Negroes. Received numerous threats, including "Sell To Negroes And Suffer."

January 14.—Police cleared the path for a parade of armed and hooded Klansmen through *Opelika, Alabama*.

January 17.—At *Talmadge College, Alabama*, forty automobiles, filled with hooded Klansmen, rode through the campus, warning the student body not to participate in the Alabama Students Conference on Civil Rights.

January 22.—A cross was burned in the Negro section of *Suffolk, Virginia*.

January 22.—A cross was burned in front of a Negro-owned store in *Driver, Virginia*.

January 27.—Police escorted a motorcade of robed men bearing an electric cross and KKK pennants in *Tallahassee, Florida*.

February 9.—Two hundred and sixty-nine hooded Klansmen paraded in the rain through streets of *Denmark, South Carolina*, carrying red flares.

February 19.—A five-foot cross was burned in front of the Jefferson School (a Negro school) in *Union, New Jersey*, where a meeting was held to protest the death sentence imposed on the "Trenton Six."

February 19.—Three crosses were burned in front of the *Miami Shores (Florida)* Community Church. A Negro minister had been invited to speak to the white congregation.

February 19. OTIS SMITH, Electrical Workers Union leader was blinded after being beaten by *Erie, Pennsylvania*, police who seized him during an automobile accident. Smith was beaten by Patrolmen Harry Staszewski and

William Podbielski, who admitted using blackjacks. He was charged with drunken driving and resisting arrest. Charges of assault and battery were lodged against the policemen.

February 19.—A cross was burned in an open field. Several hooded men carried firearms and threatened bystanders in *Talladega, Alabama*.

February 20.—Three crosses burned in front of homes in *Talladega, Alabama*.

February 23.—In *West Columbia, South Carolina*, the Ku Klux Klan paraded and held a meeting at which Dr. Samuel Green attacked the Civil Rights Program.

February 24.—Three Negro boys were flogged by five white men who called themselves Ku Klux Klansmen at *Columbus, Georgia*. The boys refused to tell whether their school principal had shaken hands with a white Brotherhood Week speaker.

February 26.—In a signed statement sent to the *Pittsburgh Courier*, WILLIE JACKSON, 35-year-old longshoreman, member of Local 1419, Int'l Longshoremen's Association, AFL, charged that he had been brutally beaten, kicked and stamped on by *New Orleans, Louisiana*, police of the First Precinct. According to Jackson, he became involved in a fight with another longshoreman while standing in the pay line of the Terry Smith Company, Gravier and South Front Streets on February 26. He said that the police sergeant stationed at the pay line then came over and struck him behind the neck. When he objected to being struck, the officer said he hadn't planned to take him to jail but since he was "one of those smart n——s who didn't want a white man to hit him," he would be taken to jail. The officer tried to beat Jackson in the office on the Terry Smith property, but when the clerk said "don't hit him here," the officer called a patrol wagon and took Jackson to the First Precinct station. There five policemen searched him, and when one found registration papers for voting he became particularly brutal. The five police took turns beating Jackson and then booked him on charges of disturbing the peace, assaulting an officer, being drunk and resisting arrest.

March 2.—A six-foot Klan cross was burned on Reservoir Hill, *Columbia, Tennessee*.

March 4.—CLARK HAMILTON, 20, of *Virginia*, was sentenced to three years for marrying Florence Hammond, white. The couple moved to Maryland, but Hamilton spent eighty-two days in jail and the marriage was held void.

March 7.—The Ku Klux Klan staged an eighteen-car parade through *Gadsden, Alabama*.

March 10.—The Georgia Real Estate Commission sought to deprive J. S. CALHOUN, Negro real estate broker, of his license, after he sold a home in white neighborhood in *Atlanta, Georgia*, to Negroes. Charge was violating "public interest."

March 12.—MRS. ANNA MAY WILSON reported that her husband was abducted from their home in *Chattanooga, Tennessee*. Three hooded men ordered her to "clear out within an hour."

March 13.—ALTON FOWLER, a caddy, of *West Palm Beach, Florida* was savagely beaten by four Palm Beach officers until he confessed stealing cigarettes he knew nothing about. Fowler was beaten on a lonely rifle range, after being taken from jail by Riviera Beach Police Chief John T. Britt; William M. Barnes, West Palm Beach officer; Euell Culbreth and Walter I. Minton, Palm Beach County Deputies and Worden A. Bader, Florida East Coast Railway special officer. Minton and Culbreth stood on

his hands, Fowler charged, while the others took turns beating him with a thick leather strap.

March 14.—MRS. CATHERINE SCALES, 27, was attacked in a Coney Island, *New York* bus by the driver, Michael Carras, 25, and John Poulos, 23. Mrs. Scales, pregnant at the time, suffered a miscarriage.

March 18.—WARREN CRAWFORD, 396 Tompkins Avenue, Brooklyn, *New York*, charged he was severely beaten and assaulted in the 28th Precinct in Harlem when he reported being robbed. Police claimed he struck one of them and "demanded to be arrested."

March 18.—The Third U.S. Circuit Court of Appeals freed a 34-year-old Negro, LEON JOHNSON, and ruled that a state cannot extradite chain gang fugitives whose custodians inflict "unusual, brutal or inhuman punishment." Leon Johnson was convicted of murder in Georgia in 1943 and escaped six months later. He was arrested in Pittsburgh and held there for six years under a warrant issued by former Governor Arthur James. Johnson has contended that prison guards would kill him if he were returned to Georgia.

March 24.—Three houses occupied by Negroes in the North Smithfield district of *Birmingham, Alabama*, were shattered by dynamite.

March 25.—The home of BISHOP S. L. GREEN of *Birmingham, Alabama*, was bombed by terrorists who resented Negroes moving into a previously white community. Birmingham police failed to find the terrorists.

March 25.—ALONZO GUYTON, Purple Heart veteran, was beaten and kicked by *Brooklyn, New York* police of the 79th Precinct. Guyton and friends were walking down the street when the plainclothesmen accosted them. Guyton was knocked to the sidewalk when he demanded that they identify themselves.

March 26.—MANZIE THOMAS of *Orlando, Florida* was seized by two carloads of men, carried to a wooded area near Fairville and flogged until unconscious. Thomas reported the kidnapping to Detectives J. R. Beach and John Willard.

March 29.—A public meeting of the Ku Klux Klan was held at *Americus, Georgia*.

April 2.—Seven Negroes were flogged by a mob of fifty to seventy-five masked and robed men, at *Hooker, Georgia*. A trial later established that the sheriff of Dade County, John W. Lynch, and three deputies, turned the men over to KKK mob. The sheriff was found guilty in March, 1950, and sentenced to one year in prison.

April 9.—EDWARD L. HAYWARD, 24-year-old postal employee of *Los Angeles, California* was beaten by police after a traffic altercation. Hayward was beaten with a pistol by two plainclothesmen who then arrested him for assault with a deadly weapon. The charge was later changed to a misdemeanor.

April 10.—When 40-year-old SAMUEL SPEARS paused at an information table set up on a *New Orleans, Louisiana* street corner to examine literature displayed for voters by the Young Progressives, he was mauled about by police and carried to a precinct station in a police car. Spears was beaten as soon as he reached the station, in spite of the efforts of several organizations to prevent the brutality. He also lost his job as porter in an optical goods company. As a result of the beating, Spears, a small and rather frail man, had a cut chin, burst ear drum, bruises and contusions.

May.—*New Orleans, Louisiana* police invaded the campus of a Negro uni-

versity and dragged 18-year-old EMANUEL BUTLER out of the chemistry building into their squad car and to the police precinct station. The Dillard University student had been in a chemistry class at the time when a supposed incident had occurred with two white women. He was first held on the charge of "disturbing the peace" and then the charge was changed to "seeking to entice women for immoral purposes." The entire student body at Dillard, in addition to faculty members, the president of the school and young Butler's friends and family protested the groundless charge and the brutal treatment of the Negro student.

May 2.—JAMES O'NEAL, *Far Rockaway, New York* civic leader, was beaten and arrested by detectives of the 21st Division who claimed he had been writing policy slips. O'Neal was subsequently freed of the charges.

May 3.—CHARLES CORBETT, 107 West 143rd Street, *New York*, and his friend, PETER MARSHALL, 63 West 140th Street, were beaten by Patrolman John Macauley of the Mounted Squad One as they were on the way home from work. They were arrested and charged with assaulting the officer.

Week of May 5.—GEORGE AMMON LILLIE, 27-year-old blind veteran, was savagely beaten by deputies from the Sheriff's office in *Houston, Texas*. According to Lillie and Johnnie Mac Holmes, his business associate, the blind man was beaten when deputies questioned him about suspects in connection with an alleged rape of a white girl. Lillie was beaten with night sticks and a pistol was jammed into one of his eyes.

Week of May 5.—SHELTON LORICK, 76-year-old farmer, was taken from his home in *Lexington County, South Carolina*, at midnight by fifteen men, unrobed and unmasked. He was taken to the woods and beaten, kicked and left naked and bleeding in the pouring rain. The reason given by the mob was that he knew whites too well. On the same night, a white widow whom Mr. Lorick had helped by supplying her with fuel for her stove was also beaten by the mob.

May 14.—WILLIAM MILBURN, of *Brooklyn, New York*, was severely beaten by two detectives as he escorted his wife home from a movie. Milburn was blackjacked near the edge of an East River pier and ordered to jump in the river. He reported the case to the 84th Precinct, pointed out the detectives to precinct officials, but his charges were ignored.

May 21.—DR. LUCIAN MERRIWEATHER, JUDGE MERCER MANCE and two women companions, MISS EMILY STUART and MISS STAHELEEN STUART, were arrested while sitting in their car at a sandwich stand in *Indianapolis, Indiana*. The women, who were of fair complexion, were social workers. Because of their fair skins, and because their escorts were Negroes, the women were assumed to be "prostitutes."

May 23.—Seven Negroes were seized in *Dade County, Georgia* by a mob of 100 Klansmen who flogged them. The men were seized from Sheriff John Lynch who had them in custody.

May 26.—SAM J. SKIPWORTH of *Mecklenburg County, Virginia*, was beaten by a mob and suffered a fractured skull. Witnesses said a black automobile with North Carolina license plates stopped at a filling station where Skipworth was employed, called him out and set upon him.

June.—In *Brookside, Alabama*, a robed and hooded mob raided a cafe whose white owner served both Negroes and whites.

June 1.—Two Negro men were flogged by Klansmen, two Methodist ministers of *Ashland, Alabama*, told *Jefferson County (Birmingham)* Grand jury.

- Rev. H. Frank Ledford and Rev. Luther Brown were the witnesses.
- Week of June 5.*—Over 200 white men surrounded the homes of *Atlanta* Negroes on Ashby Street between Greensferry and West End Avenues and warned them to move out and turn their property over to whites. Uniformed police are reported to have accompanied the mob.
- June 12.*—RICHARD D. BROWN of *Harlem, New York City*, was shot and killed by Abraham Yudenfreund. At the same time, the policeman, off duty at the time, shot and wounded JAMES LEE TAYLOR, cousin of Brown. Yudenfreund had interfered in an argument Brown was having with his wife at the corner of 115th Street and Fifth Avenue at the time.
- June 21.*—A mob attack occurred in *St. Louis, Missouri* when about 200 white hoodlums attacked some fifty Negro youths, swimming in the Fairgrounds Park Municipal pool, with baseball bats, clubs and knives. This was followed by sporadic attacks on Negroes in other parts of the city.
- July 1.*—JOHN HENRY McCULLERS, Negro farmer and father of six, was beaten with heavy sticks during June 1949, in *Clay County, Alabama*, he told Jefferson County grand jury.
- July.*—MARSHALL JOHNSON, 15, and his sister EDWINA, 16, of Newark, New Jersey, were visiting relatives in *Montgomery, Alabama*. They boarded a city bus and, not knowing of the segregation law, sat in front. The driver, S. T. Law, drew a pistol and kicked them off the bus. They were arrested and held in jail for two days. Judge Wiley C. Hill, Jr. threatened to send the children to reform school until they were 21.
- July 1.*—HATTIE COOK, 29-year-old Negro woman of *High Point, North Carolina*, was shot and critically wounded by a white dance hall operator, O. L. Werst, who fired into a crowd of Negroes in Winston Salem.
- July 12.*—The Appellate Division of the *Pennsylvania* Supreme Court heard the case of FLETCHER MILLS, who fled a lynch mob in Alabama after he fought off an assault from a white landlord with a knife. He was arrested by the FBI in Philadelphia on the Alabama Fugitive Act. An appeal is scheduled to be heard in his case.
- July 12.*—The Appellate Division of *New York* gave Clarence Jackson a temporary reprieve from being returned to a Georgia prison camp where he said "certain death" awaited him. He escaped in 1948.
- July 19.*—DRAYTON WILLIAMS, 30, of Brooklyn, a bus driver on Staten Island, *New York*, charged that he was beaten by a white inspector, John Miller, and Miller's son, Pete, because he was "fresh." A policeman to whom Williams complained threatened to arrest him instead of his attackers, who had severely injured his right hand. Williams was one of the first Negroes to be assigned to the Staten Island run by the Board of Transportation.
- Week of July 20.*—WOODROW WHITE's home in *Chattanooga, Tennessee* was bombed after he had lived there only one month. He had purchased from a white family. The explosion ripped a hole in the porch and shattered windows.
- July 25.*—Masked men beat five Negroes and shot two of them in *Columbia, South Carolina*. A Negro minister, Rev. M. W. Jackson, reported the attacks. Among the victims were JOHN BATES, 45, and ELLIOTT BATES, two of three brothers who were beaten. John was shot. The wife of one of the brothers was beaten as was a small girl relative.
- July 27.*—The home of ROSCOE JOHNSON of *Chicago, Illinois*, was attacked by a mob of over 2,000 whites with rocks and flaming gasoline soaked rags

in an attempt to drive him from his newly bought home on the South Side. Though over 200 police were on the scene no attempt was made to disperse the mob nor were any arrests made. Johnson was a post office employee and a substitute school teacher.

August.—Six Negro seamen, British citizens of the West Indies, were jailed on charges of disorderly conduct when they refused to accept a jim crow drinking fountain installed on their ship by a white repair crew while the ship lay in the port of *Savannah, Georgia*.

August.—JAMES MONTGOMERY was freed from the *Illinois* Statesville Penitentiary after having served twenty-five years for a crime that never occurred. Montgomery was sentenced to life in 1925 for "raping" a 62-year-old woman. Federal Judge Michael L. Igoe released him on a writ of habeas corpus in 1949 after witnesses testified that a medical report showed the woman had not been raped, but it was not put in evidence at the trial. Montgomery received letters threatening to turn him over to the Ku Klux Klan if he tried to defend himself against the rape charge. Judge Igoe ruled that the issue in the 1924 trial "was not the guilt or innocence of the crime of rape—but that of racial subjugation."

August.—LESTER TATE, 31, Los Angeles Negro shop steward, member of the Mine, Mill and Smelter Workers Union, faced extradition to Virginia. He was arrested for attempted robbery of a small store in *Princess Anne, Virginia*, in 1942 and was sentenced to ten years on the chain gang. Tate escaped in 1943, came to Los Angeles. He is married and the father of four children. He was arrested in August, 1949 on a minor charge which was dismissed, but he was held on a fugitive warrant. Governor Tuck of Virginia has demanded his return. His union and the Civil Rights Congress provided bail for him.

August 13.—Dynamite was thrown from speeding car at homes of two Negro ministers in the North Smithfield district of *Birmingham, Alabama*, blasting out windows and walls.

August 21.—MRS. ALBERTA BETHEL, mother of two children, was beaten and clubbed to the ground by Patrolman McCavera in *Far Rockaway, New York*. Mrs. Bethel was assaulted when she noticed McCavera, of the 100th precinct, molesting Negro passers-by by ordering them to move on and poking women and men with his night stick when they hesitated. Mrs. Bethel confronted McCavera and noted his badge number. Enraged, he began striking her with his night stick, knocked her to the sidewalk and kicked her. Mrs. Bethel was arrested and held overnight.

September.—Physical examination of three *Groveland, Florida* youths, held on "rape" charges, revealed that the young men were beaten by police to make them "confess." The youths, SAMUEL SHEPHERD, 22; WALTER LEE IRVIN, 22 and CHARLES GREENLEE, 16, were examined by Drs. J. Downing and N. Spaulding. The doctors noted lash marks, broken teeth and that the foot of one of the youths was cut with broken glass. The U.S. Supreme Court, on November 27, stated that the sentences (death and life imprisonment) would be reviewed by the court. After a white woman raised the cry of rape, the whites of Groveland went on a lynch rampage and attacked the Negro section of the town. National Guard and Army troops were called out. One Negro was shot and killed.

September.—An unknown Negro bean picker was beaten near *Hendersonville, North Carolina* by a group of white terrorists. The Negroes in the

- vicinity were brought from Florida with promises of 50 and 60 cents per hamper of beans but were paid only 40 cents when they got to work. The *Pittsburgh Courier* received a letter from a woman picker who wrote, "Please, please do something before they mob us all."
- September 2.**—The U.S. District Court ruled that segregation in the dining room of *National Airport, Washington, D.C.*, where Mrs. Helen Nash was refused service, does not conflict with Constitution, Interstate Commerce Act or other Federal law.
- Week of September 8.**—GLOVER DAVIS, an auto repair shop owner of *Tuscaloosa, Alabama* was pistol-whipped by a gang of robed men. Davis was pulled from his home by the gang.
- Week of September 8.**—JUNIOR CHARLES of *Roseland, Louisiana*, was attacked by a gang of armed men who warned him to stop delivering milk, after he bought a new truck. Subsequently a white man took over the business.
- Week of September 8.**—FLETCHER WILLIAMS, 52, of *Wilmer, Louisiana*, had his home burned by terrorists after he protested to Federal authorities at being denied the right to vote.
- September 9.**—DAVID MONTGOMERY, 17, and his cousin PAUL WILLIAMS, were beaten by a gang in *Philadelphia*. Williams is from Woodbury, New Jersey. Both youths were severely beaten and suffered head and body injuries. Five white suspects were later arrested and charged with assault and battery.
- September 9.**—MRS. MAY HUNT of *Raleigh, North Carolina* was attacked by Giles Beal, Jr. of *Gastonia, N. C.* during the Debutante Ball at the Sir Walter Hotel. Mrs. Hunt came to the rescue of her daughter Mildred who was operating an elevator when Beal attempted to bring a chair onto it. The girl called her mother and Mrs. Hunt told her not to move the car until Beal took the chair off. He became angry and struck Mrs. Hunt, fracturing her jaw. He was fined \$50.
- October 31.**—CHARLES RIVERS was beaten insensible in front of his home at 826 Dawson Street, *Bronx, New York*, by Patrolman John Smith in the presence of ten eyewitnesses. Smith had accosted Rivers on the street, searched him, and found a small knife, and proceeded to beat him, fracturing his skull.
- November.**—MRS. CONSTANCE BAKER MOTLEY, assistant special counsel for the NAACP, accompanied by three delegates to the NAACP youth conference, was struck and physically evicted from the Four Acres Restaurant in *Dayton, Ohio* by bartenders Robert Gallagher and Carl Latotus, when she complained that her group had been refused service. W. W. Fox, a policeman summoned to arrest the attackers, refused to make any arrests and in profane language attacked a white member of the group for associating with Negroes.
- November 1.**—MRS. LENA FAUSSET of *Jamaica, New York*, was beaten by policewoman Mary Shanley when she inadvertently bumped into the policewoman on the street. Mrs. Fausset was beaten in the 103rd Precinct.
- November 4.**—Police attempted to break up a torchlight parade being held for Councilmanic candidate Benjamin Davis, on Lenox Avenue, in *New York City*. Several marchers were injured, six arrested. One of those hurt was Negro newspaper reporter, TED POSTON, from *N. Y. Post*, struck by policeman's club. Another, ADRIANNE BOUGH of 168 Lenox Ave., was hit on the mouth by a club.
- November 9.**—Beginning on November 9 and continuing for several days, mobs numbering up to 2,000 attacked Negroes and Jews in *Chicago, Illinois*.

These incidents began when Aaron Bindman, an official of the Longshoremen and Warehousemen's Union invited Negro friends to his home. A reign of terror, aided by the Chicago police, continued for a week. Bindman's home was stoned. Roving mobs attacked Negroes in the streets of the Southwest Side around 56th and Peoria Streets. Police refused to arrest the mobsters. The mobs were both anti-Negro and anti-Jewish.

November 19.—LOUISE HOUSTON was beaten and cut by Police Chief W. C. Brock and Deputy Sheriff Paul Jennings of *Tampa, Florida*. The officers were trying to make the Negro woman tell the whereabouts of her husband who had an altercation with a railroad foreman. The officers were acquitted by a Federal jury of charges they violated the Negro woman's rights.

November 19.—Five Negroes were beaten by Police Chief Thomas I. Gantt of *Floral, Alabama* to make them confess a crime. Gantt was later sentenced to two years and a fine of \$200 by Federal Judge C. B. Kennamer.

Week of November 19.—Four youths, JOHN A. LEAKE, 19, HAROLD MILLER, 22, WILBERT ROBINSON, 19, and DAN CARDWELL, 22, were brutally beaten by a mob near *Charlotte, North Carolina*. The youths were returning from Hickory, N. C. when their bus was stopped by the mob.

November 26.—WILLIAM FRANKLIN, of *Bakersfield, California*, an employee of the Southern Pacific Railroad, was beaten in the local railroad station. The policeman gave no reason for the beating other than he had seen Franklin dozing and asked him for his identification.

December.—Four crosses were burned in outlying sections of *Mobile, Alabama*, followed by announcement by Alabama Ku Klux Klan leader, William Hugh Morris, that the crosses called for revival of the KKK.

December 4.—JAKE BRADFORD, 26-year-old Negro of *Columbia, Missouri*, was picked up by two police officers for "prowling" in a white neighborhood. He was held in jail for five days without charges, although the legal limit is twenty hours. He was questioned, threatened and told a mob would get him unless he confessed to two crimes—one of rape and one of attempted rape. A gun was pointed at his head, a mob was outside, and he signed a "confession." On April 24, 1950, he was found guilty of the attempted rape charge, and faced the full rape charge on May 17, 1950. He got a five-year sentence for the first charge. The "victim" could not identify Bradford other than to say he looked "similar." Court-appointed counsel called no defense witnesses. One witness was intimidated so as not to appear.

December 10.—REV. GEORGIA A. PERKINS, 69-year-old minister and carpenter, was given fifty lashes by a band of hooded terrorists near *Claxton, Georgia*. Rev. Perkins was dragged from his home late at night. The hooded men told him he was being flogged because he held political meetings in his church and told Negroes they were as good as white people.

December 11.—JAMES PERKINS, 26, and his wife, CONSTANCE, of 510 West 176th Street, *New York City* were beaten in a bar at 173rd Street and St. Nicholas Avenue by hoodlums who resented the fact that Mrs. Perkins was white. Police of the 34th Precinct showed little interest in apprehending the attackers.

December, 1949.—In *Nashville, Tennessee*, two new houses, part of project for Negroes on Antioch Pike, were blasted.

at *Piscataway, Maryland*, were denied entrance, and told to use side doors and sit in rear of church.

MRS. DONETTA BELL, Negro instructor at Jackson College, *Mississippi*, was singled out of a group of white jaywalkers by police, slapped and jailed.

January.—ED ROBINSON and his brother, HILLIARD ROBINSON, of *Montgomery, Alabama* were beaten and shot by four white men. They later sued for \$100,000 damages each. The men accused were Daniel and Curvin Davis, Grover Gardner and Alex Fannin, and were indicted for assault and intent to murder. The Robinsons were beaten with pistols and then shot.

January.—IRA COSTEN, North Carolina farmer living in Ohio, had been charged with "attempt to rape" in North Carolina. Two attempts to extradite him had failed. The Federal Grand Jury in North Carolina returned an indictment stating that anyone who travels interstate "to avoid prosecution or custody or confinement after conviction" has committed a felony. (North Carolina has no law covering "attempt to rape.") Office of Atty. Gen. McGrath suggested the federal authorities in Ohio invoke the Federal statute of removal proceedings, a law akin to the fugitive slave law. The indictment of the Federal Grand Jury of North Carolina was sent to the U.S. Commissioner in the Cleveland District and hearing was to be held on January 28, 1950. Actually this was a move to dispossess Costen from his farm, where his white neighbors disapproved of his economic advancement.

January 12.—ANDERSON LARK was returning from the home of a friend when he was set upon by police in a *San Francisco, California* street and beaten, kicked and robbed.

January 25.—JAMES WILSON was arrested in *New York City* in 1949 after escaping from a chain gang in *South Carolina*, where he had been placed for killing a man who had been molesting his wife. Despite public protests, Lt. Gov. Hanley signed the extradition order to return Wilson to South Carolina. The Civil Rights Congress had been fighting the extradition since Wilson was arrested in 1949. Wilson was returned to South Carolina on January 25, 1951.

January 26.—ROBERT KIRKENDOLL, 19-year-old Negro youth of *Chicago, Illinois*, was sentenced to seventy-five years in prison because he refused to pay a five-dollar shakedown fee to police officers.

February 19.—ED WALSH, noted artist of *New York*, was set upon and beaten by four white men while on his way to the Freedom Theater where he is scenic designer.

March 7.—IRMA SEUELL, Negro artist in Greenwich Village, *New York City*, had the street window of her shop smashed by hoodlums four times. Complaints to the police authorities produced no results.

March 11.—JESSIE LEE GOLDMAN was flogged by a band of over twenty-five hooded men near *Eastman, Georgia*. Subsequently, Alfred Crumley, Theo Lewis, and F. M. Smith were arrested, and charged with assault and battery. Sheriff Ollie P. Peacock at first refused to act in the flogging and expressed fear of the Klan. The Georgia Bureau of Investigation entered the case three days after the flogging.

April 2.—WILLIE ANDERSON of Los Angeles was injured in an automobile accident near *Globe, Arizona*. At the Gila County Hospital he was treated so inhumanly that the wound became infected. A cast was put on his leg over an open wound. When it was cut off, the skin and flesh came off with the cast.

- April 6.*—Local officials in *Roxboro, North Carolina* tried to hush up the beating of a Negro by a white policeman on St. Patrick's Day. The Negro wore the traditional green in observation of the Irish holiday and he was attacked by the officer who said: "N——s are not supposed to act like white folks."
- April 13.*—New \$11,000 home of Dr. J. A. BOYKIN, Negro dentist of *Birmingham, Alabama*, destroyed by three dynamite blasts. The property, located one block from Dr. Boykin's previous home, had been officially rezoned for Negroes the previous October, approved by the city commission and zoning board, the property purchased from the city. The police made no arrests.
- April 18.*—LOUIS ALSTON was beaten by *Brooklyn, New York* police and charged with rape when he was seen in the company of a white woman. Alston was beaten so severely he was hospitalized in Kings County Hospital for 4 days.
- April 22.*—In *Birmingham, Alabama*, the home of B. W. HENDERSON, a Negro contractor, was bombed. It was the second time the Henderson home was bombed, and climaxed a series of bombings in the North Smithfield District, into which Negroes had begun to move. Police made no arrests.
- April 25.*—CORNELIUS LARKIN, 27, of *Los Angeles, California*, mentally deficient, was shot by police who were allegedly investigating an attempted burglary. Larkin was on his way home when police closed in on him. Excited, he ran and was shot.
- April 20.*—MRS. MAGGIE PEAY, 24, a mother of *Washington, D.C.*, was beaten by Patrolman William N. Howell of the Ninth Precinct. Howell also slapped her baby boy, JOHN WESLEY. The officer came to her home looking for a man named "Keyes" and when Mrs. Peay protested his invasion of her home he beat her. When the terrified baby grabbed him around the legs he slapped him. Mrs. Howell suffered a possible fractured skull, but was arrested and charged with assault and disorderly conduct.
- April 26.*—A 13-year-old Negro girl in *Rome, Georgia*, told how she had been raped by three white men as two white women looked on and laughed while their babies toddled about them.
- May 1.*—TONY JACKSON was attacked by hoodlums in *New York* following the May Day parade. He was severely beaten with sticks, and sustained a blood clot on the brain, necessitating a transfusion.
- May 4.*—MRS. CHARLES TURNER of *New York City*, prominent proprietor of "Mom's" restaurant was beaten by officer Rufus Schatzberg and other unidentified police when she and a very fair-complected Negro man companion, Melvin Barker, were leaving her place of business after closing time. Schatzberg was suspended.
- May 5.*—MRS. AUGUSTA LAMAR of *Brooklyn, New York* was beaten in the home of her friend, Mrs. Ernestine Delaine when she suffered a nervous attack. Mrs. Delaine called police who came and, finding Mrs. LaMar still unconscious, began to slap her face and neck. Mrs. LaMar became conscious and began struggling. The police proceeded to beat her back into unconsciousness.
- May 25.*—SANDERS CHAPRON, 33, of *Los Angeles, California*, was beaten by policemen and sustained a fractured jaw. Chapron charges he was driving his car when the officers accosted him with, "Hi, boy, pull over." He stopped, and during the ensuing conversation one officer called him a "black n——r."

When he protested, they set upon him and later arrested him, booking him for drunken driving and assault and battery.

June.—A movement was begun in *Gary, Indiana*, to stop the extradition of HERMAN LAWRENCE, a Negro youth, who came to Gary in June of 1950, after escaping from a chain gang in Alabama. He got a job in Gary. Following a report to police of Gary that Lawrence was wanted for theft in Alabama, he was arrested and jailed. Lawrence's counsel says that he is not wanted for theft, but that he is sought by a former employer in Alabama who did not want him to leave. The NAACP brought case to public attention.

June.—JOSEPH BROWN, 18-year-old Negro, upon returning to *Miami, Florida*, from a visit to Harlem, was arraigned before Criminal Court Judge Ben Willard on a charge of stealing \$6. "What would you rather do—that I call you 'mister' and give you five years or that I call you 'Joe' and send you home to Poppa?" Judge Willard asked. "Call me Joe," the youth replied, as reported by the *Associated Press*.

June 2.—ANDY ALLEN, 27, of *Los Angeles, California*, was beaten and arrested by Detective Potts Neal when he was stopped in his auto. Allen had a picture of his sweetheart Muriel Nelson, a very fair-complected Negro, in his car. The officer asked him what he was doing with the photo, obviously mistaking it for a white girl's picture, and when Allen answered that she was his fiancée, he was beaten up.

June 2.—LEONARD C. JOHNSON of *San Luis Obispo, California*, was beaten by Los Angeles police after he demanded that they treat his wife with respect. The Johnsons were driving along when stopped, and Johnson was forced to "walk the chalk line" to test him for drunkenness. One policeman referred to Mrs. Johnson as "that gal."

June 3.—A large fiery cross was burned during a meeting of the Ku Klux Klan outside city limits of *Jacksonville, Florida*. A police escort was given the parade through the city before the meeting.

June 6.—GEORGE GUILLORY, 19, and his brother FRANK, 18, of *Opelousas, Louisiana*, were beaten severely while they looked for the draft board in the St. Landry Parish Court House. They went to the vote registration office by mistake. Neither could speak English very well. The day before, six Negroes who attempted to register to vote were pistol-whipped.

July 13.—MRS. ALMA SCOGGINS, 42-year-old domestic worker, was attacked and intimidated by hoodlums because she refused to vacate an apartment on the lower east side of *New York City*. The attack has been connected with the attempt of Michael Zwerling to evict Mrs. Scroggins. She was subsequently evicted after the City Rent Commission and municipal and county courts ruled she was a squatter, having acquired the apartment from a white friend.

June 24.—WILLIE PALMER was shot five times by J. C. Bradford in *Jackson, Mississippi* at a Knox Glass Co. canteen. The white counterman shot the Negro because he persisted in refusing to obey the segregated eating set-up imposed by the company. Sheriff Troy Mashburn practically cleared Bradford when he said the shooting was in self-defense, and released the white man on \$1,500 bail. Bradford told police he asked the Negro "in a nice way" to observe the Jim Crow rules and when he didn't, pulled his gun and let him have it.

August.—During August, 1950, the police court of *Richmond, Virginia*, inaugurated a new policy of requiring the segregation of Negro attorneys who appeared before it. The court required that the Negro attorneys be seated at a separate table from white attorneys. The table for the Negro attorneys was placed on that side of the courtroom "set aside" for Negro defendants, plaintiffs and spectators.

August.—MURIEL RAHN, concert singer, travelling on the *Southern Railroad* one month after a non-segregation order on trains was issued by Supreme Court, was denied service in dining car, and publicly insulted.

August 2.—JOHN EVANS, 22-year-old Negro worker, was beaten and kicked by detectives during the August 2nd Peace demonstration in Union Square, *New York*. Evans, a bystander, was knocked to the ground and police put their feet on his head, twisted his arm, and tried to make him say 'mister.' Evans was arrested and charged with disorderly conduct.

August 5.—A mob of over 400 hoodlums stoned a group of 15 bathers at *Colonial Beach, Virginia*. Several were injured by knives, tire irons and pipes. The Negroes' automobiles were smashed. One Negro, EUGENE JOHNSON of *Colonial Beach*, was arrested and charged with assault. None of the white hoodlums was arrested.

August 16.—A mob of whites rioted in *Chicago, Illinois*, when two Negro families, MR. AND MRS. LEONARD GRIFFIN, and MR. AND MRS. C. A. WINSLOW and their two children, moved into a formerly all-white neighborhood. After rioting had continued for several hours, police arrived. Bricks and bottles were thrown into houses, and electric wires cut by hoodlums. Only 6 arrested, released in \$25 bond.

August 19.—MRS. MARIAN W. SMITH, nurse, was denied a job at U.S. Veterans Administration Hospital in *Richmond, Virginia*, because of color. She had been transferred from *New York City* by the government.

August 26.—JOHN MILLAR, 24-year-old Negro youth, a victim of cancer, was beaten by police in *Danbury, Connecticut*. Millar had stopped at police station in *Danbury* to get traffic directions. He had just spent thirty-six days in *New York Memorial Hospital*. He was attacked by three policemen for allegedly being drunk. He said that his shuffling walk was due to a malignant growth under his right shoulder. He was denied pain-relieving medicine by the police, and was held in jail for 18 hours before being released on bail. On September 5, Millar was returned to *New York Memorial Hospital*. His trial, for allegedly assaulting the cops and resisting arrest, was postponed for a week.

August 27.—A Ku Klux Klan mob fired upon a Negro dance hall in *Myrtle Beach, South Carolina*, but their fire was returned and James D. Johnson, a policeman wearing his uniform under KKK robes was killed. CHARLES FITZGERALD, wealthy Negro owner of the dance hall, had warned Sheriff C. E. Sasser that the Klan intended to attack his place. Fitzgerald was kidnapped by the mobsters that night and jailed but was later released and the charges against him dropped. Police claimed the Negroes didn't kill the Kluxer but that one of his group had killed him.

August 29.—Eleven fiery crosses burned in the northwest section of *Miami, Florida*. At one location Ku Klux Klan literature was strewn about the ground.

September 11.—ALFONSO S. STANTON, of *Norfolk, Virginia*, was assaulted by

policeman W. N. Darden. Stanton sued Darden after Police Chief A. L. Sims cleared the officer.

September 10.—The FBI sought to return CURTIS HOPKINS, a Negro veteran, to *Mississippi*, where he faces death on a rape frameup. Governor of Ohio refused in November, 1949 to extradite him. The FBI, acting at request of the State of Mississippi arrested Hopkins on September 15, 1950 for "unlawful flight to avoid prosecution." The case is being handled by local and National NAACP.

September 28.—CHARLES SANDERS, 18, farm hand of *Greenville, Mississippi* was jailed for one year with no charge against him. He was found in jail by newly-elected Sheriff Thompson, who released him. Sanders had been arrested in connection with a slaying. Murray Ethridge, chief deputy under the late Sheriff Foote told Thompson that "feeling was running high" at the time of the killing of the white woman, and that Sanders was held for his own good. County Attorney McIlwaine said that each six months he is given a list of prisoners held in the Washington County jail but he was positive that Sanders' name never appeared on any list in the past year.

October. 30.—White students at University of Mississippi touched off a fiery cross on the campus at *Oxford, Mississippi*. The cross was burned to "protest" an editorial in the student newspaper, written by editor Harry Krebs. The editorial urged admission of Negroes to "white" state colleges in the South.

October.—WESLEY EUGENE BYRD was tortured by Hubert Beasley, former head of the *New Mexico* State Police. The torture consisted of placing padlocks around his testicles. A federal grand jury found Beasley and two other officials guilty of torturing Byrd.

October 10.—The home of SAM PERRY of *Orlando, Florida*, was burned by eight night-riders. The home is near the Seminole-Orange County line. Perry, a fruit picker, recently bought the home.

Week of October 20.—VERNA MAY FLOYD, 22, of *Rocky Mount, North Carolina*, charged that Howard C. Carson criminally assaulted her at pistol point at a rooming house where she was employed.

October 21.—ACIE LOCUS, an aged farmer of *Wilson, North Carolina*, was beaten and robbed of \$27,000 by two white armed men who invaded his farm. Locus, who kept his money in a safe, declared the bandits bound and gagged him, and then hacked open his safe with an axe.

Week of October 20.—BISHOP E. B. PULLIAM, of *New York City*, pastor of St. Mary's International Temple of Truth, charged that he was refused medical aid for severe face burns at the Knickerbocker Hospital. Bishop Pulliam declared he had to wait for half an hour, and then was forced to seek private treatment for his second degree burns sustained when a flame-filled chimney exploded in his face.

Week of November 3.—JOHN DAVIS, a chauffeur, was shot in *Arcadia Parish, Louisiana* by a white cafe owner. Davis was driving for Henry Kest of New York, and was refused service by Ellis Cohart, the cafe man. When Davis protested, Cohart shot him, according to Sheriff W. V. Lacarde. Cohart was placed under bond, but no charges were filed.

November 21.—The home of DR. PERCY L. JULIAN of *Chicago, Illinois*, noted scientist and director of research at the Glidden Company, was attacked by hoodlums who tried to burn it. Dr. Julian's home is in an area that racists have tried to keep lily-white by restrictive covenants, etc.

December 7.—A mob of 14 white men tried to lynch CLAYTON MOORE, SR. a textile mill janitor of *Greenwood, South Carolina*. He was saved when his son, Clayton, Jr., shot and killed one of the would-be lynchers, George F. Ferguson of Abbeville, South Carolina. He was charged with murder. The elder Moore was severely beaten.

December 24.—A Negro soldier, PVT. JOE BEN WRIGHT, was severely beaten by two *Saluda, South Carolina*, policemen while he was in their custody. He had to be hospitalized in Fort Jackson Station Hospital. The officers were Police Chief Corley and Officer Long.

I 9 5 I

January.—MRS. EVERGREEN FLOWERS was beaten by a mob of some fifty Klansmen in *Whiteville, North Carolina*. She was beaten in the presence of her 10-year-old daughter. She was dragged from her home, after her husband went for help to his brother. He was shot at several times by the raiders.

January.—The Child Welfare Council of America cancelled the proposed Eastern Regional Conference scheduled for *Baltimore, Maryland*, when the Lord Baltimore Hotel refused to accept Negro delegates as overnight or breakfast guests.

Week of January 14.—ROBERT HALE, 42, of *Philadelphia* was beaten by Patrolmen Bergen and Mahoney, who assaulted him in his home after going there allegedly to settle an argument between Hale and his wife.

Week of February 4.—ARTHUR COWAN and JESSE ARNOLD of *Douglas County, Georgia*, were severely flogged and Cowan was shot with buckshot, by a group of five terrorists. During the beating Cowan managed to escape the group in the dark after hitting one, and as he fled was shot in the back. Arnold was beaten unconscious.

February 5.—ATTORNEY FREDERICK CURTIS was slapped by Detective Clerk W. J. Simmons in *Macon, Georgia*, when the Negro lawyer protested being called "Boy." Curtis was in the police station with a client when he was slapped. He tried to get a warrant in the Bibb County Court House, but was refused.

July 2.—BENJAMIN J. DAVIS, former New York City councilman and Negro working class leader, surrendered to serve a five-year sentence for alleged violation of the Smith Act which Justices Black and Douglas declare nullifies the First Amendment. Mr. Davis and his colleagues were charged with "teaching and advocating" Marxism and organizing the Communist Party of the United States. (Mr. Davis is a signer of this petition.)

July 3.—PETTIS PERRY and CLAUDIA JONES, Negro working class leaders, pleaded not guilty in federal court to violating the unconstitutional Smith Act. The only overt act charged against Mr. Perry was that "he did leave 35 East Twelfth Street, New York." The crime of Miss Jones was that she had written an article on International Women's Day. (Both Miss Jones and Mr. Perry are signers of this petition.)

July 9.—DR. W. ALPHAEUS HUNTON, another leader of the Negro people and secretary of the Council on African Affairs, was arbitrarily sentenced to six months in prison for contempt in federal court at Foley Square, *New York*, when he refused to betray the names of the thousands who had contributed to the Civil Rights Bail Fund which was under government attack. (Dr. Hunton has signed this petition.)

August 16.—FERDINAND C. SMITH, the first Negro ever to become a top leader of a major American trade union, was deported as a part of the witch hunt spurred on by the Smith and McCarran Acts. Mr. Smith, a British subject, had lived in this country many years. (Mr. Smith is a signer of this petition.)

Special cases of soldiers being brutalized, given unjust prison sentences, etc., while in service. Some in Korean conflict, but most in World War II while on overseas duty.

1944

February 7.—In *Nashville, Tennessee*, PURDIE S. JACKSON, Negro soldier, was convicted by general court martial and sentenced to dishonorable discharge and confinement for twelve years for "assaulting three white civilians with criminal intent." The charges grew out of an altercation which occurred in a drug store owned by one of the civilians, because the Negro soldier sat in a section reserved for the exclusive use of white patrons. Jackson acted in self-defense; the whites were the aggressors. The NAACP filed petition for clemency on October 23, 1945.

November 21.—ZACK C. TAYLOR, Negro serviceman was sentenced to 20 years when found guilty of a violation of the 61st and 93rd Articles of War by a court-martial sitting in France. In December 1946, the NAACP obtained reduction of sentence to 9 years. It was pointed out that the prosecution failed to sustain its burden of proof and that the identification of the defendant as the attacker had not been clearly established.

1945

January 30-31.—ALFRED HAYES, Private of Headquarters Service Company, 298th Air Base Security Battalion was charged with violation of the 93rd Article of War—"assault with intent to commit the crime of rape." He was found guilty by general court-martial and sentenced to be dishonorably discharged and to be confined at hard labor for twenty years. Prosecution failed to establish the intent necessary for conviction of the crime for which Hayes was tried and convicted. Also, Hayes was never identified as the attacker beyond the reasonable doubt required by law.

April.—The death sentence was given to Negro serviceman LUSTER WRIGHT, from Cleveland, Ohio, charged with allegedly having attacked two German women. It was later changed to thirty years imprisonment, then to eighteen years.

June 25.—WILLIE WILSON was tried by general court-martial for the alleged premeditated killing of a fellow soldier, and sentenced to life imprisonment. In June 1946 the sentence was reduced to twelve years after an NAACP petition. The petition pointed out that it was "apparent from the cumulative testimony of the witnesses to the killing that there was no malice aforethought or premeditated intent on the part of Wilson to shoot or kill the deceased."

August 21.—From a statement issued shortly after VJ Day by the NAACP: "Colored Americans cannot forget that while millions of servicemen and their families are looking forward to release from uniform, our men, for

the most part, are being held in the services, either by unfair rules or by arbitrary administration of the rules." The statement said further that the great bulk of Negro soldiers was blocked "from the very beginning" by the point system "which put a premium on combat service." Everybody knows, the statement went on, "that our boys were kept from combat service through no fault of their own. The combat requirement in the point system ignores the long service of hundreds of thousands of service troops and condemns them to remain in uniform while white troops with one-fourth of the length of service are discharged."

September 25.—JAMES YOUNG, Army private, was convicted by an Army court-martial in the Pacific Theater of Operations for alleged rape of a young Filipino woman, and sentenced to life at hard labor. Hearsay testimony was submitted; all elements in the alleged crime were not established; many damaging leading questions were permitted by the court, and much of the testimony was contradictory.

December 10.—In response to pleas from Negro veterans to General Omar Bradley that he end segregation in Southern veterans' hospitals, Major General Paul R. Hawley, acting surgeon general, said that the Veterans Administration cannot be made an agency of social change. A survey ordered by General Bradley of hospital facilities for Negro veterans showed that, out of ninety-seven VA-operated hospitals, seventeen accept no Negroes, except in "emergency" and eighty have separate wards for Negroes.

December 15.—Captain Charles D. Griffin, commander of the aircraft carrier, *Croatan*, admitted that he suggested that 123 Negro soldiers be left behind at the port of Le Havre, France. The Negro quartermaster truck company had been scheduled to sail home aboard the *Croatan* on December 4, 1945, but had been transferred to the *SS Thomas Victory*, a much slower vessel, since the *Croatan* had no Jim Crow facilities. Capt. Griffin said: "I told Army authorities I would prefer not to have those people aboard because I had no separate facilities for them."

1 9 4 6

January 7.—When Jesse O. Dedmon, Jr., secretary of veterans' affairs for the NAACP, visited fifteen army camps, he found that more than half were ignoring War Department memorandum No. 97, which specifically prohibits segregation. Only Aberdeen Proving Ground in Maryland received a clean bill of health in the report made by Mr. Dedmon on January 7. He said, in part: "Fort Bragg, N. C. and Fort Benning, Ga., were found to have a policy of 'complete segregation.' At Fort Benning, Negro soldiers about to be sent overseas were placed in a stockade to keep them from going AWOL, but no such treatment was accorded white soldiers. Complete segregation was found at Camp Mabry and Camp Gordon, Johnston, Fla."

February 13.—LEAMON IVEY, Negro soldier, on overseas duty in Europe with Company C, 87th Engineer Aviation Battalion, was tried by general court-martial for allegedly having stabbed a white serviceman. Guilt was not established beyond reasonable doubt, and Leamon was not sufficiently identified as attacker. Sentenced to five years hard labor.

May.—PRIVATE LEMAS WOODS of Detroit, Mich. was sentenced to hang for the accidental shooting of a fellow-soldier in the Philippines. In May, 1946 a

stay of execution was granted by Secretary of War Patterson. Woods had written his family in Detroit that he was forced into a "confession" by brutal beatings by the military CID. In November, 1946, after an Army Review Board had granted Woods a new trial, he was brought from the Philippines to San Francisco. There he was held in solitary confinement. An order signed by the provost marshal of the prison where Woods was held in San Francisco, required that he be kept in solitary except for meals and exercise, when he was to be handcuffed to a guard. The guards were forbidden to speak to him and he was to be checked every fifteen minutes. Woods' attorney charged that these prison orders "reflect a spirit of persecution."

May.—Members of the 1940th Engineer Aviation Utilities Company, stationed in Japan, were attacked by white troops on their way into the city of Tokorozawa. When the Negro non-commissioned officers of the company went to investigate the unprovoked attacks, they were beaten up in turn. When one of the men was taken to the hospital with seventeen stitches in his leg and bad cuts from a knife thrown at him, the Negroes decided to arm in self-defense. As a result, they were court-martialled and the whole company put under area restriction for two weeks.

July 3.—Fear of future beatings if he testified to brutalities practiced against Negro soldier prisoners at Litchfield, England, led SIMON BLOCKER to refuse to give any further testimony at the trial of the former Litchfield Commander. The court excused him.

July 28.—Seven Negro soldiers were sentenced to death in *Mannheim, Germany*, after having been found guilty of "mutiny and sedition" by a court martial. The seven—DANIEL JONES, CURNEY C. WINSTEAD, JAMES SHERED, JR., SWELL W. SMITH, WALTER D. HICK, JAMES WEBB AND SAMUEL H. SEWELL—had gone on an excursion, with permission. On their way back they met a captain noted for his hatred of Negroes. The captain started action against them. The men had no witnesses, since all the witnesses had been transferred from the area by the same captain.

August 5.—WALTER A. BROWN was sentenced to fifteen years hard labor by general court-martial for shooting a white officer at the front "with intent to kill." The shooting incident occurred in a town on the front line at night when Brown was leaving a barn and was fired upon by an unknown assailant. Uncertain whether the fire, seemingly directed at him, was coming from an enemy or one of his own men, Brown shouted: "I am an American soldier," before returning fire in the general direction from which the flashes of gunfire continued to come. Injured by one of the shots, Brown collapsed, to discover upon regaining consciousness that he was being placed under arrest, charged with the crime of shooting an officer.

August 9.—At *MacDill Field, Florida*, SAMUEL H. CHANCE, Negro serviceman was found guilty of desertion by general court-martial and sentenced to dishonorable discharge and confinement at hard labor for five years. It was found that although absent from service for over a year, Chance had been a victim of amnesia and was not responsible for failing to return to his service unit. He last remembered having been in Philadelphia, Pa., in May 1944, and could recall no events between that time and May 1945 when he found himself in Bellevue Hospital in New York. The hospital wired the court-martial board to the effect that the serviceman had come to them in

a dazed and stunned condition and that his case had been diagnosed as amnesia.

October.—A death sentence for alleged rape of a German woman handed down to ROBERT H. JOHNSON, *Mississippi* GI, was commuted to life imprisonment by General Eisenhower even before the case was formally reviewed. The commutation followed intervention by friends. There was no identification of Johnson by any witnesses, including the complainant, and witnesses who were ready to testify that Johnson was in his barracks at the time of the alleged rape, were never called.

December 7.—The American Council on Race Relations sharply condemned those sections of the report on conditions in the U.S. Occupation zone of Germany, made by George Meader. Meader is chief counsel for the Special Investigating Committee dealing with "alleged misconduct of Negro troops in Europe." The Council said: "The manner in which the Meader report discusses attitudes towards minority servicemen in the countries in which they are stationed is a slur against all minority groups in America." The Council also pointed out that the Meader report was presented to the American public by the wire news services in such a way as to play up slander against Negro troops.

1947

January 27.—In *Kokura, Japan*, EUGENE H. HORD was tried by general court-martial, charged with having committed armed assault upon another soldier and a Japanese civilian. He was sentenced to 10 years at hard labor.

On the night of November 4, 1946, Hord was visiting a cabaret in Japan, in company with a number of other American servicemen and Japanese civilians. While he was sitting at a table, without any warning or provocation, a soldier struck him across the face with a beer bottle with such force as to cause the bottle to shatter into many pieces. Hord is alleged to have drawn a weapon and shot the soldier, Barnes, in the leg, accidentally striking the Japanese civilian. Hord was known to his commanding officer as being quiet, ambitious, a willing worker and an efficient soldier.

1948

—ALBERT W. NOLEN was given a dishonorable discharge from the army and sentenced to hard labor for five years for refusing to obey the allegedly lawful command of a superior officer to prepare his equipment and go on bivouac. Nolen was suffering from a chronic stomach disorder and was physically unable to respond to the order. Served the five years. According to an NAACP press release of September 9, 1948, that organization was appealing the case, asking for a change to an honorable discharge.

September 23.—The NAACP obtained reduction of life sentences imposed on two Negro ex-servicemen for alleged rape of German women while serving in the army of occupation. ROBERT PAINE was convicted by general court-martial on June 5, 1944; his sentence reduced to 18 years. DAVID EVANS was convicted on December 6, 1945; his sentence was reduced to 15 years imprisonment.

1949

March.—In *Ft. McClellan, Alabama*, BEN SPEAR was convicted by general court-martial on a charge of rape and sentenced to life imprisonment. Later, sentence was reduced to 15 years at hard labor.

1950

July-December.—LIEUTENANT LEON GILBERT and sixty other Negro officers and enlisted men of the 24th Infantry Regiment serving in the Korean war were sentenced to death (Gilbert) or to harsh sentences ranging from five years to life. These cases were investigated by Thurgood Marshall, counsel for the NAACP who reported “the question as to why so many Negroes were charged with misbehavior before the enemy and so few white soldiers were charged, remains unanswered.”

Of the sixty, fifteen got life, one got fifty years, two got twenty-five years, three got twenty years, one got fifteen years, seven got ten years, two got five years.

Only eight white soldiers were accused of violating the 75th Article of War, four were acquitted, one got five years, one got three years, two had their charges withdrawn.

November 4.—In the *Afro-American*, James L. Hicks reported from Tokyo that he had seen on a train in Japan, 11 members of the 24th Infantry who had been convicted by general court-martial of “misconduct before the enemy,” and sentenced to long terms of imprisonment. Mr. Hicks was not permitted to talk to the men, who were under heavy guard.

November 11.—In the *Pittsburgh Courier*, Frank Whisonant, reporting from Taejon, Korea, said that “ninety-nine and nine-tenths of the men tried” before court-martial boards were Negro troops from the 24th Infantry. One man, he said, had been convicted and sentenced to life imprisonment after a three-hour trial. He observed “two long lines of Negroes going through the two military courts of ‘justice’ set up in Taejon.” Subsequently, the 24th Infantry, an all-Negro regiment, was disbanded, the action being represented as a blow against jim crow. However, since segregation continued elsewhere in the Army, many thought it merely a disciplinary move.

ARTICLE II (c). DELIBERATELY INFLICTING ON THE GROUP CONDITIONS OF LIFE CALCULATED TO BRING ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART

By a conscious deliberate policy, expressed in law, economic policy and court decisions, of forcing Negroes to live in filthy ghettos, of preventing their access to available medical treatment, and of holding down their income through discrimination in employment to the lowest paid jobs in the country, more than 30,000 Negroes die each year in the United States who would not have died if they had been white. In addition the Negro people are robbed of more than eight years of life on the average. According to the Metropolitan Life Insurance Company, the life expectancy of a white male in 1945 was 64.44 years while that of a

Negro male was 56.06. A white female in the same year had a life expectancy of 69.54 while a Negro woman had a life expectancy of 59.62. Thus by "deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part," every male United States Negro suffers on an average the destruction of 8.38 years of precious life while every United States Negro woman is robbed of 9.92 years of living.

The number of United States Negroes killed each year by legal and extra-legal lynching is relatively small in comparison with the number wiped out by the imposition of genocidal living conditions. On the basis of reports issued by the National Office of Vital Statistics, an official agency of the U.S. Government, it appears that the Negro death rate as of 1948 (the latest figures available) was 1,127.5 out of every 100,000 Negroes in the population. In contrast, the white death rate was but 972.1.

Had there been no racial differential in death rates, 31,839 United States Negroes who did die in 1948 would have lived.

Consider the full implications of that fact. Approximately 32,000 United States Negroes are killed each year through the imposition of inferior living and health conditions. This adds up to the snuffing out of almost 200,000 lives by this means alone since the United States signed the United Nations Charter.

When the figures reported by the Office of Vital Statistics are broken down and compared, many shocking facts emerge to show how discriminatory treatment results in genocidal disease and death.

Even before Negroes are born in the United States, genocidal factors begin with conception. The death rate resulting from premature birth among non-whites is twice as high as the white rate. Again according to the Office of Vital Statistics, the figure for 1948 was 29.4 for non-whites and only 14.9 for whites. The number of non-white infants who died from premature birth in that year was 4,628. Had there been no genocidal racism in America, had the rates been the same, one-half of those deaths—2,314 of them—would not have occurred.

Once born, many Negroes do not survive their first year of life in the United States. Because of the conditions under which they are forced to live, three Negro children die to each two white children during their first year, considering their proportion in the population. The death rates for this period, still according to the same official U.S. agency for 1948, were 46.5 out of every 1,000 non-white babies born alive, as compared to 29.9 white babies. In other words, 7,808 non-white children under one year of age were killed that year by a genocidal death rate created by genocidal living conditions.

The same conditions which take such heavy toll of non-white infants around the natal period also take shocking toll of Negro mothers. The

official figures show that during 1948 three out of every 1000 non-white mothers giving live birth died, as compared to less than one white mother. Since the total number of non-white mothers to die from diseases of pregnancy that year was 1,369, it may be said that 959 of them were killed by the genocidal conditions under which they were forced to bear children.

It should be noted that, according to the Office of Vital Statistics, scarcely half of the non-white mothers giving live birth in 1948 were attended by a physician in a hospital, as compared to 90 percent of the white mothers who enjoyed such safeguards. Twenty-six out of every 100 non-white mothers had to depend upon midwives, as compared to only one out of every hundred white mothers. Conditions were worst in rural areas, where 46 out of every 100 non-white mothers were attended by midwives, and only 24 out of every 100 were served by physicians in hospitals.

Once embarked upon life in the United States, non-whites are far more apt to fall victim of some fatal disease before reaching maturity than are whites. During the first 24 years of life, non-whites have a death rate that is two to three times higher than that of whites, and between the ages of 25 to 29 the non-white rate is four times higher.

Certain diseases are specific in reducing the non-white population. The toll of non-white lives taken by tuberculosis in 1949 has been officially estimated at 11,349. The death rate resulting from this disease that year was 72 of every 100,000 non-whites, as compared to 21 whites. In this instance, jimcrow conditions giving rise to a jimcrow death rate, cost 8,039 non-white lives.

Pneumonia and influenza are the next most efficient killers of non-whites. With a death rate of 53.4 per 100,000 for non-whites in 1949 as compared to 23.8 for whites, the number of deaths attributable to the racial differential came to 3,800.

The ailments of nephritis and nephrosis were likewise costly, the rate for non-whites being 36.9 per 100,000, as compared to 17.4 for whites. Here the differential cost 3,135 non-white lives.

Syphilis is another killer. With a non-white fatality rate of 53.4 as compared to the white rate of 23.8, the race differential cost 2,078 non-white lives.

Such disorders as gastritis, enteritis, and colitis (not counting diarrhea of the newborn) gave rise to a death rate of 13.5 among non-whites, as compared to a white rate of 6.3. This translates into an annual total of 1,140 victims of the race differential.

Conditions of work as well as of living enter the picture in connection with fatal accidents (other than those caused by automobiles). It is a notorious fact that white employers commonly assign Negro employees

to the most dangerous tasks, which are generally referred to as "n—r work." This was one reason why the accident death rate for 1949 was 44.9 among non-whites as compared to 37.9 among whites—the race differential costing 1,562 lives.

After listing some 25 broad categories of death-dealing diseases, the Office of Vital Statistics reports that the death rate resulting from "all other" diseases in 1949 was 143.1 for non-whites, as compared to 79.2 for whites. This miscellaneous item reflected the death of 10,070 non-whites whose real cause of death was genocidal jimcrowism.

Insurance companies, which tend to reflect the realities of life, have fully recognized the peculiar hazards incumbent upon being non-white in the United States. In their group insurance plans, there is no prima facie discrimination on grounds of race, but industries which employ considerable numbers of Negroes are placed in categories charged higher premiums. Some industrial insurance policies, covering plants employing mostly whites but some Negroes, do not discriminate against the Negroes per se, but merely exclude employees in certain job categories—which jobs Negroes "just happen" to occupy.

A factor in this high death rate is the refusal—universal throughout the southern states and prevalent among the great majority of private and semi-private hospitals elsewhere throughout the United States—to admit Negro patients and/or Negro physicians. With approximately two-thirds of the Negroes in the United States residing in the southern states, this racial discrimination necessitates that the bulk of Negro mothers give birth in the over-crowded Negro wards of inferior public hospitals (if such exist in their county), or rely upon the services of a primitive midwife in the home.

As a result of the refusal of many medical colleges in the United States to admit Negro students, and the refusal of the southern states to provide medical training at their state institutions for Negroes, there is but one Negro doctor to serve every 4,409 Negroes in the population. This compares with one white doctor to serve every 843 white persons in the population. On the national level this means that whites are five times better off in this respect than are Negroes. But in the South, where most Negroes live, the ratio is much worse. In Mississippi, for example, the proportion of white doctors to the white population is 22 times greater than the proportion of Negro doctors to the Negro population.

Sickness which incapacitates for a minimum of one week is 40 percent more common to the Negro than to the white, according to official Government figures.

Health is a result of income and other living conditions. Among non-farm families, 73 per cent of Negro families in the South receive less than \$2,000 a year, while more than 20 per cent of Negro non-farm

families in the South receive less than \$500 a year. Farm families are even more desperately harried for the most basic necessities of life. Over 40 per cent of Negro farm families receive less than \$200 a year, according to the latest available government figures.

More than half of the 4,479,069 Negro wage earners in the United States are engaged in the two lowest paid and least protected of all occupations. Over one million are domestic service workers and almost one and a half million are agricultural workers. Many others obviously are forced into low paid jobs and industries. Hence the median income in 1946, according to the U.S. Bureau of the Census, was almost twice as much for non-farm white families as it was for non-farm Negro families. White families received a median annual income of \$2,741. Negro families received a median annual family income of only \$1,562. This is less than half of what the U.S. Bureau of Labor Statistics considers a "minimum decency budget."

Sub-standard housing, dark, damp and cold, is a notorious breeder of disease and death, and an instrument of genocide when court decisions as well as consciously fostered economic policies, make it impossible for a people to leave such housing. "Most Negroes have been unable to rent or own decent, safe and sanitary houses in which to live and bring up their children," observed the government publication *Public Housing and the Negro* in 1946.

In the United States the latest available government statistics report that there are 3,293,406 dwelling units for Negroes. Of these over one million (1,082,128) "needed major repairs" and almost two million had no running water. Over twice as many Negro homes as white (35.1 per cent against 16.3) needed major repairs and almost three times as many Negro homes as white had no running water. Twice as many white homes as Negro homes (82.9 per cent against 43 per cent) had electricity. Well over 7 per cent of all Negro homes in the South have neither electricity or running water. And there are few uglier, dirtier or more disease-ridden urban areas in the world than the ghettos of United States cities where zoning laws and restrictive covenants (as well as violence) force Negro city-dwellers to live.

It is a matter of record that some 40 million dwelling units in the United States are currently "out of bounds" for purchase, rental or occupancy by Negroes, by virtue of restrictive covenants entered into by their owners. These covenants the courts of the U.S. have refused to set aside. Included among these restricted units are 90 per cent of all the housing erected in the United States since the end of World War II, a considerable portion with Government funds.

In a much touted decision in 1948, the United States Supreme Court apparently ruled that the courts would no longer enforce such covenants.

But the truth, as the Atlanta *Constitution* saw it, was that the Supreme Court "backed into a decision that segregation of races in housing may be accomplished by voluntary agreement and such agreements may not be set aside by law." More recently the Supreme Court held that restrictive covenants may be enforced by civil suit for damages against any one violating the provisions of the covenant.

A nationwide survey conducted by the United Press in 1949 found no breakdown in existing covenants and no decrease in the number of covenants being entered into. In addition, the United Press found covenants were being effectively enforced by banks and loan companies, most of which refused to finance the purchase or repair of a home that is racially "out of bounds."

Even the American penal system plays its part in "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." Thus, of the 131 prisoners who suffered the death penalty in the United States in 1946, 46 were white while 84 were Negro, although the Negro people constitute only ten per cent of the population of the United States. Twenty-one Negroes were executed for "rape" in 1946, while no whites were executed for that offense. The framing of Negroes, the constant arrest and conviction of innocent Negroes on false charges, is reflected in prison statistics between 1941 and 1945. Thirty per cent of the American prison population for these years were Negroes, or three times more than their proportion in the population.²

The special police persecution reserved for the Negro is shown in prison statistics for the year 1945, which include all American prisoners with the exception of those in Michigan, Georgia and Mississippi. There were 737 Negro prisoners convicted for murder, representing but 10 percent of the population, and 529 white prisoners convicted for murder, representing almost 90 percent of the population. There were 555 Negro prisoners serving sentences for manslaughter, and only 423 white prisoners convicted for the same offense. Negroes convicted for aggravated assault totaled 1,265, while white totaled 1,099.

Denial of education as a matter of public policy contributes to genocide by forcing Negroes into dangerous industries and poorly paid work, by systematically reducing their income and depriving them of decent housing, medical care, food and clothing.

The laws of 17 American states and the District of Columbia provide for separate public elementary schools and separate high schools for

2) Source: United States Department of Commerce, Bureau of the Census. Cited in 1949 Negro Handbook, edited by Florence Murray.

Negroes. Negro schools offer grossly inferior facilities compared with those reserved for whites.

Thus, the average current expense cost for white pupils in these school systems during 1945-1946, according to the United States Office of Education, was \$104.66. The average for each Negro pupil was \$57.57, little more than half. It cost 82 percent more per pupil to operate schools for a white child than it did to operate schools for the Negro child.

The value of school property per white pupil according to the United States Office of Education is over five times as much as for each Negro pupil.

White teachers' salaries are 44 percent greater than Negro teachers' salaries.

The pupil-teacher ratio in Negro schools is 20.7 percent more than in white schools.

The illiteracy rate among the Negro people is six times greater than that among the whites, according to the figures of the United States Bureau of the Census for October, 1947.

"The tragedy behind these statistics was forcefully brought before the American people during the late war," writes Dr. Herbert Aptheker. "The percentage of draft registrants deferred because of educational deficiencies (illiteracies) from May 15, to September 14, 1941, was 11 times greater for Negroes than for whites! This was, of course, the result of the educational system provided for them, and nothing else. Thus, within 15 states the rejection rates for Negroes were *lower* than the total percentage rate of white rejections, and *in 26 Northern states, the rejection rates for Negroes were less than they were for the whites in ten of the southern states.*

"This inequality of opportunity exists not only in elementary education, but also, and to an even greater degree, in higher education. This becomes crystal clear when one realizes that, in 1940, the median school year completed by the Negro throughout the country was 5.7 while it was 8.4 for the white. Over 40 percent of the total Negro population, as of 1940, had been forced to complete no more than 4 years of formal education, as compared with 13 percent of the white population. The abominable situation has been summarized officially in this sentence: 'There is a definite lack of availability of higher educational facilities for Negroes in those states maintaining separate schools.'"⁸

A former governor of South Carolina, and a member of the Senate of the United States for many years, Mr. Cole Blease, in speaking to his fellow white supremacists, once said, "God made . . . the Negro to

3) Petition to the United Nations by National Negro Congress.

be your servant. He was meant to be your hewer of wood and drawer of water.”⁴

This is a little wide of the mark—but it is the rationale for segregation, oppression and genocide. The Negro is oppressed in the United States not because of God but because of monopoly capital. His oppression is the foundation of the political and economic control of the entire American people by a reactionary clique. His low pay, bad housing, ill-health, and lack of education result in the deliberate physical destruction of the Negro people. But they also result, as we shall show, in billions of dollars of annual profit to American monopoly. Profits, not the spurious rationale of “race” and “God,” are the reasons for “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

ARTICLE III (b). CONSPIRACY TO COMMIT GENOCIDE

The prime mover of the mammoth and deliberate conspiracy to commit genocide against the Negro people in the United States is monopoly capital. Monopoly's immediate interest in nearly four billions of dollars in superprofits that it extracts yearly from its exploitation and oppression of the Negro people, according to the conservative estimate of a competent former Government economist.⁵ And we have it on the authority of one of America's greatest Presidents, himself a lifelong student of politics, that the Government of the United States is the creature of monopoly capital. “The masters of the Government of the United States,” President Wilson declared in 1913, “are the combined capitalists and manufacturers of the United States.”⁶

They are also the masters of the city, county and state governments which, with the Federal Government and the monopolists themselves, are members of one of the largest and most profitable criminal conspiracies known to history. While monopoly's immediate interest is the four billions of dollars of profit, its long term aim, as we have said, is keeping the political and economic control it now enjoys over the American people and the American government through emasculating democratic mass movements by disfranchising millions and setting one group of Americans over and against another. This is its basic device for keeping wages low and profits high.

Only those who believe that semantics can conceal fact, that verbal circumlocutions can disguise truth, maintain that those dominating a country economically do not dominate that country politically. As early

4) *Ibid.*

5) Perlo, *American Imperialism*, p. 89.

6) *The New Freedom*, p. 58.

as 1776 Adam Smith asserted in his *Wealth of Nations*, "Civil government . . . is in reality instituted for the defense of the rich against the poor. . . ." He might have added and "for the aggrandizement of the rich at the expense of the poor." This was the considered view of a most searching study of monopoly domination of the United States by the United States Government's own Temporary National Economic Committee. One hundred and four years after Adam Smith, Government economists themselves said of monopoly: "A more nearly perfect mechanism for making the poor poorer and the rich richer could scarcely be devised."⁸

Mastery of the mechanisms of government by corporate capital enables monopoly to initiate the conspiracy for genocide from which it profits. Representative Adolph J. Sabath of Illinois, a member of Congress for over forty-three years, partly spells out the way in which this conspiracy is carried out. In December, 1947, Congressman Sabath said that in all his experience he had never seen such eagerness by Congress to carry out the orders of the National Association of Manufacturers, the chief mouthpiece of monopoly. "The orders," he said, "come down from the NAM to the GOP national headquarters in Washington and they assign the Congressmen to do the specific job required. The Pews and the Du Ponts who control NAM, also control the GOP, and they will also control the nomination of a Republican candidate for President. These men have implicit confidence that their orders will be carried out, and examination of the GOP record in Congress shows how right they are."⁹

But control by the Pews and Du Ponts, as well as the Morgans, Rockefellers, Mellons and Fords is not limited to Republicans. As the millionaire banker, Frederick Townsend Martin wrote in 1911—and with the incredible intensification of monopoly power it is infinitely more true today—"It matters not one iota what political party is in power or what President holds the reins of office. We are not politicians or public thinkers; we are the rich; we own America; we got it, God knows how, but we intend to keep it if we can by throwing all the tremendous weight of our support, our influence, our money, our political connections, our purchased senators, our hungry congressmen, our public-speaking demagogues into the scale against any legislature, any political platform, any presidential campaign that threatens the integrity of our estate."¹⁰

Political and economic freedom for the Negro people means increased freedom for the whole American people and the beginnings of a "politi-

7) Inquiry Into the Nature and Causes of the Wealth of Nations, 2 volumes. London, 1930, volume II, p. 207.

8) TNEC, Monograph No. 21, p. 18.

9) *The Truth About Socialism*, Leo Huberman, New York, 1950, pp. 103, 4.

10) *The Passing of the Idle Rich*, p. 149.

cal platform" that "threatens the integrity" of anti-democratic monopoly rule. It also threatens the integrity of super-profits. This is the genesis of the conspiracy of which we complain. A conspiracy is defined as "any apparent combination of circumstances leading to an event; a concurrence: a general tendency, as of circumstances, to one event." Legally it is an agreement or arrangement between two or more persons for the performance of an unlawful act. A conspiracy can be recognized by its results as well as revealed by dictaphone or exposed by spies. There is the chance of error in human testimony but the result of a conspiracy is indisputably there for all to see.

In the present crime we find a "combination of circumstances leading to an event" as well as concurrence and general tendency. But more important, are ponderable results which require the prior conspiratorial agreement of many men. We find written law, wage scales and other economic facts, the legal opinions of courts, the incitements of officials, the policies and measures of government, legislative acts and failures to act, the deliberate use of the police and the courts, the discriminatory practices of Big Business, discrimination and segregation by federal, state and county governments, all combining over a long period of years to one invariable result—the systematic institutionalized genocidal oppression of the Negro people of the United States for profit. Such a massive result is impossible without a prior concurrence and agreement. This conspiracy is synchronized so skillfully that not only do the acts of the judicial, legislative and executive branches of the Federal Government sustain each other in contributing to the desired end, but Federal acts mesh with the similar acts of subordinate governmental groups on state, county and municipal levels. The constant and invariable result is discrimination in employment, low wages, bad housing, denial of medical treatment, enforced living in ghettos, denial of equality of accommodations and services as well as equality in the courts, enforced by a combination of genocidal terror and racist law, the whole contributing to the giant profits of monopoly.

Such institutionalized oppression of an entire people does not take place through accident or negligence. It is not the result of original sin, of historic caprice, or of the "peculiar" character of the Negro people. It is deliberate and the result of plan. It is the result of the actions of human beings wilfully acting together to write and physically, economically and judicially sustain racist law that deprives the Negro people of the right to vote or to organize for their political and economic advancement. It is the result of a conspiracy, we repeat, to commit genocide for profit, a conspiracy engineered and directed by monopoly and executed by its state power on a federal, state, county and municipal level.

"United States imperialism today drains profits from all parts of the

capitalist world," Mr. Perlo writes in his authoritative study, "But the original base of Wall Street superprofits, and still a larger source than any single foreign country, is the oppression of the Negro people within the United States."¹¹

After showing how northern capital through its Republican Party deserted the Negro people in the South after the Civil War and Reconstruction, Mr. Perlo points out the steps by which northern capital built its control of Southern industry and agriculture on the resubjugation of the Negro people:

"The political course followed by the Republican Party and the Army in the South was an alliance with the former slaveowners for the resubjugation of the Negro people—a precursor of the future alliances of finance capital with the reactionary landowners in the colonies and the semi-colonies. Their economic course was to prevent the Negro people from getting the land, to preserve the plantation system in a new set-up in which northern bankers, merchants and manufacturers derived the lion's share of the profits from its operation, with the southern landowners as junior partners and overseers.

"This process reached its peak during the decade of the 1890's when the expansion pressures of the new banking and industrial monopolies found their first great outlet in the South. It was mainly during this decade and the years immediately following that the Jim Crow statutes of the South were enacted. New state constitutions disfranchising the Negro people were adopted. Negroes were driven out of local government bodies and the Congress of the United States. In a thirteen year period there were almost two thousand recorded lynchings. Through terror and propaganda, the alliance between the Negroes and the poor whites was completely destroyed, and its expression in the People's Party (Populists) deprived of influence.

"The economic subjugation of the Negro people went along with the terror. Negro workers, who constituted most of the skilled labor force of the South after the Civil War, were systematically driven out of higher-paying jobs and kept out of entire industries (e.g. cotton textiles). They were rounded up for chain-gang construction work and slave-labor turpentine camps, herded into lumber camps and mines. Special measures were adopted to keep Negroes from owning farms, to force more and more of them into plantation servitude and low-wage industrial labor, says Harry Haywood.

"At the same time, the northern bankers and industrial monopolists tightened their grip on southern economic life to extract super-profits from the oppressed Negro people, and to a lesser extent from southern white workers and sharecroppers cut off from the Negroes by economic favoritism and racist propaganda. Railroads, cotton mills, and the coal, iron, steel and tobacco industries were all expanded and in varying degrees brought under control of northern capital. Wall Street banks and insurance companies took over a large proportion of the plantation land either directly or through their monopoly control of credit and of the commodity exchanges. By 1900 northern investments in the South amounted to a billion dollars, double the then existing volume of foreign investments. In later years these holdings were multiplied and extended into new industries—oil, electric power, rayon,

11) *American Imperialism*, p. 82.

and chemicals—which are northern-owned even more completely than the old industries.

“Thus the South was converted virtually into a semicolony of Wall Street, with the Negro workers providing most of the colonial labor.”¹²

As many of the Negro people migrated to the north and west, the same monopolists who controlled the South imposed the same pattern of super-exploitation upon them, perhaps in less obvious form. The super-exploitation, and the conspiracy which gains from it, continues today on a larger and more profitable scale than ever before. As American monopoly gains in strength, reaching out for control of the world, the exploitation of the Negro people in the United States increases in scope and severity. Thus, in 1947 the median wage or salary income of white wage earners was \$1,980, of non-white wage earners \$863, or 43.6 per cent as much, according to the United States Department of Commerce. In 1949, according to United States Census Bureau reports, while 16,800,000 Americans in 4,700,000 families had an income of less than \$1000 a year, the income of white families was two times greater than that of Negroes.

Using the 1947 figures, this difference of more than \$1,100 in annual earnings gives a measure of the amount of *extra* income, of super-profits, which employers derive from the average Negro worker over and above the normal profits derived from a white worker. There are those who try to attribute this disparity in income to the Negro's lack of education, first depriving him of it and then charging him with it. However, government statistics plainly reveal that the disparity is of a racist nature. Whites in 1939 who had a college education averaged \$2,046 annually, while Negroes with the same education had median earnings of \$1,047.

But it is in agriculture that the colonial-type oppression of the Negro people takes on its most extreme form. The majority of Negro farm operators are share-tenants and croppers in the South who pay up to half their crops in rents and who are cheated on the prices of their products by usurious interest and various other ways. Even larger in number are the Negro farm laborers, the landless ones who are most exploited. In July 1947 the average daily wage of farm laborers in the West North Central States, where very few Negroes are employed, was \$6.52. In the East South Central States, where perhaps half of all farm laborers are Negroes, the average daily wage was \$3.24. For all rural white families, the median income in 1947 was \$2,156; for non-white \$1,026—about the same \$1,100 differential that was shown for non-farm wage earners in 1947.

Another source of profit derives from the tens of thousands of Negroes arrested each year in the South for no crime of their own, but

12) *Ibid.*, pp. 82-3.

for incarceration at forced labor on prison farm and roads, for the profits of food companies and contractors who reap the fruits of their unpaid labor.

How large, asks Mr. Perlo, are the super-profits derived by United States imperialism from this deliberate extra exploitation of the Negro people? An approximate answer may be gained by regarding as extra profits the \$1,100 difference between the median Negro wage and median white wage, and multiplying this difference by the number of Negro productive workers in agriculture and industry. Of the 6,000,000 Negro gainful workers in 1947, approximately 3,500,000 were engaged in productive labor in farms or in industry, according to the United States Department of Commerce labor report. This number, multiplied by \$1,100, gives a total superprofit of almost four billion dollars. More recent figures show a similar result for 1948 and 1949.

This huge sum of four billions of dollars in super-profits is, then, the substantial motive for the conspiracy to commit genocide against the Negro people. Added to the seven and a half billion dollars of booty from abroad, this sum brings the total of American imperialist super-profits from the labor of oppressed peoples to eleven and a half billions of dollars per year. The first step in breaking the grip of American imperialism abroad, is forcing it to release from bondage the American Negro people at home.

Gunnar Myrdal in his *American Dilemma* points out that Negroes are not only paid less than white workers but they are paid less for jobs that require more exertion, more skill, more endurance and which are more dangerous and less healthful than jobs ordinarily given white workers. In Mr. Myrdal's words, the jobs reserved for Negro are characterized "by a high degree of physical and psychological disutility" and "long and strenuous muscular exertion." In describing the disadvantages of some of the principal Negro jobs, he writes:

"In logging it is chiefly risk of accident and disease; in sawmills accident risk and noise; in fertilizer plants, dust and disagreeable odors; in road construction, excessive exposure to the elements and so on."¹³

He cites as typical conditions in the Ford Motor Company. (Actually, Ford is above the average because it employs more Negro workers and gives them *higher skilled* jobs than any other auto plant.) In the tool room at Ford, he writes, where wages are high, scarcely one per cent of the workers are Negroes. But in Ford's foundry, where the work requires equal skill to that in the tool room and is far more intense and dangerous, forty-seven per cent of the workers are Negroes and the wages are considerably less than those paid in the tool room.

13) *An American Dilemma*, Vol. II, pp. 1079 ff.

The *U.S. Census of Manufacturers* for 1947 indicates something of the super-exploitation of Negro workers in particular industries:

	<i>Hourly rate</i>
1. Sawmills in Oregon (almost all white workers).....	\$1.61
Sawmills in Alabama (mostly Negroes).....	.63
2. Linseed oil mills (white workers, Minnesota).....	1.28
Cotton seed oil mills (southern industry).....	.73
3. Fertilizer manufacturing in North (fair proportion Negroes)	1.13
Fertilizer manufacturing in Georgia (majority Negroes)76
4. Cigarette manufacturing (largely white industry).....	1.12
Tobacco stemming and drying (overwhelmingly Negro)75

Negro wages are kept low through discrimination in employment on the basis of race, in obvious violation of the Charter and the Genocide Convention. The Negro is held in such economic bondage that to live he must work for almost any wage offered. Discrimination keeps a large unemployed reserve that acts as an effective brake on all wages, thus depressing the wages of white workers as well. Monopoly is the source of by far the largest amount of employment discrimination in the United States and, faithfully reflecting the desires of monopoly, the Government of the United States is the next highest offender.

According to the report of the Federal Fair Employment Practice Committee, later killed by Congress, for the fiscal year 1943-44, business was charged with 69.4 per cent of the discrimination brought before the committee. Government agencies were charged with discrimination in 24.5 per cent of the cases, and labor unions with 6.1 per cent. 80.8 per cent of the complaints charged refusal of employment on the basis of race—96.7 per cent were Negroes. Four out of five cases which came before the committee concerned Negroes who were refused employment on the basis of race.

This pattern, so integral to profit, continues, of course, to the present. It has in fact accelerated with the collapse of FEPC which might have acted as a deterrent. A Negro vice president of Ford Local 600, United Auto Workers, CIO, told the National Trade Union Conference on Negro Rights, held in Chicago, on June 11, 1950, that:

“Sixty percent of the lines standing before the Ford Employment office today are Negro workers. . . . The Negro people have again found it necessary to fight for the right to work and they have reached the stage of fighting for their rights as a nation within a nation.”

The long lines of Negro workers before the Ford gates have an obvious relationship to the wages of the workers employed at Ford's. The conference mentioned above declared that “employers see new opportunities

to pit white labor against black labor." The Conference described something of the situation facing the Negro in employment today. It said in part:

"A new and grave situation confronts us as well as the whole labor movement. . . . With unemployment rapidly becoming a mass problem among us (69 per cent in Chicago; 50 per cent of those receiving relief in Toledo, Negroes); with widespread failure to upgrade Negroes in higher skilled jobs, with no special measures of adequate scope being taken to safeguard our job rights or to open apprenticeship, skilled training and jobs to our expanding numbers of young graduates, employers see new opportunities to pit white labor against black labor. . . . No amount of pious talk and cheap lip service can hide stark facts of life . . . the growth of poverty, unemployment, sickness, sub-standard housing, increased attacks on our civil rights, on the very life and limb of 15,000,000 Negroes. . . ."

Corporate discrimination for profit is, in fact, increasing, as revealed by a sample of official statements:

A representative of the Michigan Unemployment Compensation Commission told a Detroit city-wide conference of the United Auto Workers Fair Employment Practices Committee that job discrimination against Negroes was mounting. The report said that in 1945 some 35 per cent of the employers requesting help specified "white only." In April, 1947, this had jumped to 44.5 per cent. In 1949 it rose to 49.8 per cent. And in 1950 it reached 80 per cent.

The Chicago Committee on Human Relations reported in May, 1950 that employment discrimination against Negroes and other minority groups is increasing. Non-white workers are nine per cent of the total labor force while it is estimated they form twenty-two per cent of the unemployed in Chicago.

A study by the Race Relations Department of Fisk University of intergroup practices in the United Packinghouse Workers, CIO, revealed that Negro workers in Kansas City had less take-home pay and more grievances than white members of the same union.

In New York State, discrimination in employment increased in 1949 by 15 per cent over 1948, according to the complaints received by the New York State Commission Against Discrimination.

Profit from Negro Ghettos

Another source of profit to United States finance capital is the segregation of Negroes into the slum areas and ghettos common to virtually every large American city. New York City is typical of conditions in most large cities. The Harlem ghetto is owned by the largest of the country's insurance companies, mortgage companies, banks, and real estate speculators operating with bank credit. They constitute a "mortgage conspir-

acy" to limit Negro housing—once investigated by the Federal Government but subsequently forgotten. Here the Negro people are imprisoned and here the rents are 50 per cent higher than in other working class areas.

In New York City, as elsewhere, slum clearance and housing projects are no solution for the Negro people since they are often forbidden entrance into the new housing projects. They are driven from the slums but barred from the new projects arising on those slums that are paid for by their own taxes. Nothing perhaps so well demonstrates the subservience of government to monopoly's drive for profits than the incredible story of the gigantic Metropolitan Life Insurance Company's successful efforts to exclude Negroes from its tax-supported Stuyvesant Town housing development. This insurance octopus has kept Negroes from living on property supported by tax rebates to the company. Moreover, complaisant courts have aided the monopoly in evicting those white tenants who tried to break down its exclusion of Negroes.

"Negro citizens are held virtual prisoners in substandard housing all over America," writes Leslie S. Perry, of the National Association for the Advancement of Colored People.¹⁴ The imprisonment of Negroes into ghettos for profit is revealed in Baltimore, for example, where the twenty percent of the population who are Negroes are crowded into less than two per cent of the living space. In Chicago's Black Belt the population density is 90,000 persons per square mile, although 35,000 per square mile is considered the optimum under which health can be maintained. A new U.S. Senator shocked his colleagues in 1949 by taking a few on a tour of "the worst housing in America"—only two blocks from the Senate's own palatial building. And, incredibly, a year later, this slum housing was being torn down to make room for—another more palatial building for the Senators! A single block in Harlem has a population of 3,871 persons. "At a comparable rate of concentration," concluded *The Architectural Forum*, "the entire United States could be housed in half of New York City."

"In every city of the United States where the Negro constitutes an appreciable part of the population he has been relegated to the slums and tenements," writes Mr. Perry, adding that he is kept there through violence, restricted covenants and court decisions.¹⁵

He points out that municipal services are denied the Negro people:

"Their public streets and highways are usually allowed to remain in a state of disrepair and neglect; city refuse services such as garbage, trash and ash removal are infrequent and indifferent; seldom are there the parks, play-

14) *An Appeal to the World*, 1947, p. 79.

15) *Ibid.*, p. 77.

grounds and public centers found in white neighborhoods; laxity and corruption in protective services such as police, health inspectors, licensing officials makes these areas a haven for the criminal element of the whole city.”

Virtually every authority agrees that these Negro ghettos are maintained because they are profitable to the insurance companies, mortgage concerns and realty corporations that own them. “All informed observers,” writes Mr. Perry, “agree that Negroes pay from 10 to 50 per cent more rent for their quarters than are paid by whites for comparable facilities.”¹⁶ This is the planned result of monopoly—artificially restricting the supply of housing. Even formal reports of the United States Government occasionally admit that the American ghetto for the Negro people persists because it is profitable to big business. Thus the report on civil rights in 1947, *To Secure These Rights*, made at the order of President Truman, states that “Discrimination in housing results primarily from business practices. These practices may arise from special interests of business groups, such as the profits to be derived from confining minorities to slum areas. . . . Again it is ‘good business’ to develop exclusive ‘restricted’ suburban developments which are barred to all but white gentiles.” After declaring that banks are reluctant to give Negro veterans loans under the GI Bill of Rights for the building of homes, and that private builders “show a reluctance” to build for Negroes, the report states, “These interlocking business customs and devices form the core of our discriminatory policy.”¹⁷

Denial of the Vote

The American Legend states that, no matter what the tyranny elsewhere, every American citizen be he rich or poor, black or white, man or woman, has the right and duty of voting his convictions.

The American fact is that millions are denied the vote because they are poor or because of their race or because of both.

The legend is that everyone who wants to votes. The fact is that the U.S. ranks among the lowest of the industrialized nations in the proportion of population that *does* vote.

The American Legend proclaims that because of the equality of the voting booth the rich have no more influence than the poor.

The American fact is that in seven American states Americans must pay for the privilege of voting, and that this tax on voting was passed by the wealthy for the express purpose of keeping the poor from voting. It is a repressive tax, falling hardest on those with lowest incomes. In some states this payment for the privilege of voting, known as the poll tax, is cumulative and piles up year after year. Americans pay to vote in

16) *Ibid.*, p. 77.

17) Pp. 67, 68.

Alabama, Arkansas, Mississippi, South Carolina, Tennessee, Texas and Virginia.

As profit is the motive of this conspiracy, so denial of the vote is its method. It is sometimes accomplished "legally" through the poll tax, sometimes through hidden political machinations. In the South where one party dominates, it operates through the so-called Democratic "white primary." Special tests have been devised to eliminate those Negroes who dare to attempt their Constitutional right of ballot where the "white primary" has been condemned. But whatever the mechanics of disfranchisement, it is enforced by murder, assault and terror on the basis of race, a small part of which is enumerated in this petition under the appropriate articles of the Genocide Convention.

It is through this device of robbing millions of Americans of their vote that the economic-political conditions for the profitable oppression of the Negro people are maintained. The fact is that only the wealthy, the conservative, and the white supremacists are permitted to vote in the South. They alone have freedom of political organization and association. This restricted suffrage not only gives reaction the political-economic control of whole states, countries, towns and cities in the South, but gives it a preponderant voice and control of the Federal Government. Limited suffrage, controlled by monopoly, elects representatives to the Federal Congress whose influence is decisive in national affairs because of the committee and seniority system of Congress.

Federal laws are written in committees, frequently determined and dominated by a single chairman and a handful who vote with him. Of the nineteen standing committees, for example, in the House of Representatives, ten are currently headed by Southerners, elected by an oligarchy, by a small minority of technically eligible white voters. The three most powerful committees in the U.S. Senate are headed by similar poll-taxers—Foreign Relations by Connally, Armed Services by Russell, Finance by George. A Texan and two Georgians determine the basic foreign and domestic policy of the entire nation. In neither state can the Negro vote except at his own peril.

Where the disfranchised black population is the majority, or near majority, the white people allowed to vote sometimes have a political strength ten to twenty times greater than their fellow citizens in the north and west. Thus in South Carolina, it took 4,393 voters to elect a representative to Congress in 1946 whereas in Illinois it took 137,877 voters. In Mississippi in 1946, it took 4,993 voters to elect a congressional representative, while in Rhode Island 136,197 voters were necessary. The total vote for ten members of Congress in Georgia in 1946 was 161,578, but in Wisconsin 983,918 votes were cast for ten members of Congress. Since the South permits but one party as well as one "race" in its elections, it

required 32,573 out of 53,087 votes in 1946 to elect the Negro Congressman A. Clayton Powell of New York while it required only 5,429 out of 5,429 to elect the arch-racist Rankin of Mississippi. Dorn of South Carolina won with 3,527 out of a total of 3,530 while Dawson, Negro Congressman from Illinois, needed 38,040 votes out of a total of 66,885.

On July 21, 1947 it was stated on the floor of the House of Representatives that "In the Presidential elections of 1944, 10 percent of the potential voters voted in the seven poll tax states as against 49 percent in the free-vote states. In the congressional elections of 1946, the figures are 5 percent for the poll tax states as compared with 33 percent for the free-voting states."¹⁸

The total number disfranchised in the South, including states without the poll tax, exceeds the number who actually vote. Thus, in the South Atlantic States, using the 1940 census for voting population figures and the 1946 congressional elections for the vote, 24.4 percent of those eligible to vote were Negroes who were entirely disfranchised, while the actual number of voters was only 22.2 percent. In the East South Central States 25 percent of those eligible to vote under the United States Constitution were Negroes—and they were disfranchised—while the actual number of voters was only 16.5 percent of those twenty-one years and over. In the West South Central States 17.9 percent were disfranchised Negroes while only 14.2 percent of those over twenty-one years old actually voted. In the whole South of those eligible to vote in 1946 under the United States Constitution, only 18 percent did so, while the non-voters totalling 82 percent.

There are some sufficiently short-sighted to believe that this wholesale disfranchisement is merely the misfortune of the Negro. But the eminent scholar, Dr. W. E. B. Du Bois, points out that disfranchisement not only menaces the entire American people but the whole world:

"... the disfranchisement of the American Negro makes the functioning of all democracy in the nation difficult; and as democracy fails to function in the leading democracy in the world, it fails in the world. . . . Let us see what effect the disfranchisement of Negroes has upon democracy in the United States. In 1944, five hundred and thirty-one electoral votes were cast for the president of the United States. Of these one hundred and twenty-nine came from Alabama, Arkansas, Georgia, Louisiana, Oklahoma, North and South Carolina, Texas, Virginia, Florida and Mississippi. The number of these votes and the party for which they were cast, depended primarily upon the disfranchisement of the Negro and were not subject to public opinion or democratic control. They represented nearly a fourth of the power of the electoral college and yet they represented only a tenth of the actual voters. . . .

"In other words while this nation is trying to carry on the government of the United States by democratic methods, it is not succeeding because of the

18) To Secure These Rights, p. 39.

premium which we put on the disfranchisement of the voters of the South. Moreover, by the political power based on this disfranchised vote the rulers of this nation are chosen and policies of the country determined. The number of congressmen is determined by the population of a state. The larger the number of that population which is disfranchised means greater power for the few who cast the vote. As one national Republican committeeman from Illinois declared, 'The Southern States can block any amendment to the United States Constitution and nullify the desires of double their total of Northern and Western states.'

"According to the political power which each actual voter exercised in 1946, the Southern South rated as 6.6, the Border States as 2.3 and the rest of the country as about 1. . . .

"When the two main political parties in the United States become unacceptable to the mass of voters, it is practically impossible to replace either of them by a third party movement because of the rotten borough system based on disfranchised voters.

"Not only this but who is interested in this disfranchisement and who gains power by it? It must be remembered that the South has the largest percentage of ignorance, of poverty, of disease in the nation. At the same time, and partly on account of this, it is the place where the labor movement has made the least progress; there are fewer unions and the unions are less effectively organized than in the North. Besides this, the fiercest and most successful fight against democracy in industry is centering in the South, in just that region where medieval caste conditions based mainly on color, and partly on poverty and ignorance, are more prevalent and most successful. And just because labor is completely deprived of political and industrial power, investors and monopolists are today being attracted there in greater number and with more intensive organization than anywhere else in the United States."¹⁹

Dr. Du Bois, Negro leader who is now himself under indictment for his efforts for peace, has correctly pointed out who gains power by disfranchising the Negro. Monopoly finance gains power. It does so, in the first place by controlling the governmental machinery which drafts the Hitler-like racist laws and policies to subjugate the Negro people. And it uses its governmental power to foment and abet extra-legal violence against the Negro people, particularly when they attempt to vote. This is often done quite openly through state-chartered organizations of the Ku Klux Klan. In this connection we submit in the Appendix (Document A) a detailed case history of the use of violence as a state policy by the State of Georgia to prevent Negroes from voting in elections in that state. It is typical of systematic denial of the vote in the Southern states, as shown above in Mississippi also.

This document was submitted as an Offer of Proof concerning violation of the Fifteenth Amendment of the Constitution of the United States by Stetson Kennedy, well-known author of studies concerning the

¹⁹) *Appeal to the World*, prepared for the National Association for the Advancement of Colored People," 1947, pp. 6, 7, 9, 10.

plight of the Negro in the South and a former member of the Georgia Bureau of Investigation. It was submitted in the case of the *United States of America v. William L. Patterson*, internationally renowned Negro leader and head of the Civil Rights Congress. Mr. Patterson, it will be recalled, was indicted for contempt of Congress after Representative Henderson Lanham of Georgia had called him "a black son of a bitch" and had attempted to assault him during a Congressional inquiry into alleged lobbying.

Disfranchisement through Terror in Georgia

Mr. Kennedy's document reads in part:

"The witness, Stetson Kennedy, would testify as to the facts showing the unconstitutional denial or abridgment of the right of a substantial number of citizens of Georgia to vote in the Congressional elections in that State during the period 1940 to 1950. These facts are as follows:

"1. During this entire period from 1940 to 1948 no one was allowed to vote in Georgia who had not registered.

"2. *Election of 1940*: The United States Census Bureau's records show that in 1940 the total number of citizens in Georgia above the age of 21, and thus eligible under Section 2 of the Fourteenth Amendment to the Constitution to vote in Congressional elections, was 1,766,969.

"Official returns of the 1940 election in Georgia as reported by the Secretary of State of Georgia was 312,539 votes. In other words, only 17 percent of the total population of Georgia above the age of 21 years succeeded in actually casting a ballot in 1940.

"3. *Election of 1948*: Census Bureau records reveal that in 1948 the population of Georgia above the age of 21 years was 1,968,519.

In the election of that year, a total of 365,356 votes were cast, according to the records of the Secretary of State of Georgia. This was 18 percent of the total population above the age of 21.

"4. *Negro Population and Vote*: According to the Census Bureau records, every third person in Georgia during the period 1940 to 1948 was a Negro. But, according to the same source, in 1948, 82 percent of the white population above the age of 21 was registered and only 18 percent of the Negro population above the age of 21 years had been registered. The percentages for 1940 were considerably lower because of the existence at that time of the State's poll tax law, and the inviolate status of the white primary.

"These figures and percentages indicate that an overwhelming majority of the Negro citizens of Georgia above the age of 21 did not exercise the right to vote in Congressional elections.

"The witness, if permitted to testify, would establish that the failure

to exercise the franchise by Negroes as aforesaid was due to a denial and abridgment of their right to do so and that there were three chief causes for this denial or abridgment: First, direct action by officials of the State of Georgia; second, official action by the Democratic Party of the State of Georgia acting as an instrument of that State; and third, the notorious action of private organizations and corporate powers acting with the actual or implied sanction of the State of Georgia. He would testify that:

"5. As to the first cause, official action by the State of Georgia has resulted in the denial or abridgment of the right of citizens above the age of 21 to vote in the Congressional elections in that State in the decade from 1940 to 1950 by means of the following:

- (a) Poll tax legislation;
- (b) Intentional refusal on the part of election registrars to register qualified Negro citizens;
- (c) The purging by officials of Georgia of the names of qualified Negro voters from the registration rolls in Georgia;
- (d) The enactment of legislation in Georgia abolishing all registration lists and requiring the re-registration of citizens previously qualified to vote, and giving virtually unlimited discretionary powers to registrars to deny the voting right of any citizen.

"6. That the rules, regulations and primaries of the Democratic Party in the State of Georgia constitute an integral part of the election machinery of the State and that Party has acted as an agent of the State in the conduct of primary elections for Congressional candidates in that State; that by the rules and regulations of that Party in effect during the period 1940 through 1946, Negroes were prohibited from voting in the Democratic primaries; and that, since there was no Republican Congressional Primary held in the State of Georgia during said period, there was no participation by Negro citizens above the age of 21 in the Congressional primaries held in Georgia during this period.

"7. That private and corporate organizations such as the Ku Klux Klan, Inc. and the Columbians, Inc. had the official approval and assistance of the public officials of the State of Georgia during the decade 1940 to 1950, and with the sanction of said State engaged in terroristic activities which created such fear and intimidation among qualified Negro citizens of the State of Georgia, as well as election registrars of said State, as to prevent and preclude an effective registration and voting on the part of large portions of the Negro citizens of that State in the Congressional elections in Georgia in the decade 1940 to 1950.

"8. That the following chronological compendium itemizing overt threats, cross-burnings, masked parades, floggings, lynchings, purges and

other acts of discrimination and violence against the Negro people of Georgia, were committed during the period 1943 to 1948 with the intent and/or effect of preventing eligible Negro inhabitants of Georgia from exercising their right to vote in Congressional elections; that many of the incidents itemized were personally investigated by the witness for the Georgia Department of Law; and that many others (sources indicated) were widely published throughout the State in the daily and weekly press, and thus by virtue of such publication served as a deterrent to voting by Negroes, not only in the locale where such act took place, but throughout the State. . . .”

The Kennedy study then enumerates some 107 terroristic acts and other crimes, all of them clearly sanctioned by the State of Georgia, and the financial interests it serves, all of them plainly intended to thwart democracy by preventing qualified Negroes from voting. The crimes and techniques enumerated are common to the whole South. Only the place, dates, and actual actors would need to be changed to have the list representative of that which constantly occurs, as other evidence submitted proves, in Mississippi, Louisiana, Alabama, Florida, North and South Carolina, Virginia, Arkansas, and Texas among other states.

A random selection of the events detailed in this Georgia case history, and, in a way, a case history for the whole South, includes such incidents as the following:

- “PORTERDALE, *December 10, 1943.* ‘Christian Democracy and White Supremacy are the greatest things which should emerge from this terrible catastrophe,’ ex-governor Eugene Talmadge said with reference to World War II. Talmadge spoke as guest of honor at the annual klonklave of the Porterdale klavern of the Ku Klux Klan, held in Porter Memorial Auditorium, owned by the Bibb Manufacturing Company (textile chain). Among those present were James A. Colescott, Imperial Wizard of the KKK; Dr. Samuel Green, Grand Dragon of the Georgia Klan; Harold S. Gates, Exalted Cyclops of the Porterdale Klan; George Hamilton, Treasurer of the State of Georgia; Pat Campbell, member of the state legislature from Newton County; Zach Cravey, fish and game commissioner under Talmadge’s administration; and Johnny Goodwin, formerly Talmadge’s highway patrol chief, personal bodyguard and then leader of the Vigilantes, Inc. Event given statewide publicity by Atlanta Constitution, December 18, 1943 . . .
- “GAINESVILLE, *January 28, 1946.* Klansmen from all over Georgia staged a masked parade and burned three crosses in the Negro section. City Fire Chief served as coordinator. (Report to Georgia Bureau of Investigation.)
- “ATLANTA Klavern No. 297, *February 14, 1946.* Floggings and lynchings recommended as solution to n——r problems; all Klansmen urged to carry weapons while engaged in Klan demonstrations. (Report to GBI.)
- “ATLANTA Klavern No. 297, *April 1, 1946.* Cyclops Roper reported that he had conferred with gubernatorial candidate Eugene Talmadge on ways

- and means of keeping Georgia Negroes from voting, and that Talmadge had replied by writing the word 'Pistols' on a scrap of paper. Roper indicated that Talmadge had promised to give the Klan a 'free hand' in any race rioting that might develop while he was Governor. It was announced that 'Brother Klansman Judge Luke Arnold' would speak at Klavern 297 on the second Thursday in May on a plan to keep Negroes from voting. Roper reported listening in on a conversation between Grand Dragon Samuel Green and Georgia House Speaker Roy Harris in *Augusta* in which Harris invited Klan leaders to discuss with him the prospect of getting the legislature to convene itself to adopt a white primary law, and other means of keeping Negroes from voting. (Report to GBI.)
- "ATLANTA Klavern No. 1, *April 8, 1946*. Grand Dragon Green reported that Talmadge had promised if elected to sweep out of office everyone who did not believe in 'white supremacy and 100 percent Americanism.' The CIO's Operation Dixie was attacked as 'purely political' and 'for the n—r and the Jew.' 'The KKK is declaring war on the CIO—we're going to nip their Operation Dixie in the bud,' Green said. Applications for 98 new memberships and 37 reinstatements were attributed to Klan interest in the Talmadge campaign (Report to GBI.)
- "STONE MOUNTAIN, *May 9, 1946*. Some 1,000 Klansmen in a robed ceremony inducted 300 new members from all over Georgia. This was the Klan's first major postwar cross-burning demonstration. (Associated Press, *May 9, 1946*.)
- "SWAINSBORO, *July 11, 1946*. In a statewide radio address, Talmadge said, 'Wise Negroes will stay away from the white folks' ballot boxes on July 17. We are the true friends of the Negroes, always have been, and always will be as long as they stay in the definite place we have provided for them.' (Associated Press, *July 11, 1946*.)
- "EATONVILLE, *July 11, 1946*. W. S. Hooten, chairman of the board of registrars, announced that 20 percent of Putnam's County Negro registrants had been purged 'on grounds of incompetence due to lack of education, intelligence or character.' The purge procedure which then swept across Georgia consisted of pro-Talmadge registrars serving thousands of Negro registrants with sheriff's summonses to appear (during working hours) to 'show cause' why they should not be dropped for 'illiteracy, criminal record, bad character,' etc. All who failed to appear were automatically purged. (*Atlanta Constitution, July 12, 1946*.)
- "ELLAVILLE. Fifty percent of the county's Negro registrants were purged. When some registrants resigned, new ones were appointed by Superior Court Judge W. H. Harper, and the purge continued. (*Atlanta Constitution, July 12, 1946*.)
- "APPLING COUNTY. On July 10, 1946, a week before the primary, U.S. District Judge Frank H. Scarlett issued an order halting further purging in Atkinson, Ben Hill, Pierce and Coffee Counties, and ordered the reinstatement of 800 Negroes who had been purged in Appling County. The National Association for the Advancement of Colored People had charged that more than 20,000 Negro residents had been challenged in the statewide purge, and demanded that the U.S. Department of Justice take action. However, the Department decided to maintain a 'hands off' policy. (Georgians were keenly aware that Senator Theodore Bilbo in a radio address at Jackson, Mississippi, on June 22 had called upon 'every red-

blooded American in Mississippi to resort to any means at their command' to prevent Negroes from voting and that he had been re-elected overwhelmingly.) . . .

"FITZGERALD, July 16, 1946. Notices were tacked on the doors of Negro churches reading, 'The first n—r who votes in Georgia will be a dead n—r!' (*Atlanta Constitution*, July 17, 1946.)

"MANCHESTER, July 17, 1946. A State Senator picketed the polls with a shotgun as a warning to Negroes not to vote. (*Atlanta Constitution*, July 18, 1946.)

"ATLANTA, August 26, 1946. Hoke Gewinner, speaking from a sound truck at a Columbian Street meeting in front of Exposition Cotton Mills, called for organization on a block and precinct basis at 'combat n—r bloc voting,' and said, 'There are just two ways to fight these things—with ballots and with bullets. We are going to try ballots first.' (Report to GBI.)

"MOUNT VERNON, September 6, 1948. Isiah Nixon, Negro, shot down in his home for having voted in the Democratic primary. (*Associated Press*, September 9, 1948.)

"LYONS, November 20, 1948. Robert Mallard leader in the movement to increase Negro voting, ambushed by robed band and shot while driving from church to his home in Toombs County. (*Associated Press*, November 28, 1948.)"

These, then, are some of the methods of the conspiracy whereby finance joins with the state and terrorist organizations to disfranchise Americans for political power and private profit. The conspiracy has made potent use of the spurious charge of "rape" as a political weapon. The charge of "rape" was consciously forged as a matter of state policy. It emerged in the Southern states at the same historic moment as the poll-tax. It has since consistently been used to terrorize militant Negroes with the ever-present menace of death by lynching or by "legal murder" through police, incited mobs, and venal courts. Examples of how the cry of "rape" is used, invariably on the basis of race, abound in the numerous cases listed above. They include, among a good many others, the executed Martinsville Seven in Virginia, the martyred Willie McGee in Mississippi, and Paul Washington in Louisiana.

In most Southern states "rape" had no special connotation as a crime until about 1890. Then it came into use as a political device for the oppression of the Negro people, as part of the drive completely to disfranchise the Negro people and break the Populist movement. It was made into a weapon of terror and death at the same time the Southern states wrote new State Constitutions to disfranchise Negroes. It coincided with the body of oppressive, discriminatory legislation that is still on Southern statute books. "Rape," as a capital weapon of white supremacy, did not come into being until the White Bourbons regained their power in the late eighties and early nineties. Before that time it was seldom a capital offense, at least since the Civil War. Punishment was meted out on the

basis of equality of Negro and white. But since the 1890's, thousands of Negroes have been lynched and "legally" executed on the basis of race on the spurious charge of "rape" while the number of whites who have been executed on the charge, legally or any other way, is virtually nil.

"Rape" became an incitement to lynching—and lynching, as the President's own Committee on Civil Rights noted in 1947, is the ultimate weapon of terror to keep the Negro in a subordinate status. The genocidal, murderous quality of the charge of "rape" is apparent to all in the South. Two months after Willie McGee was legally murdered on a charge of "rape" in Mississippi, an all-white jury freed a white rapist within a short time, despite virtually uncontradicted testimony.

The history and racist nature of the alleged crime of "rape" in the State of Louisiana is the subject of a penetrating study by Dr. Oakley C. Johnson. It is included in the Appendix under the heading of Document B.

Dr. Johnson made a thorough examination of the records in the office of the Secretary of State at Baton Rouge, Louisiana, and found that from 1907 to 1950, a period of 43 years, *not one white man charged with rape had been put to death in Louisiana, although 29 Negroes charged with rape had been executed in that period.* From 1900 to 1950, there were 39 executions for "rape." All but two of those executed were Negroes. In addition to the Negroes officially put to death by the State of Louisiana—whose practices are standard for most Southern states—three others were put to death in Louisiana by the United States Government during World War II. They were Corporal John Walter Bordenave, 29; Private Lawrence Mitchell, 18; and Private Richard Philip Adams, 25.

"They are added to the total in the attached list," Dr. Johnson writes, "because their punishment took place on Louisiana soil and by means of the state's portable electric chair, loaned for the purpose. These three *make a total of 40 Negroes put to death for rape in this state since 1900, as compared to 2 white men.*"

Dr. Johnson compared the later records with the records from 1866 through 1889, before the charge of "rape" had been transformed into a political policy for the oppression of the Negro people, Dr. Johnson writes: "The following facts are clear from an examination of these old records:

"1) From Civil War days until the consolidation of white political control, punishment for rape was imprisonment only, never death; pardoning was frequent; and a differentiation was made between 'rape' and 'intent to rape.'

"2) Race differences were noted for the purpose of description, but had not yet hardened into caste differences.

"3) After the solidification of white rule politically, the setting up of

the death penalty for rape gave opportunity to return to virtual implied re-enactment of the Black Code with its differentiation between punishment for whites and punishment for Negroes."

Official murder by the state sets the pattern for the illegal murders of lynching and lynching which goes unpunished is genocide by the State. In writing on lynching in Louisiana, Dr. Johnson observes: "No people can be held down undemocratically through use of democratic political forms except through terroristic tactics, and this is the *raison d'être* for lynching. Louisiana members of Congress have steadily opposed anti-lynching legislation. In Louisiana 355 recorded lynchings of Negroes took place between 1882 and 1948, a period of 66 years; a quarter of these lynchings were due to allegations of rape."

Paul Washington, a Negro Army veteran of 24, now is facing legal lynching in Louisiana on a charge of rape. The brother of his wife, Velma Washington, was lynched in 1941. Undoubtedly referring to the Washington case, Dr. Johnson notes: "It is a serious question whether *any* trial of a Negro for a crime by a state which has permitted 335 lynchings of Negroes in 66 years can be considered fair. It is apparent that the 335 extra-legal killings of Negroes and the 40 Louisiana legal executions for "rape" are both parts of a system of Black Code Justice quite out of keeping with the Federal Constitution and Federal civil rights. . . ." And, it may be added, the Genocide Convention and the Charter of the United Nations.

Disfranchisement by Economic Sanctions

Added to "legal" deterrents from voting, as well as terror, violence, and the weapon of alleged rape, the conspiracy also employs economic pressure against those Negroes who attempt to exercise their Constitutional right of voting.

The white planters, employers and merchants of the South have traditionally been linked in a conspiracy to deny land, houses, jobs, seed, fertilizer and foodstuffs to Negro tenant farmers, sharecroppers and workers who vote or attempt to vote.

This conspiracy dates from the Reconstruction period, when such sanctions, coupled with Ku Klux Klan terrorism, served to subvert the Fifteenth Amendment. The sanctions have continued to this day. Not since the abolition of the Freedmen's Bureau, which, among other things, distributed commodities to needy ex-slaves, has the Southern Negro had any refuge in the event that he is deprived of land, home, job or credit for having tried to vote.

"We are told that all colored people who vote are going to starve next year," Emanuel Fortune told a Congressional investigating committee

in 1871.²⁰ "We have got to go to the merchants and have advances of meat and corn." Numerous other witnesses provided thirteen volumes of testimony to this same effect. This testimony could be duplicated today if there were an agency to receive it.

Section 5 of the Civil Rights Act of 1870 provided a penalty of ten years imprisonment or a \$5,000 fine for anyone who sought to "prevent any person guaranteed the right to vote under the Fifteenth Amendment from voting by means of bribery, threats of depriving such persons of employment or by ejecting such persons from a rented house . . . or by threats of violence to such person or his family." This section further provided punishment for any one conspiring to interfere with the right of franchise but it was nullified by the Supreme Court of the United States in 1881.²¹

When, near the turn of the century, the Populist movement gave, as we have seen, encouragement to Negro voting, the proprietary class intensified economic sanctions along with other forms of intimidation. While this conspiracy was seldom expressed in writing, Democratic officials in Georgia did issue a circular in 1892 addressed "To the Democratic Farmers and Employers of Labor," in which they warned of the "danger" of a Populist victory, and said:

"This danger, however, can be overcome by the absolute control which you yet exercise over your property. It is absolutely necessary that you should bring to bear the power which your situation gives over tenants, laborers and croppers. . . . The success of the Populists . . . means regulation or control of rents, wages of labor, regulation of hours of work, and at certain seasons of the year strikes. . . . The peace, prosperity, and happiness of yourselves and your friends depends on your prompt, vigorous and determined efforts to control those who are to such a large extent dependent upon you."

As everyone knows, the several millions of Negroes now held in the bondage of sharecropping and tenant farming are still under "the absolute control," politically and economically, of the landlords and banker-monopolists who finance the operations of the landlords. Economic sanctions are also brought against those Negroes brave enough to run for public office. When Larkin Marshall, for example, prominent Negro publisher of Macon, Georgia, announced in 1948 for the United States Senate as a Progressive Party candidate, he was threatened on June 28 with the foreclosure of the mortgage on his home. Two days later a fiery cross was burned before his home by the Ku Klux Klan.

20) Report of the Joint Committee to Investigate the Condition of Affairs in the Late Insurrectionary States.

21) *U.S. v. Arden*, 6 F 819.

Racist Law

The political and moral climate necessary for the conspiracy's goal of political and economic control of the whole American people through disfranchisement and oppression of the Negro minority is gained through a huge body of racist law passed by states which are themselves parties to the conspiracy. Members of the white population of these states, twenty in number, are taught from earliest infancy by the example of the law itself that the Negro is so inferior that he cannot be allowed to associate with his fellow citizens. To allow such association, so the laws often explicitly state, would assure contamination of the whites.

The white child swiftly learns that a Negro has no rights that a white man is bound to respect. The white school child learns this in segregated schools, which are from their intrinsic nature, schools for potential violence. He sees from his earliest years that Negro children are apparently fit for only ramshackle, tumble-down, inferior schools, monstrously overcrowded, often without adequate sanitation facilities or protection from the weather and obviously beneath comparison with the schools that white children attend. He sees, further, that court decisions forbid Negroes to live in decent surroundings, that such decisions segregate them into dilapidated, over-crowded, run-down areas.

He is taught that Negroes are the special targets of the police, that they are not considered as a matter of solemn law fit to travel with white people, eat with them, gather with them, work with them. It is drilled into him that they are inherently inferior to white people, unfit to vote, lazy, corrupt, and violent, with no aim other than to gratify their passions. He is frequently told that it is his high mission in life to protect the purity of white womanhood, the purity of the white Democratic primary, the purity of white standards, from Negro pollution. His parents, his teachers, church, press, public officials and all the respectable and wealthy, daily precepts and penalties, all combine to enforce upon him the criteria and necessity of white supremacy. Thus when he reaches maturity he is thoroughly conditioned to play his part in the violence and oppression that this conspiracy finds so profitable.

The similarity between Hitler's Nuremberg Laws against the Jews and white supremacist laws in the United States against the Negroes has often been remarked upon. In both countries there was, and there still is in the United States, an obscurantist obsession with what both Nazi and American racists have called "the purity of the blood stream." The criminal penalties in Nazi Germany, and in the United States were and still are, particularly severe for any "mingling of the blood streams" through marriage or other cohabitation. Under both regimes, the proscribed minority is forced to live apart from its fellow nationals. Both

countries, Nazi Germany and the United States, have penalized their citizens on the basis of race, not only denying them protection of the police and courts but using police and courts for assaults against them.

The Nazis acted, as their statutes said, "for the protection of German blood" just as the state of Virginia, among others, does in providing prison sentences for those who provide the state registrar with incorrect information as to their ethnic origin. The Nazis banned from citizenship all except those "of German or kindred blood" (*Artverwandten Blutes*) just as do many Southern states, although not with the brazen frankness of the Hitlerites. The Nazis were occasionally frank in acknowledging their indebtedness to the United States for having provided them with a model for their own racist legislation. One of their leading professors of jurisprudence, Dr. Heinrich Krieger, devoted a volume—*Das Rassenrecht in den Vereinigten Staaten* (Berlin, 1936)—to an admiring examination of the American theory and practice of racism.

"The most prolific governmental sources of such (racist) enactments are the cities," writes Dr. Herbert Aptheker in the July, 1951 issue of *Masses & Mainstream*. "Every local community south of the Mason-Dixon line, and very many north of it, abound in racist ordinances. Many such bodies of law, usually in mimeographed form, are deposited only in local city halls and collation of them has never been undertaken, but some indication of their nature may be gotten from a few available examples.

"Section 597 of the Ordinances of the City of Birmingham, Alabama, reads: 'It shall be unlawful for a negro* and white person to play together or in company with each other in any game of cards or dice, dominoes or checkers.' Those convicted of such horrendous conduct are subject to six months' imprisonment or a \$100 fine.

"The Atlanta, Georgia, code provides that 'No colored barber shall serve as a barber for white women or girls; and that 'The officer in charge (of a cemetery) shall not bury, or allow to be buried, any colored persons upon ground set apart or used for the burial of white persons.' This last is exceeded in chauvinist lunacy by the private regulation in force in the capital of the United States, 'where a dog cemetery has erected a color bar against the burial of dogs belonging to colored people.'

"It may be added that hundreds of villages and cities in the United States, particularly in the South and West, bar Negroes (and/or Mexican-Americans and others) from remaining within their limits over-night, or, in many cases, from entering those limits."

Twenty American states have adopted laws *compelling* segregation. The Constitution adopted in 1890, and the laws of Mississippi, are illus-

* Racist legislation, almost always, uses the lower-case form in writing the word Negro.

trative of racist law in the 20 Southern states. Although Article 3 of Mississippi's Bill of Rights provides that all persons "resident in this state, citizens of the United States" are citizens of Mississippi, Article 8, Education Section 207, immediately proceeds to segregate citizens on the basis of race. It provides "Separate schools shall be maintained for children of the white and colored races."

Segregation is even provided in jail: Article 10, the Penitentiary and Prisons, Section 225, stipulates that the legislature "may provide for . . . the separation of the white and black convicts, as far as practicable, and for religious worship of the convicts."

Marriage between the races is forbidden: Article 14, General Provisions, Section 263, states "The marriage of a white person with a Negro or mulatto, or person who shall have one-eighth or more of Negro blood, shall be unlawful and void."

Even "advocacy" of social equality or intermarriage is penalized, a clear infringement on the Federal Constitution's Bill of Rights: Chapter 20, Section 1103 of the Mississippi Code of 1930 reads, "Any persons, firm or corporation who shall be guilty of printing, publishing, or circulating printed, typewritten or written matter urging or presenting for public acceptance, or general information, arguments or suggestions in favor of social equality, or intermarriage, between whites and Negroes, shall be guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment in the discretion of the court."

It imposes segregation on the railroads: Chapter 20, Section 1115, of the Mississippi Code of 1930 states: "If any person or corporation operating a railroad shall fail to provide two or more passenger cars for each passenger train, or to divide the races, as provided by law, or if any railroad passenger conductor shall fail to assign each passenger to the car or compartment of the car used for the race to which the passenger belongs, he or it shall be guilty of a misdemeanor, and, on conviction shall be fined not less than twenty dollars nor more than five hundred dollars."

Reviewing American racist law, Milton R. Konvitz, lawyer and Associate Professor at the School of Industrial and Labor Relations, Cornell University, writes:

"Legislation similar to that of Mississippi is in force in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Arkansas, Oklahoma and Texas. Similar but less stringent legislation is in force in Delaware, Maryland, West Virginia, Kentucky, Tennessee and Missouri. In Delaware, West Virginia and Missouri separation in travel is not required by statute. *Eight northern states* (California, Colorado, Idaho, Indiana, Nebraska, Nevada, Oregon and Utah) forbid intermarriage, and some states permit separate schools. In the majority of northern states caste based on race and

color is not required and is in many states expressly forbidden by law. Nevertheless, even in these states public opinion and custom often enforce discrimination.

"In twenty states *segregation of pupils* is mandatory or expressly permitted. In three states the statutes require separate schools even for deaf, dumb and blind. Sixteen states require segregation in juvenile delinquent and reform schools; and in nine states separate trade and agricultural schools are required. Three states require separate school libraries. Florida stipulates that textbooks used by Negro pupils shall be stored separately. Separate colleges are mandatory in twelve states. Separate teacher-training schools are required in fourteen states. In several states Negro pupils may be taught only by a Negro teacher and white pupils only by a white teacher; one of the states provides that only white persons born in the United States, whose parents could speak English and who themselves have spoken English since childhood, may teach white pupils.

"In fourteen states the law requires *separate railroad facilities*. Three states stipulate that separate sleeping compartments and bedding are to be used by Negro train passengers. Separate waiting rooms are required in eight states. Separation in buses is required in eleven states; ten states have the same requirement affecting street car transportation. Three states provide for separation on steamboats.

"Two states require *separation of the races at circuses and tent shows*. Three states require *separation in parks, playgrounds and on beaches*. Three states require separation in billiard and pool rooms. Arkansas requires separation at race tracks. In Tennessee and Virginia separation at theaters and public halls is required.

"There are laws which require separation of the races in *hospitals*. In eleven states even *mental defectives* must be separated by race. In Alabama a white female nurse may not take care of a Negro male patient.

"Separation is required by eleven states in *penal and correctional institutions*. Separate bathing facilities in such institutions are required by laws in Alabama and Tennessee. Separate tables in such institutions are required by a statute of Arkansas and separate beds by statutes in two states.

"There are laws which require *separation of the races in a multitude of relations*—too many to be mentioned here. Several examples will make clear the scope of the Jim Crowism imposed by law: Oklahoma requires separate *telephone booths* for Negroes; a Texas statute prohibits whites and Negroes from engaging together in *boxing matches*; Arkansas requires a separation of the races in *voting places*; in Georgia a Negro minister may marry only Negro couples; in South Carolina Negroes and whites may not work together in the same room in *cotton textile factories*, nor may they use the same doors of entrance and exit at the same time.

"If a state does not have an act calling for segregation with respect to a specific matter, it is not to be assumed that with respect to that matter there is no segregation. Many of the southern and border states do not have laws requiring segregation in theaters and other places of public amusement; yet the races do not mingle there, and the Negro cannot compel admission because the states have no civil rights."²²

22) "An Appeal to the World." Prepared for the National Association for the Advancement of Colored People, New York, 1947, pp. 44-45.

Professor Konvitz places the responsibility and guilt for this plight of the Negro people squarely upon the Government of the United States:

“Congress has refused to pass laws to declare the poll tax illegal; to make lynching more effectively subject to federal law; to make discrimination in private employment in interstate commerce a crime; to define and guarantee civil rights in the District of Columbia. The Supreme Court has failed to declare Jim Crowism in intrastate commerce unconstitutional; to outlaw segregation in schools as a denial of due process or equal protection of the laws; to outlaw the restrictive covenant in the sale or rental of property; to declare the poll tax an unconstitutional tax on a federally guaranteed right or privilege. The Supreme Court has placed the Negro at the mercy of individual states; they alone have the power to define and guarantee civil rights. The Negro is a citizen of the United States, yet the thread that ties him to the federal government, when it is a question of protecting his life, liberty or property, is so thin that the government is compelled to admit its impotence.”²³

The Federal Government, we maintain, should be compelled to admit guilt which is an historic fact evident to all the world. Impotence in the protection of nationals on the part of a government is merely a synonym for guilt. We shall later detail the specific role of the United States Government in this conspiracy. At the moment we emphasize the part of reactionary finance and the various states in this conspiracy. As a direct result of Jim Crow discriminatory state laws, monopoly profits through low property assessments and low taxes for schools, roads, playgrounds, parks and health services. It profits not only in the South directly, but over all the nation indirectly, from a segregation enforced by law and designed to divide trade union and political movements and thus guarantee low wages and high profits.

This body of racist law, a conspiracy which embraces the monopolists who profit from it, the states and their officials who enforce it, and the Federal Government which permits it, means literally millions on millions of dollars annually to the Morgan interests controlling the South's steel and power industries, the Rockefeller oil interests, the du Pont's chemical industries, the cotton and packing industries, and their interlocking banks which control Southern agriculture. (For a detailed summary of Monopoly Control in the South, see Appendix Document C.) The representatives of these and other Wall Street interests are the political and economic overlords of the South. They dominate legislatures, governors and party conventions, and often counties, towns and villages. They exert control through racist law and violence as well as through virtual direct control, in many areas, of police and courts.

23) *Ibid.*, pp. 45-46.

Issuance of State Charters for Genocide

State responsibility for and participation in this conspiracy to commit genocide is even more clear in the willful chartering of vigilante organizations, which exist for terroristic anti-Negro purposes. These organizations are encouraged by the various states which grant them tax-exemptions as "non-profit, eleemosynary, benevolent, fraternal, and educational" corporations. Such charters, issued by the Secretary of State of the various states upon application and payment of a nominal fee of approximately ten dollars, carry with them all the privileges and immunities of corporate sanction. This not only includes the vital benefit of tax-exemption, but makes the officers and members of the terroristic organizations immune to suits for damages. These charters, moreover, commonly confer upon the corporation the right to establish "subordinate lodges" throughout the United States and its territories. In addition, the Bureau of Internal Revenue, of the United States Treasury Department, generally accepts the states' classification of such corporate terrorism as non-profit enterprise, and exempts these groups from payment of Federal corporate taxes. Thus we have a complete demonstration of the complicity of the Government of the United States in fostering private terroristic agents of genocide.

While the number of genocidal bands enjoying the corporate sanction and legal authorization of Federal and state governments is legion, the following list will serve to indicate some of the most notorious:

1. Original Southern Klans, Inc. (Georgia)
2. Knights of the Ku Klux Klan of Florida, Inc.
3. Federated Klans of Alabama, Inc.
4. Knights of the Cavaliers, Inc. (Virginia)
5. United Sons of Dixie, Inc. (Tennessee)
6. American Shores Patrol, Inc. (Virginia)
7. American Keystone Society, Inc. (Pennsylvania)
8. The Christian American, Inc. (Texas)
9. The Fact Finders, Inc. (Georgia)
10. Fight for Free Enterprise, Inc. (Texas)
11. Free White Americans, Inc. (Tennessee)
12. Mason-Dixon Society, Inc. (Kentucky)
13. We, the People, Inc. (Georgia)
14. Vigilantes, Inc. (Georgia)
15. Veterans and Patriots Federation of Labor, Inc. (Tennessee)
16. Order of American Patriots, Inc. (Texas)
17. Southern Committee to Uphold the Constitution, Inc. (Texas)
18. The Patrick Henrys, Inc. (Georgia)
19. Southern States Industrial Council, Inc. (Tennessee)
20. National Small Businessmen's Association, Inc. (Michigan)

Typical of the dangerous and murderous venom carried on by such vigilante organizations is that detailed by the confidential reports submitted to the Georgia Bureau of Investigation and the Federal Bureau of Investigation by special agent Stetson Kennedy. His reports concern "practice pogroms" against Negroes by the Atlanta, Georgia, Ku Klux Klan.

Mr. Kennedy writes that these reports, which have been buried by the official agencies, reveal the following:

1. That the *Ku Klux Klan of Atlanta, Georgia*, has brought virtually every cab driver in the city into the Klan, with a view to using their cabs, many of which are equipped with two-way radio phones, in anti-Negro pogroms. As early as January, 1946, it was reported in Atlanta Klavern No. 1, 198½ Whitehall Street, that almost all cab drivers in the city had been brought into the Klan; to which Grand Dragon Samuel Green suggested that the hold-outs be "signed or fired because the day may soon come when we will need every cab in Atlanta to do some quick work." He was assured that the Klan drivers would be "ready when called."

We charge that today the KKK maintains a closed shop among Atlanta's cab drivers—that it is necessary to join the Klan to get a job.

2. That practice mobilizations have been conducted from time to time, beginning on March 7, 1946, when Grand Titan G. T. Brown sent a message from Atlanta Klavern 213 to Exalted Cyclops Samuel Roper at Klavern 297 saying: "All faithful brothers arise and come to the aid of your brothers in East Atlanta as quickly as you possibly can get here! Important business must be tended to at once!" That members were and customarily are encouraged to carry pistols, blackjacks, knives and brassknuckles while engaged in "Klan business."

3. That at the same time Cyclops Roper in a conversation with Klansman Ben Culpepper of Klavern 297, who was in charge of machine guns in a Federal Government warehouse, asked why it could not be arranged for the Klan to steal the weapons. He suggested that Klansmen would rap Culpepper "gently on the head" and tie him up in order to make it appear that Culpepper had been robbed without his consent. Culpepper replied, "Anything that the government can't prove can't hurt me." (This information was relayed to the United States Department of Justice but instead of being discharged or prosecuted, Culpepper was promoted to Assistant Chief, Warehouse Division, Southern Regional Office, War Assets Administration.)

4. That a code for telephonic mobilization has been adopted, whereby key mobilization points in the city of Atlanta have been given certain designations. For example, Five Points in the center of the city is designated as "Chinatown," while the suburb of Buckhead is referred to as "Black Rock." Cliff Vittur of the "Klavalier Military Department" is referred to only by his Klan code name "Clearwater" in telephonic conversations, while his office is designated as the "Hole in the wall." Klan members identify themselves by number rather than by name.

5. That gubernatorial candidate Eugene Talmadge, in return for pledges of Klan support, promised to give the Klan a "free hand" in rioting against

Negroes before calling out the militia, and that his son, the incumbent governor, Herman Talmadge, promised the Klan he would keep all of his father's promises to it.

This peculiar American pattern could be regarded as an amusing example of delayed adolescence if it did not so often erupt into violence and violence directed largely against the Negro. It is common American practice to deputize such people as police officers when a posse or mob is called together to apprehend a fleeing Negro whom some Klansman, or other person, has decided to charge with "rape." Thus many Negroes are "legally murdered" when shot by deputized members of such mobs for "resisting arrest." Those deputized are almost uniformly freed of any crime.

Bored and gullible people, desperate for something to do, impoverished both mentally and physically by the doctrines and practices of white supremacy, are susceptible to incitation to lynching, particularly when the act is endowed with civic virtue, with an aura of protecting all that is holy from all that is profane. Thus, in addition to the thousands murdered without benefit of record, 534 Negroes have been lynched by mobs in Mississippi between 1882 and 1950, 491 in Georgia, 352 in Texas, 335 in Louisiana, 299 in Alabama, 256 in Florida, 226 in Arkansas, and 204 in Tennessee. Virtually no one has ever been punished for such a crime, because the courts and police collaborate with it. Such people as Mr. Kennedy has described have been incited to lynch some 3,436 known Negroes between 1882 and 1950 and incited to kill thousands whose deaths are unrecorded.²⁴

In a letter to Governor Battle of Virginia, asking clemency for the Martinsville Seven, the Southern Conference Educational Fund of New Orleans stated: "There is a rape complex in the South which leads to every attempt by the Negro to better himself being somehow interpreted as an insult to Southern Womanhood." Basing itself on United States Census Figures, the Conference concluded that "The death penalty for rape is a race penalty—an oppressive bludgeon used almost exclusively against the Negroes in the South." It cited government figures showing: (1) in the thirteen Southern states, during the period 1938-48, fifteen whites were executed for rape as opposed to 187 Negroes. (2) In the same region for the same period, 219 whites were executed for murder while 475 Negroes were executed.

The Dixiecrats

A conspiracy has the same kind of disagreements as to how to accomplish the desired end as any other collective endeavor. This is true of

24) Statistics from the department of Records and Research, Tuskegee Institute, Alabama.

the conspiracy of monopoly with the state and Federal governments to inflict genocidal violence against the Negro people. It is a conspiracy well synchronized and well meshed on all of its several levels but not perfectly so. It became less perfect after World War II when the Negro people demonstrated a renewed, vital determination to improve their conditions and erase their infamous oppression.

So it was that in 1946 a disagreement arose as to the most practical method of maintaining the oppression of the Negro people. One wing of the conspiracy, whose titular head was President Truman, felt that cognizance should be taken of the widespread international shock and dismay that was increasingly greeting the American treatment of Americans on the basis of race. It was felt that some obeisance should be made to international opinion, since American professions of the sacredness of the individual, the right of free voting, the equality of races, and the advantages of the two-party system, were impeached by the omnipresent American oppression of other Americans. Defense of the sacredness of the individual sounded hollow in the face of wholesale murder of American individuals on the basis of race. Mass violence to prevent Americans from voting at home because of their race somehow impeached State Department propaganda for free elections abroad. Arguments concerning the virtues of the two party system were jeopardized by the fact that the two main American parties had identical programs and because only one party was allowed in an important section of the United States.

Thus one part of the conspiracy wanted to have the freedom of maneuver which would permit it to oppress the Negro people while professing that genocide against the Negro people in the United States was gradually decreasing. It wished to proclaim that its members were cognizant of the problem and were solving it through the "slow but sure methods of democracy."

The other wing, the triumphant wing known as the Dixiecrats, wanted to persist in the older, straightforward and unabashed methods of oppression. It feared any appearance of concession as dangerous. We must not, its members said, even appear to dilute the old fashioned, time-tested, "American" principles of white supremacy. To indulge in demagogic concessions, they said, even though *we* know they are demagogic, is to run the risk of Negroes and whites believing what you pretend to believe. The national scene is basic. If they believe abroad in the equality of races, the solution is not for us to adopt this un-American principle of race equality but for them to adopt the white supremacy of "true Americanism." So ran the arguments of the Dixiecrats, the victors in this dispute between the temporary factions of this conspiracy.

The disagreement within the conspiracy over tactics began on December 5, 1946 when the President appointed fifteen citizens to examine the

state of civil liberties in the United States. Inevitably the major theme of the resulting report, published in October 1947 under the title *To Secure These Rights*, was the segregation, discrimination, disfranchisement and murder practiced against the Negro people. Although the report was an apologia, seeking to minimize this historic, institutionalized crime against the Negro people, yet the crime was so monstrous, so overwhelming, so widespread, and, above all, so incontestably an indisputable fact, that much of the report was forced to deal with the mass oppression of Americans on the score of race.

The report was undertaken with an eye to foreign opinion. This is revealed in a letter from Dean Acheson, then Acting Secretary of State, to the Fair Employment Practice Committee (since abolished) on May 8, 1946, which read in part:

“ . . . the existence of discrimination against minority groups in this country has an adverse effect upon our relations with other countries. We are reminded over and over by some foreign newspapers and spokesmen, that our treatment of various minorities leaves much to be desired. While sometimes these pronouncements are exaggerated and unjustified, they all too frequently point with accuracy to some form of discrimination because of race, creed, color or national origin. Frequently we find it next to impossible to formulate a satisfactory answer to our critics in other countries; the gap between the thing we stand for in principle and the facts of a particular situation may be too wide to be bridged. An atmosphere of suspicion and resentment in a country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust between the two countries. We will have better international relations when these reasons for suspicion and resentment have been removed. . . . ”²⁵

The “gap between the thing we stand for in principle and the facts of a particular situation” has widened immensely since Dean Acheson wrote these words. The situation concerning the Negro people in the United States has consistently worsened since the death of President Roosevelt. Even then it possessed the same basic elements it does today. One reason for the steady deterioration of the plight of the Negro people in the United States was the victorious “fight” of the Dixiecrats against measures, apparently proposed for demagogic purposes by their fellow-conspirators, providing for a federal law against lynching, abolition of the poll tax, the end of segregation and discrimination, the creation of a Federal fair employment practices committee, and the strengthening of the Department of Justice to enforce the nation’s laws in the South.

These measures were recommended by the President’s Committee on Civil Rights in 1947—that the United States Government protect its citizens from extra-legal hanging, that Americans be allowed to vote without pay-

25) *To Secure These Rights*, p. 146.

ing for the privilege, that all Americans be allowed to live together regardless of race, and that all Americans be allowed to work regardless of color. Four years later, not one of these recommendations has been enacted into law.

These recommendations provided planks for both the Republican and Democratic parties seeking the very considerable northern Negro vote in 1948. Although never fought for, never really supported and never passed, the very mention of these proposals was enough to bring about the formation of the Dixiecrats, dissident Tory Democrats of the South, whose aim and accomplishment was to blackmail President Truman out of any idea he may or may not have had of vigorous support of these measures. Thus one faction of the conspiracy brought pressure on the other to retain the traditional methods of oppressing the Negro.

The Dixiecrat movement is significant in that as late as 1948 a political party of naked racism, founded on the postulate that some Americans were to enjoy rights and privileges denied other Americans, ran candidates for the Presidency and Vice-Presidency of the United States, and although officially on the ballot in few states polled some million and a half votes. Its policy was blatant white supremacy. Its ideology contained the constant threat of violence. It was organized around the reactionary core of the Democratic Party in the South. Virtually all of its public documents, the addresses of its candidates and their proponents—many made over the radio and all made publicly—incited to violence, directly or indirectly, against the Negro people.

The Dixiecrat movement is significant in that its campaign documents frequently denied the very humanity of the Negro people and often said that violence would result if they were permitted the civil rights which the Constitution guarantees them.

Here the conspiracy, or a segment of it, against the Negro people came blatantly into the open. There was no attempt at denial. There was only justification. It is important because the state Democratic parties of Alabama, Mississippi and South Carolina, organizations almost identical as to personnel with the governments in these three states, openly concerted to deny the Negro people their rights. The action of these states, through their Democratic parties, had the result of sabotaging on a national scale the development of even mere maneuvers in the direction of Negro rights.

The Dixiecrats, formally calling themselves States' Rights Democrats, held a political convention in Houston, Texas, on August 11, 1948. They nominated J. Strom Thurmond, then Governor of South Carolina, as their candidate for President. Fielding L. Wright, the Governor of Mississippi who insisted on the legal murder of Willie McGee for a crime he never committed, was nominated for Vice-President of the United

States. From the first the Dixiecrat campaign maintained that proposals for race-equality were un-American plots of the Kremlin.

The tenor of the Dixiecrat campaign may be learned from this excerpt from a basic campaign document:

"If we start out with the self-evident proposition that the whites and blacks are different, we will not experience any difficulty in reaching the conclusion that they are not and never can be equal. A horse and a cow, for instance, are not equal. Food that will enable a horse to perform a day's work will dry up a cow. They are not equal and cannot be treated equally, if the best interests of both are to be served. Gold and silver, both precious metals, are not equal. They are unequal in almost every way. . . .

"The theory of equality is a communistic theory. It reduces all to a dead level. From a racial standpoint, the practical effect of the general acceptance of this theory, when carried to its logical conclusion, is the merging of all the peoples and races of the world into one race."²⁶

Another typical quotation threatened violence:

"In many countries throughout the South a few thousand whites operate farms, business and industry and furnish employment to hundred of thousands of negroes. If those negroes voted and elected their kind of officials, which would happen if they voted, there would not be a business or industry operating in the country twelve months after they took over—*unless violence was resorted to the protection of business and industry and farming against the improvident acts of incompetent and corrupt administration. . . .*"²⁷ (Italics ours.)

And this quotation demonstrates their views concerning the Negro's competence, in relation to the poll tax:

"The negro is a native of a tropical climate where fruits and nuts are plentiful and where clothing is not required for protection against the weather. The negro has never been under the necessity of producing anything through voluntary cooperation. The essentials of society in the jungle are few and do not include production, transportation and marketing of goods. His racial constitution has been fashioned to exclude any idea of voluntary cooperation on his part. For this reason the negro, and some whites who are lacking in this virtue, will never voluntarily pay any tax. . . . The poll tax screens the unwilling, non-supporters of the government from the voluntary supporters of the government."²⁸

As to segregation, the handbook says:

"The right to segregate in a sense is the same as the right to assemble. The right to assemble peacefully is guaranteed by the Constitution. The right to segregate is a natural right and when it is abrogated we are no longer free. America is the land of segregationists. Americans want the right to segregate."²⁹

26) *States' Rights Information and Speakers Handbook*, published by National States' Rights Democrats Campaign Committee, Headquarters, Heidelberg Hotel, Jackson, Mississippi, p. 51.

27) *Ibid.*, p. 52.

28) *Ibid.*, pp. 52, 53.

29) *Ibid.*, p. 54.

And further:

"But, it may be said, that it is unjust to refuse the negro public accommodations such as hotels, cafes, taxicabs, theaters, barber shops, beauty parlors and the like and to force the negro to ride in a Jim Crow car.

"The charge of injustice will not bear close examination. White people have a right to engage in business and deal with white people only. Negroes have a right to engage in business and to deal with negroes only. There is no obligation on a white man to spend his money providing public accommodations for negroes. There is no obligation on negroes to spend their money providing public accommodations for white people."³⁰

Governor Frank M. Dixon of Alabama, speaking in favor of Thurmond and Wright, said in a keynote address of the States' Rights Democratic Conference at Birmingham, Alabama, July 17, 1948:

"This vicious program means to eliminate all differences, all separation between black and white. It so declares itself, in words. It means to create a great melting pot of the South, which white and Negroes intermingled socially, politically, economically. It means to reduce us to the status of a mongrel, inferior race, mixed in blood, our Anglo-Saxon heritage a mockery; to crush with imprisonment our leadership, and thereby kill our hopes, our aspirations, our future and the future of our children."³¹

Governor Thurmond, candidate for President of the United States, declared that employment without discrimination as to race as envisioned in the proposal for a fair employment practices commission "was patterned after a Russian law written by Joseph Stalin about 1930, referred to in Russia as Stalin's 'All-Races Law.' . . . The FEPC is admirably suited to the Russian form of government. . . . It will not work in free America or in any free country where the dignity and worth of the individual is respected." He described the proposed anti-lynching law as tyranny and asked, "What could be more un-American?" He particularly decried proposals to end jim crow in the American armed forces. He said there were people "willing to break down the separation of the races in the armed forces, even at the sacrifice of the morale of the soldiers and the safety of the country itself, against the advice of the military leaders charged with the defense of the nation. Our boys in the service should not be subjected to an unnecessary hazard. The American people do not want their sons placed in such a position when the military leaders say it is unsafe, simply to allow politicians of this country to appeal to bloc votes."³²

While the Dixiecrat movement did not elect its candidates—it never seriously intended to—it was completely successful. It succeeded in its purpose which was to return President Truman, the Democratic Party,

30) *Ibid.*, p. 55.

31) *Ibid.*, pp. 43, 44.

32) *Ibid.*, pp. 14, 15.

and other of its fellow conspirators, to the traditional method of oppressing the Negro people. It was a mock battle, a division of responsibility within the conspiracy. The Dixiecrat's function was to cushion the conspiracy's failure to proceed along the lines the President's Committee suggested. It built up seeming pressure against Congress, the Supreme Court, the President, and all three made use of it. The Supreme Court continued in the main as it had for a half century, finding reasons why the supreme law of the land, the Constitution of the United States, should not be obeyed. Congress failed definitely to pass any of the proposals providing for civil rights for Negroes. And the President, despite his great power and great obligations under the Constitution, did nothing.

The President's lack of sincerity is revealed in an interview he gave Arthur Krock, printed in the *New York Times* of February 15, 1950. The interview concerned the President's views about the proposed Fair Employment Practice Commission (which was later gutted in the House of Representatives and filibustered to death in the Senate). The questions below are by Krock and the answers by Truman.

"Q. You favor the Fair Employment Practice Commission legislation. . . . You know intimately *the condition of the Negro race and the limitations of its capacity* to fill certain kinds of employment. Many believe that education will be required before an F.E.P.C. could operate even on a voluntary basis. Why then is it desirable in mandatory form, requiring that the burden of proof be on the employer?"

A. The President would not support or continue to support any legislation which deprived a citizen of *the right to run his own business, for which that citizen was responsible, as he thought best*. The President does not agree that the Administration's F.E.P.C. legislation would have any such result. If he thought so, he would not be for it, and under him it will not be so administered." (Italics ours.)

The sham nature of the "fight" between Truman and the Dixiecrats was further proven by the swift restoration of good relationships after the 1948 election. There was no ill feeling. The Alsop brothers, in a column in the *New York Herald Tribune* on January 12, 1951, noted that Truman had reconciled the Dixiecrats, if such reconciliation were indeed needed, with "a gentle, emollient shower of collectorships, judge-ships and the like that has caused the memory of past hard feelings to grow dim."

Victor Perlo, in writing of the Krock interview with Truman on the FEPC, comments:

"The President accepts without question the imperialist, chauvinist theories of the 'racial inferiority' of the Negro people. He makes clear that he will do nothing to interfere with monopoly capital acting in accord with these theories and deriving the superprofits it does therefrom. He exposes his true purpose,

which is to engage in unbridled demagogy for the purpose of deceiving the Negro people and people in other countries aware of the shame of Jim Crow in the United States."³³

Segregation continues unabated under Truman:

"The 'normal' pattern of segregation and oppression of Negroes in the Army and in the civilian government continues with full force under President Truman. The federal government, under Truman, has not lifted a finger to stop the rising wave of police brutality against the Negro people, of legal lynching of Negroes North and South."³⁴

The Guilt of the Government of the United States

Central in the the conspiracy to commit genocide against the Negro people of the United States is the Government of the United States. It is almost self-evident, as we have said, that without the negative or positive sanction of the Federal Government, the persistent, constant, widespread, institutionalized commission of the crime of genocide would be impossible. We maintain that in permitting it, Federal officials, from the President of the United States to members of the Supreme Court and Congress, from the highest law enforcement officers to the lowest, violate their solemn oaths of office under the Constitution of the United States, that taproot of American law whose Fourteenth and Fifteenth Amendments would make genocide impossible if enforced. We have shown that this violation of oath of office and of the Constitution of the United States results in violation of the Genocide Convention and of the Charter of the United Nations.

We have maintained, too, that monopoly capital is the prime mover in this conspiracy to commit genocide because of the four billion dollars it derives annually from it, and because of the political and economic control it maintains through it. We have alleged that the Government of the United States is the creature of this monopoly capital. This is definitively proved by the fact that almost every key government post in the fabulously lucrative mobilization for war is held by Wall Street representatives. The holders of these posts control the economic life of the United States through controlling the Government of the United States and they use both for their own profit. There was a time when Wall Street governed by pressure and influence. It now governs directly. Wall Street and the United States Government are identical as to personnel as far as the Government's most powerful offices are concerned. This is proved by the following list, prepared by the Labor Research Association, of Wall Street officers in key government positions:

33) *American Imperialism*, p. 93.

34) *Ibid.*, pp. 91, 92.

Director of the Office of Defense Mobilization: CHARLES E. WILSON, formerly president of General Electric Co. and director of Guaranty Trust Co., a Morgan bank. Wilson has retired from GE on a pension of \$62,000 a year. He has powers greater than any official except the President in time of peace—and some conservative commentators claim his powers are even greater.

Secretary of the Navy: FRANCIS P. MATTHEWS, chairman of board of Securities Acceptance Corp., Omaha; former director Northwestern Bell Telephone Co.; director Central National Insurance Co. of Omaha.

Secretary of Defense: GENERAL GEORGE C. MARSHALL, director of Pan-American World Airways, a Morgan company, since replaced by:

Under-Secretary of Defense: ROBERT A. LOVETT, partner in Brown Brothers, Harriman & Co., leading New York investment house; director Union Pacific and other railroads, and New York Life Insurance Co.

Secretary of the Air Force: THOMAS K. FINLETTER, partner in Coudert Bros., a law firm which has represented Franco Spain in the U.S.; director American Machine & Metals, Inc.; long advocate of a huge expansion in military and naval aircraft construction.

Co-ordinator of Economic Mobilization (preceding Wilson): W. STUART SYMINGTON, later chairman of National Security Resources Board, now chairman Reconstruction Finance Corporation which finances private plant expansion. Symington had previously been president of Colonial Radio Corp., president of Rustless Iron & Steel Co., and president and chairman of Emerson Electric Mfg. Co.

Secretary of Commerce: CHARLES SAWYER, corporation lawyer of Cincinnati, formerly of the law firm representing Procter & Gamble Co.; director of American Thermos Bottle Co., Union Central Life Insurance Co., and the Crosley Co.

Chairman Defense Production Administration: WILLIAM HENRY HARRISON, former president, International Telephone & Telegraph Corp., a Morgan monopoly. Harrison was also chairman of the Federal Telephone & Radio Corp. and of International Standard Electric Corp., I.T.&T. subsidiaries.

Special Assistant to C. E. Wilson in Office of Defense Mobilization: SIDNEY J. WEINBERG, senior partner in Goldman, Sachs & Co., one of Wall Street's leading firms; director of General Electric Co., B. F. Goodrich Co., General Foods Corp., Continental Can Co., General Cigar Co., McKesson & Robbins, Sears Roebuck & Co., National Dairy Products Corp., and other corporations. Weinberg has been one of the chief Wall Streeters engaged in recruiting big businessmen to take government posts; many are from corporations of which he is a director. (Recently resigned after finishing his recruiting.)

Assistant to C. E. Wilson in Office of Defense Mobilization: GENERAL LUCIUS D. CLAY, chairman of Continental Can Co., director Lehman Corp. and Newmont Mining Corp. (Morgan), largest copper-mining investment company with large holdings in African mines as well as in Phelps-Dodge Corp. and Kennecott Copper Corp. (Clay resigned on March 30 to return to the Continental Can Co., but he will still act as a "consultant.")

Adviser on Public Relations in Office of Defense Mobilization: W. HOWARD CHASE, director of public relations of General Foods Corp.

Assistant to Director for Materials, ODM: FRED SEARLS, JR., president Newmont Mining Co. (Although Searls resigned recently, his influence exerted through others still dominates policy relating to copper and other metals.)

Deputy Administrator for Staff Services: EDWIN T. GIBSON, vice-president

and director, General Foods Corp. Handles the job of certifying tax amortizations for corporate expansion, huge governmental donations to private companies.

Director, Chemical Division, NPA: JOHN S. BATES, president, Ciba Pharmaceutical Products, subsidiary of one of world's major chemical cartels.

Director, Machinery Division, NPA: MARSHALL M. SMITH, vice-president, E. W. Bliss Co., allocates machine tools, the basic equipment for all war production.

Director, Rubber Division, NPA: LELAND E. SPENCER, vice-president, Kelly-Springfield Tire Co., subsidiary of Goodyear Tire & Rubber Co., chief rubber products manufacturing company in U.S.

Director, Iron and Steel Division, NPA: MELVIN W. COLE, assistant general manager, Western Sales Division of Bethlehem Steel Corp., second largest steel company in the country.

Deputy Administrator, Petroleum Adm. for Defense: BRUCE K. BROWN, president, Pan-American Petroleum & Transport Co., controlled by Standard Oil of Indiana.

Administrator, Defense Electric Power Arm.: CLIFFORD B. McMANUS, president Georgia Power Co., second largest subsidiary of Commonwealth & Southern, giant Morgan utility holding company.

Administrator, Defense Solid Fuels Adm.: CHARLES W. CONNOR, formerly in charge of coal mine operations of Armco Steel Corp.

Administrator of Economic Stabilization Agency: ERIC A. JOHNSTON, formerly president, Chamber of Commerce of the U.S.; director, Seattle First National Bank, United Air Lines and Bank of America, and president of Motion Picture Association of America. In the latter position he was known as czar of the film industry.

Director, Transportation, Public Utilities, Fuel and Services Division, OPS: RICHARD L. BOWDITCH, director Boston & Maine R.R., Sprague Steamship Co., First National Bank of Boston and Liberty Mutual Insurance Co.

Chairman, Munitions Board: JOHN D. SMALL, president, Maxson Food Systems, chairman of the mercantile section of the New York Board of Trade; formerly vice-president, Emerson Radio & Phonograph Corp.

Vice-Chairman of Munitions Board: WILLIAM T. VAN ETTEN, vice-president, Dun & Bradstreet, Inc., former chairman, New York Board of Trade.

Vice-Chairman, Munitions Board: CORNELIUS W. MIDDLETON, director, Babcock and Wilcox Co., one of the largest metal manufacturers closely linked to U.S. Steel, Republic Steel and General Electric.

Vice-Chairman, Munitions Board: ROSCOE SEYBOLD, former vice-president, Westinghouse Electric Supply Co.

Deputy Chief of U.S. Delegation to United Nations: JOHN FOSTER DULLES, director, International Nickel Co. of Canada, American Agricultural Chemical Co., Babcock & Wilcox Corp., American Bank Note Co., trustee of Bank of New York and Fifth Ave. Bank, partner in Sullivan & Cromwell, Wall Street law firm representing Morgan, Rockefeller and other leading financial interests; associated with banking circles which backed Hitler in Germany such as J. Henry Schroder Banking Corp. and I. G. Farben, clients of Sullivan & Cromwell.

Presidential Assistant and White House Coordinator on Foreign Policy: W. AVERELL HARRIMAN, partner of Brown Bros., Harriman & Co.; former vice-president, Union Pacific Railroad, director at one time or another of

Guaranty Trust Co. of New York (a Morgan Bank), Illinois Central RR, Western Union Telegraph Co. and many other railroad and shipping companies.

Assistant Secretary of State for Economic Affairs: WILLIAM L. THORP, director, General Public Utilities Corp., formerly trustee, Associated Gas and Electric Co., director Associated Electric Co. and United Coach Co.

Assistant Secretary of State for European Affairs: GEORGE V. PERKINS, vice-president, Merck & Co., chemical company related to Nazi firm of same name; formerly director, City Bank Farmers Trust Co., leading Wall Street bank.

Director of Policy Planning Staff of State Department: PAUL H. NITZE, former vice-president, Dillon Read & Co., vice-president and director, U.S. Commercial Co., director, Rubber Development Co.; through his family and Dillon Read, closely connected with German cartelists and with North German Lloyd interests.

Ambassador to Great Britain: WALTER S. GIFFORD (replacing Lewis W. Douglas, chairman of Mutual Life Insurance Co. and director of American Cyanamid Co., who resigned in September, 1950), former chairman, American Telephone and Telegraph Co., director, U.S. Steel Corp., First National Bank of New York, main bank in the Morgan-First National financial interest group.

These wealthy men, the most powerful in the country and representing a financial community with assets of more than one hundred and forty-seven billions of dollars, create the political climate prevailing in Washington. They equate their profit with the nation's welfare. Their ideas, policies and political concepts dominate the government. They influence the President, put a stamp upon the Supreme Court, have a voice in naming its membership, and control Congress. They are one reason, and a powerful one, that President Truman refuses to create a Fair Employment Practices Commission by executive order, as President Roosevelt did. They are one of the reasons he refuses to use his clear power as commander-in-chief of the armed forces to end segregation, discrimination and jim crow in the Army, Navy and Marine Corps of the United States. Both steps would go far to implement the spirit and the fact of the Fourteenth Amendment he is sworn to uphold. The political climate these monopolists generate contributes to an atmosphere in which the Supreme Court upholds the poll tax and refuses to give the due process of law guaranteed by the Fourteenth Amendment to innocent Negroes sentenced to death after being framed by venal courts. They dominate a Congress which has refused to pass a single law returning to those millions of United States citizens who are Negroes the inalienable rights which are theirs under the Constitution; a Congress which in its direct government of the District of Columbia has made the United States capital notorious for segregation, discrimination and oppression on the basis of race.

Their control is equally powerful in the several states. Only recently

the National Association for the Advancement of Colored People addressed a plea to the U.S. Steel Corporation and its Alabama subsidiary, the Tennessee Coal and Iron Company, to stop the *local and state police*-encouraged violence against Negroes in Birmingham, Alabama. Thus, a private corporation was the acknowledged master of the state. The U.S. Steel Company replied that the matter should more "properly" be taken up with its local subsidiary!

A Plea of Guilty

The genocidal policies of the Government of the United States against the Negro people of the United States, against its own citizens, are so evident that the government itself is forced to acknowledge them. The President's Committee on Civil Rights issued a report in 1947 that was a plea of guilty and an admission of crime. Referring to the degradation that envelops American society which permits violence and discrimination on a basis of race, the committee asserts:

"Where the administration of justice is discriminatory, no man can be sure of security. . . . Where a society permits private and arbitrary violence to be done to its members, its own integrity is inevitably corrupted. It cannot permit human beings to be imprisoned or killed in the absence of due process of law without degrading its entire fabric."³⁵

The Report admits state complicity in lynching:

"Punishment of lynchers is not accepted as the responsibility of state or local governments. . . . Frequently state officials participate in the crime actively or passively."³⁶

The report does not say that frequently federal officials "participate in the crime actively or passively" through failing to apply the Fourteenth and Fifteenth Amendments which would prevent the crime, but it does add, "Federal efforts to punish the crime are resisted." Punishment of crime is often resisted by its perpetrators. Such resistance, however, is not usually regarded as a reason for not attempting punishment.

The Report admits the charges in our indictment. It admits that lynching is genocidal—that it is intended to repress an entire people:

"The almost complete immunity from punishment enjoyed by lynchers is merely a striking form of the broad and general immunity from punishment enjoyed by whites in many communities for less extreme offenses against Negroes. Moreover, lynching is the ultimate threat by which his inferior status is driven home to the Negro."³⁷

It admits "killing members of the group" on the basis of race:

35) *To Secure These Rights*, Report of the President's Committee on Civil Rights, p. 6.

36) *Ibid.*, p. 23.

37) *Ibid.*, p. 24.

“As a terrorist device, it reinforces all the other disabilities placed upon him.”

It admits “serious mental harm to members of the group” on the basis of race:

“The threat of lynching always hangs over the head of the Southern Negro, the knowledge that a misinterpreted word or action can lead to his death is a dreadful burden.”³⁸

This official plea of guilty admits state responsibility and guilt:

“We must also report more widespread and varied forms of official misconduct. These include violent physical attacks by police officers on members of minority groups, the use of third degree methods to extort confessions, and brutality against prisoners. . . . Much of the illegal action which was brought to the attention of the Committee is centered in the south. There is evidence of lawless police action against whites and Negroes alike, but *the dominant pattern is that of race prejudice*” (italics ours).

“J. Edgar Hoover referred, in his testimony before the Committee, to a particular jail where ‘it was seldom that a Negro man or woman was incarcerated who was not given a severe beating, which started off with a pistol whipping and ended with a rubber hose.’ (This is standard practice in many communities.) ‘The files of the Department’ (the federal Department of Justice) ‘abound with evidence of illegal official action in southern states. . . .’ (But nothing is done about it.) ‘We are convinced . . . that the incidence of police brutality against Negroes is disturbingly high.’”³⁹ (Words in parentheses added.)

Gradualism

The Report of the President’s Committee would have been more effective if something had been done about it. Congress, as we have noted, failed to enact any of its recommendations into law, failed to give the Negro that equality before the law to which he is entitled by the terms of the Fourteenth Amendment and the United Nations Charter. The President did not fight for his Committee’s proposals, despite his oath of office swearing to uphold the Constitution. He did not even put into effect those which were completely in his power.

Such failures are often excused by the theory of “gradualism.” This concept of gradual, evolutionary improvement of the plight of the Negro people has been held in the United States for more than three hundred years—but increasingly Negroes are subject to mass murder, segregation and discrimination on the basis of race. Gradualism flourished particularly during the two hundred years and more of slavery. Then it was proposed to eliminate slavery “gradually,” usually by colonizing slaves elsewhere very gradually, but the institution, constantly increasing in size and power, was not extirpated until the Civil War when it was done suddenly rather than gradually.

³⁸) *Ibid.*, p. 25.

³⁹) *Ibid.*, pp. 25, 26, 27.

We Negro petitioners have grown a little impatient with this three-hundred-year-old theory. We still suffer from genocide, and while gradualism may be attractive to academicians, politicians, statisticians, it is a good deal less so to us. There were those who hailed the Report of the President's Committee "as a great step forward." We cannot forbear from pointing out, however, that most of the crimes of which we here complain occurred *after* the President's report, that the Martinsville Seven were killed after it, that Willie McGee was murdered after it, that segregation, discrimination and oppression continued after it and are continuing. The truth is the entire Negro people of the United States are increasingly suffering from genocide.

Even as we write this petition for relief, the killings go on day by day and hour by hour. During the month of May, 1951, for example, the police department of Columbus, Georgia, ushered in that month by a midnight orgy of violence against scores of Negroes, many of them soldiers of the United States. Police invaded Negro restaurants and bars of the Georgia city, beating hundreds of diners indiscriminately, seriously injuring one hundred, many of whom were pistol-whipped and clubbed into unconsciousness.

Twenty-four hours later, a patrolman of Cheraw, South Carolina, took Cartha Johnson, a Negro furniture worker, from the factory in which he worked and beat him so badly in the local jail that Johnson lost one eye and is threatened with blindness in the other.

Not long later and not far away in the South Carolina town of Beaufort, Smith Harvey was sentenced to death for defending himself against a mob of white hoodlums who had demanded that Harvey "get them some Negro woman."

On May 6, Ku Klux Klansmen of Birmingham, Alabama, wearing the regalia of their order, burned two Negro homes because their owners had moved from the Negro ghetto. Two weeks later, in neighboring Fairfield, four hundred Negro families were made homeless when fire departments called to extinguish the fire destroying their homes instead stood idly by.

And also in May and also in Georgia, Sheriff Thomas Bragg of Hawkinsville shot and killed two soldiers of the United States while they were his manacled prisoners. The soldiers were Negroes.

In Detroit, Michigan, Charles Gordy, Sr. was sentenced to life imprisonment for defending his son and his home from an illegal attack of police who later machine-gunned the Gordy residence.

And Edward Honeycutt in Louisiana was executed in that state's portable electric chair on the charge of "rape."

And in Norfolk, Virginia, on May 28, the Reverend Joseph Mann was burned to death by a mob, which drenched his clothing in gasoline before

igniting them, for preaching a sermon against segregation.

And in New York on the same day Henry Fields was shot to death by patrolman Samuel Appelbaum after a minor traffic accident. Grand juries twice failed to indict the white police officer, despite widespread public protest.

In Cicero, Illinois, a "mob" under the very eyes of police, burned and looted the home of the first Negro to move into a housing development. In nearby Chicago, one of the nation's outstanding chemists, a Negro, received the same treatment—and to top this, was barred from the Union League Club, although voted Chicago's "Number One Citizen."

And nothing is done about these crimes.

There have been reports—many of them. But nothing is done.

That is why we are tired of gradualism.

Jim Crow in the Armed Forces

Segregation and discrimination in the armed forces of the United States, a segregation which violates the Charter of the United Nations and results in genocide within the terms of the Genocide Convention, has long been the avowed policy of the Federal Government. Under the Constitution of the United States, the President is the commander-in-chief of the Army, Navy and Marine Corps. It is mandatory and basic that his orders be obeyed. Now and again he has issued equivocal "orders" to end discrimination and segregation in the armed forces. These "orders" have been so consistently flouted and with such immunity from discipline that it is generally thought the orders were not seriously meant to be obeyed. In fact, when the first such order was issued, Gen. Bradley, then Chief of Staff, openly announced it would mean "no change" in the Army. Negro soldiers are still segregated into special units in the Army, units usually used for labor and trucking. In the Navy and Marines, Negroes are virtually always held to cooking and other menial tasks.

"... the records show," says the President's Committee on Civil Rights, "that the members of several minorities, fighting and dying for the survival of the nation in which they met bitter prejudice, found there was discrimination against them even as they fell in battle."

Since nothing concrete was done to carry out the recommendations of the President's Committee the situation concerning "discrimination against them even as they fell in battle" continues to this day in Korea. Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People, found after an investigation in Korea that members of segregated regiments of American Negro soldiers were being court martialled and sentenced to prison in numbers so far exceeding those of white soldiers that there were ample grounds for believing that the courts martial were on the basis of race rather than of conduct

in battle. This in itself is an instance of "serious bodily or mental harm to members of the group."

As a result of these findings, and other protest, President Truman was forced to commute the death sentence meted out Second Lieutenant Leon Gilbert to twenty years in prison. Moreover, American soldiers who happened to be Negroes have been so often killed or beaten with impunity for no offense by peace officers in the South that it can be said to form a social pattern. The uniform of an American soldier receives no respect if its wearer is a Negro in the South, where he is the subject of as much discrimination, segregation and violence as if he were a civilian.

On the subject of *Negro GI Frameups*, a survey issued by the Congress for Civil Rights, says:

"Other instances of brutality toward Negro troops in Korea include the following:

a. On November 4, James Hicks reported in the Baltimore *Afro-American* that at least 11 Negro soldiers of the all-Negro 24th Infantry Regiment in Korea had been given the 'Gilbert treatment.' He reported more Negro GI's court-martialled on charges of misconduct before the enemy. Hicks wrote of seeing convicted men in a train in South Japan under armed guard, being sent to Army stockades. His story reported the spectacle made when Negro GI prisoners arrived in Japan and were met by armed guards who formed a semi-circle before their train door with drawn guns and marched the men in columns of two to a waiting truck.

b. On December 21, 1950 the New York *Daily Worker* reported the sentencing of GI M/Sgt. Paul Paulfrey to 20 years at hard labor for alleged 'misconduct' in Korea.

c. The NAACP *News Report* of November 16, 1950 revealed that letters from Negro GI troops in Korea begged the NAACP (the National Association for the Advancement of Colored People) to 'investigate the mass persecution' of the men of the 24th Infantry Regiment. One letter from a Negro GI said: 'We are being court-martialled and sentenced to prison for life—not one or two of us but in groups of four's and five's.' Another letter from a GI sentenced to 10 years imprisonment complained: 'I don't think I had an even break. . . . It seems as though the Negroes are the only ones to get a lot of time. . . .'

d. The *Amsterdam News* of February 23, 1951, reported that investigations of U.S. Army practices in Korea and Japan by Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People, would reveal the following:

1) That Army authorities are prosecuting a greater portion of Negro soldiers than whites on charges of cowardice.

2) That far heavier sentences are imposed on Negroes and that only eight white soldiers had been accused of violating the 75th Article of War as compared with 60 Negro GI's.

Marshall stated that the report of his findings filed with General MacArthur revealed the following:

1) 32 Negroes and only two whites had been convicted for alleged infraction of Article of War 75. The white GI's received sentences of 3 and 5 years. Of 32 Negroes convicted, fifteen were sentenced to life, one (Lt. Gilbert) to death; one to 50 years and 15 from five to twenty-five years.

2) He had talked with about 70 enlisted men from every company and battery of the 24th Infantry Regiment and the 159th Field Artillery attached to the 24th, and all believed that the conviction of Negro GI's had been 'excessively harsh.'

"In spite of continued protests, the U.S. Army has shown no indication of fundamentally altering its Jim-Crow policy toward Negro troops in Korea...."⁴⁰

The President's Committee On Civil Rights in October 1947, itself admitted the President's "orders" against segregation were openly disregarded in the armed services.

"Within the services, studies made within the last year disclose that actual experience has been out of keeping with the declarations of policy on discrimination.

"In the Army, less than one Negro in 70 is commissioned, while there is one white officer for approximately every seven white enlisted men. In the Navy, there are only two Negro officers in a ratio of less than one to 10,000 Negro enlisted men; there are 58,571 white officers, or one for every seven enlisted whites. The Marine Corps has 7,798 officers, none of whom is a Negro, though there are 2,190 Negro enlisted men. Out of the 2,981 Coast Guard officers, one is a Negro; there are 910 Negro enlisted men. The ratio of white Coast Guard commissioned to enlisted personnel is approximately one to six.

"Similarly in the enlisted grades, there is exceedingly high concentration of Negroes in the lowest ratings, particularly in the Navy, the Marine Corps and the Coast Guard. Almost 80 percent of the Negro sailors are serving as cooks, stewards and steward's mates; less than two percent of the whites are assigned to duty in the same capacity. Almost 15 percent of all white enlisted marines are in the three highest grades; less than 2½ percent of the Negro marines fall in the same category. The disparities in the Coast Guard are similarly great. The difference in the Army is somewhat smaller, but still significant. Less than nine percent of the Negro personnel are in the first three grades, while almost 16 percent of the whites hold these ranks.

"Many factors other than discrimination contribute to this result. However, it is clear that discrimination is one of the major elements which keeps the services from attaining the objectives which they have set for themselves.

"The admission of minorities to service academies and other service schools is another area in which the armed forces have enjoyed relatively little success in their efforts to eliminate discrimination. With regard to schools within the services, the disparities indicate that selection for advanced training is doubtless often made on a color basis. As for the service academies, in the course of the last seventy-five years to Military Academy at West Point admitted a total of only thirty-seven Negro cadets, while the Naval Academy at Annapolis admitted only six. The Coast Guard Academy, while it selects

⁴⁰) *A Survey of Major Developments in the Year 1950 With Respect to the Negro People in the United States*, pp. 6, 7, 8.

applicants on the basis of open, competitive examinations without regard to color, has no knowledge of any Negro ever having been accepted. The absence of Negroes from the service academies is unfortunate because it means that our officers are trained in an undemocratic environment and are denied the opportunity to learn at an early stage in their service careers that men of different races can work and fight together harmoniously.

"State authorities promulgate the regulations concerning enlistment of Negroes and the formation of Negro units in the National Guard. Most states do not have Negro units; of those that do, all but three require segregation by regulation. Of thirty-four states answering on inquiry made by the President's Advisory Commission on Universal Training, only two permit the integration of Negroes with white units. The Commission, commenting on discrimination, observed that it 'considers harmful the policies of the states that exclude Negroes from their National Guard units. The civilian components should be expanded to include all segments of our population without segregation or discrimination. Total defense requires the participation of all citizens in our defense forces.'

"Looking to the future, the Commission also found that some of the present practices of the armed forces would negate many of the benefits of that proposed universal training program. Speaking of this program it said:

. . . it must provide equality of privilege and opportunity for all those upon whom this obligation rests. Neither in the training itself, nor in the organization of any phase of this program, should there be discrimination for or against any person or group because of his race, class, national origin, or religion. Segregation or special privilege in any form should have no place in the program. To permit them would nullify the important living lesson in citizenship which such training can give. *Nothing could be more tragic for the future attitude of our people, and for the unity of our nation, than a program in which our Federal Government forced our young manhood to live for a period of time in an atmosphere which emphasized or bred class or racial differences.*'⁴¹

The words we have emphasized are explicit admission of the genocidal nature of segregation. The fact is that for all their lives—not just "a period of time"—the entire Negro people, not just a few—must live in the United States. Because of the lamentable fact that nothing has been done to implement the report of the President's Committee on Civil Rights, the discriminatory ratios cited above still maintain in the armed forces of the United States. Such segregation trains, encourages, and prepares for discrimination and violence on the basis of race. Not only does the segregation and discrimination in American armed forces authorized by the Government of the United States violate all the articles of the Charter of the United Nations which provide for "human rights and fundamental freedoms for all *without distinction as to race . . .*", but in addition it makes for genocide. It inevitably results in "serious bodily or mental harm to members of the group" when it does not actually result

41) To Secure These Rights, pp. 42, 43.

in "killing members of the group." The higher ratio of imprisonment and execution after courts martial among Negro soldiers as compared with white, as well as the cases cited above, proves this a fact.

The District of Columbia

Equally clear and indisputable is the complicity and guilt of the Government of the United States in the genocide committed in the District of Columbia, the nation's capital. This is governed under the direct authority of Congress. Here there can be no specious arguments about "States rights" or "separation of powers." The nation's capital is notorious for that segregation which inevitably leads to "killing members of the group," to "serious bodily or mental harm to members of the group," to "deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part."

In Washington, D.C., Negroes are denied entry to most hospitals. We have previously listed typical instances of Negroes dying as the result of being refused admission to hospitals in Washington. The Washington ghettos, some of the worst in the country, are cesspools of disease and poverty, admittedly shortening the lives of those who live in them, manifestly cases of "deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part." And the segregation in Washington which bars Negroes from the best playgrounds and parks, from decent living quarters, from restaurants, hotels and places of entertainment, is a breeder of police violence against Negroes. If Negroes as a matter of law are not fit for the normal privileges of citizenship, then they are not entitled to humane treatment, according to the apparent reasoning of Washington police.

Negro schools, segregated schools, are inferior to white schools in almost every respect, according to the report of the President's Committee in 1947. Nothing has changed since then. White school buildings have a capacity which is 27 percent greater than actual attendance. In Negro schools enrollment *exceeds* capacity by 8 percent.

Negroes in Washington are being increasingly packed into a few overcrowded slums. They are held and imprisoned there by the legal device of the restrictive covenant which bars them from better places to live. In 1940, one-eighth of the white dwellings were substandard. But 40 percent of the dwellings occupied by Negroes were substandard.

Discrimination against Negroes in employment in the District of Columbia is general both by private concerns and by the United States Government. Almost a quarter of the complaints brought before the FEPC in the fiscal year 1943-44 were brought by Negroes charging the Federal Government with discrimination against them in the matter of employment. Once employed by the government, a survey of one Gov-

ernment bureau indicated, it took a Negro employee seven times longer to receive a promotion than was required for a white colleague doing similar work. An official of the District of Columbia was quoted as declaring, "Negroes in the District of Columbia have no right to ask for jobs on a basis of merit." In 1940, according to Government statistics, three quarters of the Negro workers in Washington, D.C., were employed as domestics, laborers, or service workers. Only one-eighth of white workers were so employed.

Although sickness rates are higher among Negroes in Washington, D.C. than among whites, four of its twelve private hospitals will not admit Negroes and the remainder admit only a few in segregated wards.

The authority of the Government of the United States to end segregation and discrimination in Washington, D.C. is complete.

So is its failure to use that authority.

The Panama Canal Zone

"Segregation has not been enforced by the states alone," says the report of the President's Committee on Civil Rights.⁴² "The Federal Government has tolerated it even where it has full authority to eliminate it. We have already examined the situation in the armed forces. Another prominent example is the record in the Panama Canal Zone."

The Panama Canal Zone is completely under the authority of the Government of the United States. And in the Canal Zone exists the most complete and strictest system of segregation among its thousands of employees. White employees are known as "Gold employees" and Negro employees designated as "Silver Employees." Under this system, separate and unequal facilities are maintained for Negroes, who live in inferior "Silver" dormitories, eat in inferior "Silver" restaurants, buy in inferior "Silver" commissaries, play in inferior "Silver" recreational establishments, and receive vastly inferior "Silver" pay. All this "Gold" and "Silver" segregation is completely maintained by the Federal Government.

Other Governmental Discrimination

Discrimination permeates almost every facet and every activity of the Federal Government. Thus the official *Underwriting Manual* of the Federal Housing Administration approves jim crow housing by warning against mortgage risks as a result of "inharmonious racial groups." The Federal Housing Administration, moreover, continues to extend the benefits of mortgage insurance without regard to whether those benefited engage in discrimination, according to a 1950 report of the American Jewish Congress and the National Association for the Advancement of Colored People.

⁴²) Pp. 79, 80.

A survey by Dr. Richard Sterner, under the auspices of the Carnegie Foundation revealed in 1942 that Negroes were often discriminated against in the administration of government services. Sometimes laws are so written that the majority of Negroes are exempted from benefits provided even though they need them most. "Thus," according to the report of the President's Committee on Civil Rights in 1947, "the old age and survivors' insurance and unemployment compensation system do not cover agriculture, domestic service, and self-employed persons. Sixty-five percent of all Negro workers fall into these categories compared with 40 percent of all white workers."

And Dr. Sterner found that although Negroes have a greater need for old age assistance than whites, average grants in the Federal Old Age Assistance Program were lower for Negroes than for whites. He also found that the benefits paid by the Federal Farm Security Administration were less for Negroes than for whites. In addition, he found that discrimination against Negroes, both in payments and in numbers helped, can be cited in government aid to the blind, and for the care of delinquent, destitute and handicapped children.

But the greatest of all discriminations constantly perpetrated against the Negro people by the Government of the United States is the refusal of the Department of Justice, Congress and the Supreme Court to give the Negro that equality before the law guaranteed by the Fourteenth Amendment. This is another way of saying that these agencies of the Federal Government refuse to give the Negro the protection of the law granted other citizens as a matter of course. As a result he is the constant prey of the lawless, fair game for the criminal of high and low degree.

The Department of Justice, under the Attorney General, is the law enforcement agency of the Federal Government. As such it receives complaints of violations of the Federal law, investigates them through the Federal Bureau of Investigation and prosecutes them through Federal District Attorneys in the Federal Courts. Because of the frequency with which complaints were received, usually from Negro citizens, alleging violations of civil rights, a special Civil Rights Section was formed in 1939. This section receives between 1,500 and 2,500 complaints of civil rights violations every year. But in the eight years ending in 1947, out of some 12,000 complaints received, it prosecuted only some 178 cases.

Thus it has been without value in protecting the Negro people from violence, in securing the rights guaranteed them under the Constitution, or in preventing or punishing the crime of genocide. The explanation usually given is that the law makes it impossible for them to obtain convictions. To a layman it seems that the Fourteenth and Fifteenth Amendments, and the resulting Civil Rights Act, are explicit and sufficient, and that all that would be needed to enforce them would be the

determination and will to do so by a President, his Department of Justice, and the Supreme Court. Admittedly the tortuous decisions by which the Supreme Court traditionally holds that the plain and clear laws protecting Negro citizens mean something else, has made it difficult for the Civil Rights Section of the Department of Justice.

But defeatism and unwillingness to act forthrightly have contributed even more to its negative record in the protection of Negro citizens in their rights. The President has failed to enlarge the Section—while multiplying manifold the Federal Bureau of Investigation and making it a powerful instrument of repression. The President's Committee on Civil Rights suggests that this defeatism, this unwillingness to act forthrightly, may come from the Federal Bureau of Investigation, charged with the investigations upon which the Civil Rights Section is expected to make prosecutions. "There is evidence," says the report on page 123, "in the civil rights cases files in the Department of Justice that the Bureau has sometimes felt that it was burdensome and difficult to undertake as many specific civil rights investigations as are requested. Moreover, investigations have not always been as full as the needs of the situation would warrant. . . . The tendency of FBI agents to work in close cooperation with local police officers has sometimes been detrimental to the handling of civil rights investigations. At times the local officers are themselves under suspicion. Even where this is not so, the victims or witnesses in civil rights cases are apt to be weak and frightened people who are not encouraged to tell their stories freely to federal agents where the latter are working closely with local police officers. Having in general established such a wholly sound relationship, it is sometimes difficult for the FBI agent to break this relationship and to work without, or even against the local police when a civil rights case comes along."

Whatever the reason, the fact remains that the Civil Rights Section, established for the specific purpose of protecting the Negro from the violent abrogation of his civil rights, has failed as definitively in accomplishing this as has every other agency of government.

The Congress

For many years the Congress of the United States has refused to guarantee by adequate law the rights to which the Negro people of the United States are entitled under the Constitution. Every member of the Congress participating in the refusal has violated his oath of office which requires that he uphold the Constitution of the United States including the amendments guaranteeing the Negro people due process of law and equal treatment before it, and specifically guaranteeing the basic right of voting. This historic refusal, repeatedly made over the years, is in

itself an incitement to genocide since it serves as a Federal legislative announcement that a Negro American has no rights that a white American will be forced to respect. It is, moreover, indirect but powerful approval for the several states persecuting Negroes through segregation, venal courts and corrupt police.

Bills providing for the implementation of the civil rights guaranteed Negroes by the Constitution, providing for federal anti-lynching legislation, elimination of the poll-tax, and a Fair Employment Practices Commission to eliminate discrimination in employment, have been introduced again and again in successive Congresses. And again and again they have been defeated, shelved or filibustered to death. Moreover, a political confidence game is regularly played on the Negro people every four years. The two main political parties, acting in convention, quadrennially promise the Negro that at long last he will be given his fundamental rights as a citizen, that thenceforth he will be more than a voiceless automaton whose function is only to contribute to monopoly's profits, that from now on he will be protected from violence and bloodshed. Regularly made, these promises are just as regularly betrayed in Congress after Congress.

The technique of betrayal has become an institution known as the "Gentlemen's Agreement." More accurately it is the "sell-out" in which Congressional leaders of the Republican and Democratic parties agree not to permit legislation providing for full Negro citizenship to come up for a vote. It is a pledge of continued oppression and bloodshed, its observance depending solely on the word of the "gentlemen" in Congress. The pledge has never been violated. Amendments and the filibuster are also used to cheat the Negro American out of the protection he is entitled to as a United States citizen.

The report for 1950 by the National Association for the Advancement of Colored People and the American Jewish Congress has this to say about the record of Congress in the latest year:

"No substantial action was taken on the comprehensive civil rights bill, the poll-tax or anti-lynching bills, the prohibition of segregation in interstate commerce or the armed forces or any of the bills for self-government or equality in the District of Columbia. . . . The FEPC Bill was gutted in the House of Representatives and filibustered to death in the Senate."

In commenting on this quotation and the report from which it comes, another report on the plight of the Negro in 1950 prepared by the Civil Rights Congress, says the following:

"The report fails to link this with the aggressive war policy of the bi-partisan Truman Administration and fails to note the signal refusal of the Truman Administration even to make a pretense of effort to enact vital legislation in the interests of the Negro people.

"Nor does it mention the fact that at the same time that five thousand delegates assembled in a Crusade to Washington in January, 1950, to press for the enactment of the FEPC legislation, President Truman had gone on a fishing trip to Key West, Florida, and refused to lift a finger to win his own party members to support the Bill.

"This absolute refusal by Congress to pass any significant civil rights legislation in 1950, and the failure of the Democratic Party even to go through the pretense of fighting for it can be interpreted in no other way than as a product of the aggressive war policy of the American ruling class. The passage of the McCarran Act, which would make the very advocacy of civil rights a crime, reveals further that Congress not only failed to pass beneficial civil-rights legislation, but actually took a major step toward denying the Negro people and their white allies the right even to petition for civil rights in the future. Thus, the record of the legislative branch of government in 1950 was actually one of attack on the rights and lives of the Negro masses."

Document D of our Appendix shows in some detail the tone, temper and maneuvers of Congress from January 16, 1950 to September 21, 1950. It is filled with racist attacks on minorities, punctuated by slanders against the Negro people.

The Supreme Court

The record of the Supreme Court in buttressing the tyranny directed against the Negro people is particularly revolting because it has decorated oppression with legal pomposity, excused genocide by every legal circumlocution found in the lexicon of law and precedent. Its record is peculiarly painful in that it has used the righteous tone of legal language to authorize murder and to permit that segregation which inevitably leads to mass slayings on the basis of race. With synthetic independence and with Olympian gestures it has handed over 15,000,000 Americans to oppression and grief. For generations it has avoided the obvious intent, the plain unambiguous words, the clear, self-evident meaning of the Fourteenth and Fifteenth Amendments. Instead it has declared with all the majesty of its position, with all the spurious dignity that legal trappings can endow, that United States Negroes cannot be effectively protected by their own government from segregation, disfranchisement and violence. No amount of legal theory or twistings concerning state rights can palliate its crime. It has delivered a people—Americans it was supposed to protect—to degradation and violence.

Indeed it has done even more than this. It has used the very provision that was to protect Negroes to enrich the monopoly that oppressed them. It found that the Fourteenth Amendment was not meant for the protection of the Negro but for the protection of powerful corporations. From 1868 to 1912, the Supreme Court rendered 604 decisions based upon the Fourteenth Amendment, of which 312 concerned corporations. There were twenty-eight appeals to the Court involving Negro rights under the

Fourteenth Amendment, of which twenty-two were decided adversely.

As late as 1945, in the case of *Screws v. United States*, the Supreme Court found that the Fourteenth Amendment, providing that Negroes should be allowed due process of law, did not apply to a Negro beaten to death by police before trial after he had been arrested and charged with theft of a tire. But it is in upholding segregation that the Supreme Court has been, and continues to be particularly adamant. Repeatedly it has held that segregation is not a violation of the Fourteenth Amendment providing for equality of treatment, on the theory that segregation is legal if "separate but equal" accommodations are provided. The obvious and easily provable fact that accommodations provided for Negroes are virtually never equal but always inferior, has not shaken the Court. Mr. Justice Harlan, in a powerful dissent still valid today, charged his colleagues in 1896 with emasculating the Thirteenth and Fourteenth Amendments by upholding segregation. He wrote in *Plessy v. Ferguson*:

"Our Constitution is color blind, and neither knows nor tolerates classes among citizens. . . . We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of law which practically puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law. The thin disguise of 'equal' accommodations . . . will not mislead anyone, or atone for the wrong this day done."

While the Supreme Court in 1945 ruled against the Democratic white primary in *Smith v. Allright*, in June of 1951 it upheld the poll tax, another device for preventing Negroes from voting. And if the Supreme Court's 1945 decision tended to aid the Negro in his fight for the vote, it was nullified by the Federal Government's failure to enforce it through police action. The failure of Federal prosecution enables Southern states to thwart it successfully. Similarly adverse decisions by the Court as to segregation by zoning are circumvented by the restrictive covenant which the Supreme Court in June, 1951, held can be enforced through suit in civil courts. The Court, moreover, has made no attack on the widespread general segregation enforced through the laws of many states over a wide section of the United States, a segregation which is the source and breeding place of the genocide directed against the Negro people.

Rather the Court apparently seeks the appearance of liberality by attacking the problem on its periphery, by decisions which do not change the overwhelming fact of segregation. John Pittman, analyzing a group of decisions concerning Negro rights made by the Supreme Court on October 9, 1950, writes in *Masses & Mainstream* of February and January 2, 1951:

"On last October 9, the Supreme Court rejected an appeal by Atlanta school teachers seeking to establish a basis for their demand for salary equalization. Since teachers form the bulk of the urban Negro middle class, this decision condemned the Negro middle class to a lower standard of living than the white middle class. It froze the present status of Negro school teachers.

"A second decision refused to review Senator Glen Taylor's appeal from a conviction of 'disorderly conduct' for insisting on entering a door in Birmingham marked 'Negro Entrance.' This decision froze the segregation status of Negroes.

"A third decision rejected an appeal by Oklahoma City Negroes who had bought homes from white property owners who had covenanted with other white property owners not to sell to Negroes. Oklahoma courts had cancelled the sales. Although the Supreme Court had ruled in 1949 that courts could not enforce restrictive covenants, in the Oklahoma case it reversed itself, restored the legality of one of the main devices for perpetuating the ghetto, and buttressed its 1949 decision approving Metropolitan Life Insurance Company's Jim-Crow policy at New York's big Stuyvesant Town housing development.

"Twice the Supreme Court rejected the appeal of the seven Martinsville, Virginia, frameup victims, condemned to death on the old lynching pretext of an alleged rape of a white woman. In its latest decision, January 2, 1951, it ignored the issues of the guilt of the accused, their trial and conviction by a lily-white jury and the fact that the State of Virginia in all its history had never executed a white man for rape, reserving the death penalty solely for Negroes. This decision froze the practice of lynch-justice throughout the country.

"However, although side-stepping the separate-but-equal issue, the Supreme Court did hold in favor of Negro petitioners for the right to attend colleges and universities in states which do not provide equal facilities for Negroes only. This has resulted in about 200 Negro students being admitted to professional schools and colleges throughout the South.

"If therefore the U.S. Supreme Court's ruling in favor of Negroes seeking professional or higher education—a number permanently limited by economic factors—be set against the court's bulwarking of the Jim-Crow system in housing, economic opportunity and places of public accommodation, and its blessings for the system of lynch-justice, the balance will clearly reflect the policy of yielding paltry concessions to the middle and upper class, while perpetuating the status of the masses."

In summarizing the guilt of the Federal Government in creating and conserving the conditions for genocide, it might be well to repeat the words of Milton R. Konvitz, Associate Professor, School of Industrial and Labor Relations, Cornell University:

"Congress has refused to pass laws to declare the poll-tax illegal; to make discrimination in private employment in interstate commerce a crime; to define and guarantee civil rights in the District of Columbia. The Supreme Court has failed to declare Jim-Crowism in intrastate commerce unconstitutional; to outlaw segregation in schools as a denial of due process or equal protection of the law; to outlaw the restrictive covenant in the sale or rental

of property; to declare the poll-tax an unconstitutional tax on a federally guaranteed right or privilege. The Supreme Court has placed the Negro at the mercy of the individual states; they alone have the power to define and guarantee civil rights. . . .”

And all these failures contribute heavily to genocide, to killing on the basis of race, to a segregation “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,” to causing “serious bodily and mental harm to members of the group.”

* * *

In concluding this section on conspiracy to commit genocide in violation of Article III of the Genocide Convention, we submit that we have proved that such conspiracy is a fact, that the several branches and departments of the Government of the United States combine with state governments and the financial community to the accomplishment of the conspiracy’s goal. We have shown the motive of the conspiracy and we have shown its methods. We have proved that monopoly profits from it to the sum of four billions of dollars yearly; that through killing part of the Negro people on the basis of race, monopoly exploits the remainder; that through the genocide practiced against the Negro people, monopoly secures political and economic control of the entire American people, that this genocide in short is the decisive link in the chain that binds Americans to the plans and profits of Wall Street. We have proved that both state and Federal governments are the creatures of monopoly; that as a part of this conspiracy a political party ran on an open platform of white supremacy; that states charter, and the Federal Government permits, the operation of a score of terrorist societies devoted to organized violence against the Negro people; that as a further part of the conspiracy, the Negro people are deprived of the vote, weakening potential mass movements for peace and economic and political democracy; that in furtherance of the conspiracy a mass of racist Hitler-like law has been written and is enforced by the various states; that the Federal Government authorizes and permits segregation in the armed forces of the United States, in Washington, D.C., the Panama Canal Zone, as well as the various states of the United States, well knowing that such segregation inevitably results in genocide.

We further submit that we have proved that the President of the United States, the executive head of the Government of the United States, Congress, and the Supreme Court, long have and are now synchronizing their acts and failures to act to accomplish the genocidal ends of this conspiracy of which they themselves are members. The fact that they characterize this genocide and that which makes it possible as only

the "American system" of states rights or of checks and balances makes it not a whit less deadly.

ARTICLE III (c). DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE

The mouthings of white supremacists, the polemics of racists, echo constantly over the land, insisting that the Negro, by law if possible and by force if necessary, be imprisoned in an inferior status. The threat of violence is the common denominator to all these incitements, which play no small part in the resulting mass murder on the basis of race, whether they concern pleas for the preservation of the segregated school system, the white primary, or "the purity of white womanhood." There is scarcely anyone, too low in reputation or too high in official position, particularly in the South, who does not feel qualified to threaten Negro Americans if they do not keep their "place." The high falutin' speech paying tribute to the slave holders' Confederacy of the past and promising vengeance on any Negro who dares exercise his rights in the present is almost an American art form, specifically in the South where it is as stylized as the sonnet. It is a part of the standard equipment of Governors, Kleagles, and Senators, of sheriffs, businessmen and congressmen, and all too frequently it is spread to millions by means of the radio.

There follows a sample of the kind of incitement which has become an American institution in which the threats are direct enough to any who know the delicate nuances of the Southland. Proof that the threats are understood is offered by the Negro dead, the Negro maimed, and that fractional number of cases described here. These incitements are not arranged by date but rather by their representative and typical quality.

GOVERNOR HERMAN TALMADGE, of *Georgia*, in a radio address on October 22, 1949, said in speaking of the struggle of Negro Americans for their rights under the Fourteenth and Fifteenth Amendments: "We intend to *fight hand to hand with our weapons* and we will never submit to one inch of encroachment on our traditional pattern of segregation." (Italics ours.) He further said on this occasion when he described the Negro aspiration for legal American rights as "dangerous and revolutionary." "We shall fight this dastardly effort with all the strength and resources we have. . . . We will fight them in the state courts. We will fight them in the federal courts. *We will fight them in the countries and cities.*" (Italics ours.) It was at this point that the Governor added his threat of "hand to hand" fighting "with all our weapons."

SENATOR THEODORE BILBO, of *Mississippi*, made a radio speech on June 22, 1946, in which he advised the murder of Negroes attempting to vote in the July 2 primaries of that year. Urging "every red-blooded Anglo-Saxon man in Mississippi to resort to any means to keep hundreds of Negroes from the polls," he suggestively added that he had defended eleven people charged with murder and that all had been acquitted. "Use any means to keep them

from the polls," he continued, "and if you don't know what I'm talking about you're not up on modern means of prevention." On August 9, 1946, again speaking over the radio, this time over the Mutual Broadcasting System, he announced his membership in the Ku Klux Klan, and said: "I say the best way to keep a n——r from the polls is to see him the night before."

On June 29, 1945, Bilbo told a reporter the story of a lynching with chuckles of laughter. A month later he wrote Mrs. Dollie Mason and Mr. Critt McSwain, of Detroit, Michigan, addressing them as "My dear n——r friends." In his letter he predicted another race riot against Negroes in Detroit. *The Congressional Record* for July 24, 1945 contains the following remarks by Bilbo: "I prophesy that with the return of these million or more Negro soldiers that have been coddled and misled into believing that as a result of this war they are coming back to America and will be permitted all the social and political rights that are the province of the white man in a white man's country, I prophesy that hell is going to break loose in Georgia and from the Great Lakes to the Gulf." He also said, "The Negro race with 3,000 years behind it in Africa has made no progress at all. Many are still cannibalistic . . ."

On January 4, 1947, Southern Democrats launched a filibuster to prevent the organization of the Senate because of its refusal to administer the oath of office to Bilbo "forthwith." The Senate tabled motions to seat Bilbo at once. So, Allen J. Ellender of Louisiana, who had been in charge of the Senate investigation into the terror against Negroes in Mississippi and had whitewashed that terror, stated that the Senate refused to seat Bilbo because "they wanted to capture the n——r vote." The filibuster was broken after two days with Bilbo not being sworn in. Bilbo went to New Orleans, La., for an operation and the Senate decided that until his return, his credentials would lie on the table "without prejudice and without action." Bilbo in the meantime was to draw salary for himself and his staff. This compromise was not necessary, since each House has jurisdiction over the qualifications of its members. Bilbo died on August 21, 1947, of cancer of the mouth, without having been deprived of his seat.

SENATOR JAMES O. EASTLAND of *Mississippi*, during the course of a speech before the United States Senate, on June 28, 1945 charged that Negro soldiers had raped white women in Europe. Eastland made the inflammatory and later disproved statement that French Senegalese troops, Negro colonials, had raped 5000 German women in a Stuttgart subway. The local French consulate, in a communication with the U.S. State Department, formally protested Eastland's charges as untrue. Allied Supreme Headquarters, on July 6, after a week-long investigation, denied the charge. Not one voice in the Senate was raised to protest his charges, either during or following his June 28 speech. On October 12, 1945, Senator Eastland boasted to a delegation from organized CIO plants that secret white committees are forming in Mississippi, wherever necessary, to prevent Negroes from voting. *The Congressional Record* for January 25, 1946, carried a threat by Senator Eastland that if the FEPC became law he would "take great pleasure in nullifying its provisions." He predicted Klan terror and lynchings on the scale that occurred towards the end of the Reconstruction period.

MAYOR JEFFRIES of *Detroit, Michigan*, in his 1945 campaign for re-election, distributed leaflets attacking Negroes and Jews.

SENATOR ALLEN J. ELLENDER of *Louisiana* declared on the floor of the Senate

in June, 1946: "I believe in white supremacy, and as long as I am in the Senate I expect to fight for white supremacy, because I can see that . . . if the amalgamation of whites and Negroes in this country is permitted, there will be a mongrel race, and there will come to pass the identical condition under which Egypt, India, and other civilizations decayed. . . . A race which has not shown creative genius may be assumed to be an unfit type so far as progress in civilization is concerned and is a matter of concern for the eugenicist. Those who seek to maintain the white race in its purity within the United States are working in harmony with the ideals of eugenics. Asiatic exclusion and Negro repatriation are expressions of the eugenic ideal."

SENATOR JOHN SPARKMAN of *Alabama*, campaigning at Huntington College, Montgomery, Alabama, declared on September 24, 1948: "I, as your Senator, will continue to fight as I have fought in the past twelve years against the imposition of civil rights legislation upon the South."

A direct incitement for lynch violence against ROBERT DURR, Negro editor by Frederick Sullens, editor of the Jackson, Miss. *Daily News*. Durr had written to Sullens requesting that he print the truth about the recent Magee, Mississippi, incident where three Negro families had been driven into swamps and hunted down with rifles and bloodhounds. Sullens printed Durr's letter with the heading: "An Impudent Letter from a Birmingham Negro Editor." Durr wrote: "Postal regulations forbid the saying of exactly what should be said concerning the impudent writer of the above letter." Sullens lauded the posse of 300 that hunted down the Negroes in Magee, and went on: "It suffices to say that when race riots are started in this nation, if it happens, Negroes like Robert Durr will be largely responsible and should be the first to receive attention."

WILLIAM LINDLEY, president of the Florida Peace Officers Association, said in the course of a state-wide meeting held in January, 1946, in *St. Augustine, Florida*, that Negro veterans must be "kept in their place." He spoke of the Negro veterans as "Eleanor's chosen children" and added: "Those boys are ready to attack policemen, sometimes with guns, if they are roughed up a little." Lindsey spoke also of intermarriage between Negro GIs and British and French women, and said that the Negro soldiers "are now coming back expecting to marry our girls." He identified the Negro veterans with the psycho-neurotics. Lindsey said also that the Florida Police Chiefs Association had authorized payment of money for legal aid to officers. At the end of his speech he declared: "These boys are coming back pretending to be heroes without even having seen a gun unless they stole one and smuggled it in. We've got to keep them in their places."

HUGH DUBROSE, editor of the Radio News, of *Birmingham, Alabama*, wrote a signed article condemning the march of Negroes on the county courthouse in a demonstration for their right to vote. Dubrose wrote in part: "The best proof that I have to offer is that our Committee of Public Information comes up with the report that within a few hours of the Negro march on the courthouse, plans were under way to organize, or reorganize, the Ku Klux Klan."

Following are representative incitements by vigilant organizations and their leaders as well as excerpts from racist writers:

THE UNITED SONS OF DIXIE, incorporated, December 28, 1943, in *Tennessee*, operated as the Ku Klux wartime front. Its oath included: "Should these

United States of America be a white man's or negro's country? Do we want another Pearl Harbor from the negro in this country? Will you fight to make the U.S.A. a white man's country?"

A secret oath required of all members of the *United Sons of Dixie* was taken orally, as follows: "I promise and swear to provide myself with a good gun, and plenty of ammunition, and to be ready when the n—r starts trouble, to do all in my power to give him plenty. I further promise and swear not to take any excuses, but to make good ones of them, as the only good n—s are dead ones."

In the Ritual of the *United Sons of Dixie*, the president read to all new members the following: "These United States of America must, and shall be, a white man's country for white people, the master race. We must keep it that way. The white people of the world must compose the Master Race not only here but in other countries—just so they are white people. Men, do you ever get mad? Do you ever feel like getting out and blasting the negroes until there are none left in this country? We must nominate and elect members of our Order and put them in state, county and city public offices. These men will be able to put laws on our statute books which will help us. They can also help us to get arms and ammunition in order to defend ourselves and the white people of the United States. We want 15,000,000 members in the United States, and every one of them with a good gun and plenty of ammunition. . . . Eventually we must eliminate the negroes from this country."

HIRAM W. EVANS, Imperial Wizard of the Ku Klux Klan, wrote in 1938 in his *Negro Suffrage—Its False Theory*: "The first essential to the success of any nation, and particularly of any democracy, is a national unity of mind. Its citizens must be One People. They must have common instincts and racial and national purpose. . . . It follows that any class, race or group of people which is permanently unassimilable to the spirit and purpose of the nation has no place in a democracy. The negro race is certainly unassimilable; no one can claim that more than a few blacks are fit. "We should see in the negro a race even more diverse from ourselves than are the Chinese, with inferior honesty, and greatly inferior industry. . . . His racial inferiority has nothing to do with this fact; the unfitness applies equally to all alien races and justifies our attitude toward Chinese, Japanese, and Hindus. . . . No amount of education can ever make a white man out of a man of any other color. It is a law on this earth that races can never exist together in complete peace and friendship and certainly never in a state of equality."

JESSE B. STONER, Kleagle of the *Tennessee* Ku Klux Klan, on July 25, 1946, publicly announced his plans for getting rid of Negroes and Jews. He said the Tennessee Klan would use gas, electric chairs, hanging, shooting — "whatever way seems most appropriate."

HOMER LOOMIS, JR. said at a street meeting of the Columbians, in *Atlanta, Georgia*, on October 1, 1946: "We don't want anybody to join who's not ready to get out and kill n—s and Jews."

HOMER LOOMIS, JR., at a Columbian meeting at 198½ Whitehall Street, *Atlanta, Georgia*, on October 3, 1946: "There is no end to what we can do through the ballot. If we want to bury all n—s in the sand, if we will organize white Gentiles politically to combat the Jew and n—r blocks, we can pass law enabling us to bury all n—s in the sand."

THE REV. HARRISON, the "Railroad Evangelist," said at a Klan meeting in *Atlanta, Georgia*, on November 1, 1948: "In God's sight it is no sin to kill a n—r, for a n—r is no more than a dog." "Itchy Trigger-Finger" Nash, an Atlanta policeman who was given a citation by the Klan for having killed so many Negroes, expressed the hope that he would "not have to kill all the n—s in the South," but would get some help from his brother Klansmen.

HOMER LOOMIS, JR., leader of the Columbians, Inc., Atlanta brownshirts, addressing the Imperial Klonselium of the Ku Klux Klan, East Point Klavern, *Georgia*, in 1946: "We propose that all the n—s in America be shipped back to Africa, with time-bombs on board the ships as an economy measure."

WILLIAM GREGG BLANCHARD, leader of the White Front, *Miami, Florida*, writing in the official organ *Nation & Race*: "If one believes in history before effeminate and fallacious ideologies, the recognition of the superiority of the Nordic and the Nordicized world is immediate. A dangerous upsurge of democracy and self-determination throughout the world of color is robbing the Western World of some of its power, but we have not yet lived to see the end of white supremacy. . . . When the Federal Government recognizes biological values and proceeds systematically to solve the South's problem by expatriation, birth control, and rigid segregation, the long race vigil will be over. . . . That dusky race which enslaved was happy and lovable must today be recognized for the sullen revolutionary mass it is and be disciplined accordingly. . . . Racial Nationalism demands that the negro be made a ward of the nation and governed by special codes befitting the dignity of a white state. (The Racial Nationalist Program of the White Front:) Miscegenation made a felony. Segregation of the Jews. With the Nordic nations of South America, the U.S. must exercise a strict tutorship over the whole Latin-American domain. American participation in white control and regulation of the world of color."

ANNOUNCEMENT OF AMERICAN GENTILE ARMY, *Convers, Georgia*, 1946: "This movement should appeal to every patriotic American Gentile. Independent Patriot, this is a great opportunity! This contest is a cold-blooded matter of political action that will be determined by the law of the jungle, 'the survival of the fittest.'

"For the privilege of membership in the American Gentile Army, I, a Caucasian American, pledge my loyalty as represented and in case of any violation on my part I agree to relinquish any claim or rights to membership in the American Gentile Army or association with the Pro-White American Gentile Party or the Commoner Party."

JAMES SHIPP, president Commoner Party, American Gentile Army, etc., 1946: "The Jew has a place in America. We won't treat him the way certain other countries have. He has place in production. Let him work on the farms, and haul manure, but let him keep out of government."

ARTICLE III (e). COMPLICITY IN GENOCIDE

We charge with complicity in genocide:

The President of the United States;

The Congress of the United States;

The Supreme Court of the United States;

The Attorney General of the United States;

The Department of Justice of the United States;

The states and officials of Mississippi, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Arkansas, Oklahoma and Texas, all of whom enforce segregation in violation of the United Nations Charter against the Negro people, thus fomenting genocide against them, and all of whom employ an institutionalized violence, using courts and police, to prevent the political or economic advance of the Negro people;

The Morgan, Rockefeller, Du Pont and Mellon interests which dominate (see Appendix) the political and economic life of the South specifically and the United States generally.

Original Southern Klans, Inc. (Georgia);

Knights of the Ku Klux Klan of Florida, Inc.;

Federated Klans of Alabama, Inc.;

Governor James Byrnes, of South Carolina, former Secretary of State and former Supreme Court Justice, for incendiary statements defending segregation, itself an institution that makes for murder on the basis of race;

Former Governor J. Strom Thurmond of South Carolina, candidate for President on the States' Rights (Dixiecrat) ticket in 1948, for white supremacist statements and leadership of a political party whose official documents incited to violence against the Negro people of the United States;

Governor Fielding L. Wright of Mississippi, candidate for vice-President on the Dixiecrat White supremacist ticket, for the reasons cited above and for his part in the murder of the innocent Willie McGee on the basis of race;

Governor Herman Talmadge of Georgia, for repeated white supremacist statements, some over the radio, inciting to genocide;

Representative John Rankin, Democratic Congressman from Mississippi, for repeated incitements to violence on the basis of race;

Senator James O. Eastland, Democrat of Mississippi, for repeated defenses of segregation and other incitements to violence on the basis of race;

Senator Allen J. Ellender, Democrat of Louisiana, for racist white supremacist statements tending to incite to violence against the Negro people.

PART IV

Summary and Prayer

In which the case is briefly reviewed and prayers are made to the General Assembly for such action as will condemn and prevent the crime of genocide now being committed against the Negro people of the United States.

Summary and Prayer

There may be debate as to the expediency of condemning the Government of the United States for the genocide it practices and permits against the 15,000,000 of its citizens who are Negroes. There can be none about the existence of the crime. It is an undeniable fact. The United States Government itself, through the Report of the President's Committee on Civil Rights quoted earlier, admits the institutionalized Negro oppression, written into the law, and carried out by police and courts. It describes it, examines it, surveys it, writes about it, talks about it, and does everything but change it. It both admits it and protects it.

Thus it was easy for your petitioners to offer abundant proof of the crime. It is everywhere in American life. And yet words and statistics are but poor things to convey the long agony of the Negro people. We have proved "killing members of the group"—but the case after case after case cited does nothing to assuage the helplessness of the innocent Negro trapped at this instant by police in a cell which will be the scene of his death. We have shown "mental and bodily harm" in violation of Article II of the Genocide Convention but this proof can barely indicate the life-long terror of thousands on thousands of Negroes forced to live under the menace of official violence, mob law and the Ku Klux Klan. We have tried to reveal something of the deliberate infliction "on the group of conditions which bring about its physical destruction in whole or in part"—but this cannot convey the hopeless despair of those forced by law to live in conditions of disease and poverty because of race, of birth, of color. We have shown incitements to commit genocide, shown that a conspiracy exists to commit it, and now we can only add that an entire people, not only unprotected by their government but the object of government-inspired violence, reach forth their hands to the General Assembly in appeal. Three hundred years is a long time to wait. And

now we ask that world opinion, that the conscience of mankind as symbolized by the General Assembly of the United Nations turn not a deaf ear to our entreaty.

We plead as patriotic Americans, knowing that any act that can aid in removing the incubus of United States oppression of the American Negro people from our country is the highest patriotism. The American Dream was for justice, justice for all men, regardless of race, creed, or color. He who betrays it, betrays our country, betrays the world itself since the United States is a power in it for good or for evil.

We speak, too, as world citizens, certain that if the forces of predatory reaction are allowed to continue their present policies, are allowed to continue a profitable genocide against Americans, the time will not be long removed, the world being what it is, that the same forces will practice genocide on a wider scale against the nationals of other nations. So we plead not for ourselves alone but for all mankind. We plead not only for an end of the crime of genocide against the Negro people of the United States but we plead, too, for peace.

If the General Assembly acts as the conscience of mankind and therefore acts favorably on our petition, it will have served the cause of peace, the protection of which is the fundamental reason for its being. We recall the words of Mr. Justice Jackson at the Nuremberg trial of the Nazi war criminals when he declared that silence in the face of such crimes would make us a partner of them. We cannot believe that the General Assembly will not condemn the crimes complained of in this petition.

We ask that the General Assembly of the United Nations find and declare by resolution that the Government of the United States is guilty of the crime of Genocide against the Negro people of the United States and that it further demand that the government of the United States stop and prevent the crime of genocide.

We further ask that the General Assembly by resolution condemn the Government of the United States for failing to implement and observe its solemn international obligations under the Charter of the United Nations and the Genocide Convention and that the General Assembly also demand that the United States immediately take effective steps to carry out and fulfill its international obligations under the Charter and the Genocide Convention.

In Part II of this petition we asked, and now ask again, for action under Article VIII of the Genocide Convention which provides that a contracting party can "call upon the competent organs of the United Nations to take action under the Charter for the prevention and suppression of acts of Genocide."

May we express the urgent hope that for the sake of justice and

world peace, for the integrity of the United Nations Charter and the good faith of the Genocide Convention, that a contracting party now make our case its own and "call upon the competent organs of the United Nations to take action. . . ."

In addition we asked in Part II of this petition, and now ask again, that any dispute as to the applicability of the Genocide Convention to the crime here alleged be submitted to the International Court of Justice in accordance with Article IX of the Genocide Convention.

From the first it has been emphasized, to use the words of the Secretariat of the United Nations in a note to the Ad Hoc Committee which drafted the Genocide Convention, that "The Convention will be concerned not only with punishment of genocide but also with its prevention."

We ask now, therefore, that the General Assembly take steps to assure that prevention. And we ask, finally, for whatever other measures shall be deemed proper by the General Assembly, under the Charter of the United Nations and the Genocide Convention, to assure the safety of the Negro people of the United States. In doing so it will contribute to the peace of the world.

PART V

Appendix

INCLUDING: (1) a case history of violence and illegal acts in the State of Georgia committed from 1940 through 1950 with the specific purpose of preventing Negroes from voting; (2) a study which, with some variation, is typical of other Southern states, revealing how the charge of "rape" was transformed into a state instrument for the oppression of the Negro people in the State of Louisiana; (3) a study of monopoly control of the South; and (4) a calendar of Congressional action showing its consistent refusal to act for the protection or welfare of the Negro people; (5) a selected bibliography.

Document A

DOCUMENT A was prepared as an offer of proof in the trial of the United States of America v. William L. Patterson, executive secretary of the Civil Rights Congress. It will be recalled that Mr. Patterson was cited for contempt of Congress after Representative Henderson Lanham of Georgia, acting chairman of a Congressional committee investigating lobbying, had called him "a black son of a bitch" and had attempted to assault him.

Although the purpose of the document was to show that Congressman Lanham had been illegally elected under the Fourteenth Amendment, it is also a social document of unusual worth, revealing how state officials combine with the Ku Klux Klan, and use the Klan as a quasi-official arm of government, to prevent the Negro people from exercising their Constitutional right to vote.

It is valuable, too, in that it reveals methods and techniques in widespread use in other states throughout the South.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

The United States of America
v.
William L. Patterson } Criminal No. 177-60

OFFER OF PROOF ON FOURTEENTH AMENDMENT POINT

THE WITNESS, Stetson Kennedy, would testify as to the facts showing the unconstitutional denial or abridgment of the right of a substantial number of citizens of Georgia to vote in the Congressional elections in that State during the period 1940 to 1950. These facts are as follows:

1. During this entire period from 1940 to 1948 no one was allowed to vote in Georgia who had not registered.

2. *Election of 1940:* The United States Census Bureau's records show that in 1940 the total number of citizens in Georgia above the age of 21

and thus eligible under Section 2 of the Fourteenth Amendment to the Constitution to vote in Congressional elections was 1,768,969.

Official returns of the 1940 election in Georgia as reported by the Secretary of State of Georgia was 312,539 votes. In other words, only 17 percent of the total population of Georgia above the age of 21 years succeeded in actually casting a ballot in 1940.

3. *Election of 1948*: Census Bureau records reveal that in 1948 the population of Georgia above the age of 21 years was 1,968,519.

In the election of that year, a total of 365,356 votes were cast, according to the records of the Secretary of State of Georgia. This was 18 percent of the total population above the age of 21.

4. *Negro Population and Vote*: According to Census Bureau records, every third person in Georgia during the period 1940 to 1948 was a Negro. But, according to the same source, in 1948 82 percent of the white population above the age of 21 years was registered, and only 18 percent of the Negro population above the age of 21 years had been registered. The percentages for 1940 were considerably lower because of the existence at that time of the State's polltax law, and the inviolate status of the white primary.

These figures and percentages indicate that an overwhelming majority of the Negro citizens of Georgia above the age of 21 did not exercise the right to vote in Congressional elections.

The witness, if permitted to testify, would establish that the failure to exercise the franchise by Negroes as aforesaid was due to a denial and abridgment of their right to do so and that there were three chief causes for this denial or abridgment: First, direct action by officials of the State of Georgia; second, official action by the Democratic Party of the State of Georgia, acting as an instrument of that State; and, third, the notorious action of private organizations and corporate powers acting with the actual or implied sanction of the State of Georgia. He would testify that:

5. As to the first cause, official action by the State of Georgia has resulted in the denial or abridgment of the right of citizens above the age of 21 to vote in Congressional elections in that State in the decade from 1940 to 1950 by means of the following:

- (a) Polltax legislation;
- (b) Intentional refusal on the part of the election registrars to register qualified Negro citizens;
- (c) The purging by officials of Georgia of the names of qualified Negro voters from the registration rolls in Georgia;
- (d) The enactment of legislation in Georgia abolishing all registration lists and requiring the re-registration of citizens previously qualified to vote, and giving virtually unlimited discretionary powers to registrars to deny the voting right of any citizen.

6. That the rules, regulations and primaries of the Democratic Party in the State of Georgia constitute an integral part of the election machinery of the State and that Party has acted as an agent of the State in the conduct of primary elections for Congressional candidates in that State; that by rules and regulations of that Party in effect during the period 1940 through 1946,

Negroes were prohibited from voting in the Democratic primaries; and that, since there was no Republican Congressional primary held in the State of Georgia during said period, there was no participation by Negro citizens above the age of 21 in the Congressional primaries held in Georgia during this period.

7. That private and corporate organizations such as the Ku Klux Klan, Inc. and the Columbians, Inc. had the official approval and assistance of the public officials of the State of Georgia during the decade 1940 to 1950 and with the sanction of said State engaged in terroristic activities which created such fear and intimidation among qualified Negro citizens of the State of Georgia, as well as election registrars of said State, as to prevent and preclude any effective registration and voting on the part of large portions of the Negro citizens of that State in the Congressional elections in Georgia in the decade 1940 to 1950.

8. That the following chronological compendium itemizing overt threats, cross-burnings, masked parades, floggings, lynchings, purges, and other acts of discrimination and violence against the Negro people of Georgia, were committed during the period 1943 through 1948 with the intent and/or effect of preventing eligible Negro inhabitants of Georgia from exercising their right to vote in Congressional elections; that many of the incidents itemized were personally investigated by the witness for the Georgia Department of Law; and that many others (sources indicated) were widely published throughout the State in the daily and weekly press, and thus by virtue of such publication served as a deterrent to voting by Negroes, not only in the locale where each such act took place, but throughout the State:

PORTERDALE, *December 10, 1943*. "Christian Democracy and White Supremacy are the greatest things which should emerge from this terrible catastrophe," ex-governor Eugene Talmadge said with reference to World War II. Talmadge was speaking as guest of honor at the annual klonklave of the Porterdale klavern of the Ku Klux Klan, held in Porter Memorial Auditorium owned by the Bibb Manufacturing Company (textile chain). Among those present were James A. Colescott, Imperial Wizard of the KKK; Dr. Samuel Green, Grand Dragon of the Georgia Klan; Harold S. Gates, Exalted Cyclops of the Porterdale Klan; George Hamilton, Treasurer of the State of Georgia; Pat Campbell, member of the state legislature from Newton County; Zach Cravey, fish and game commissioner under Talmadge's administration; and Johnny Goodwin, formerly Talmadge's highway patrol chief, personal bodyguard, and then leader of the Vigilantes, Inc. Event given statewide publicity by *Atlanta Constitution*, December 18, 1943.

ATLANTA, *January 31, 1944*. "We the People" granted corporate charter by State of Georgia. Attorney for incorporators, Vester Ownby, longtime Exalted Cyclops of Atlanta Klan Klavern 207. Members bound by oath to uphold "white supremacy." Notice of founding published in Talmadge's *Statesman*. Also given statewide publicity by the *Atlanta Journal* and *Atlanta Constitution*, February 1, 1944.

ATLANTA, *May 5, 1944*. "Fact Finders, Inc." given charter by State of Georgia. Group berated Klan for "disbanding at a time when most needed," and attacked ministers who wanted to "give a break to the Negro and Jew." *Atlanta Constitution*, May 6, 1944.

- ATLANTA, 1946. With the tacit consent of Imperial Wizard James A. Colescott, who was then in retirement in Miami, Grand Dragon Samuel Green undertook the postwar reorganization of the Klan, using all of its patented and copyrighted regalia, ritual, and effects. Among the latter is a 32-page edict titled "Negro Suffrage—Its False Theory," which says in part: "The legal equality of the Negro, as established by the Fifteenth Amendment, creates a condition which cannot endure forever. The complete answer to the argument against a change in the Constitution is that it will certainly take place some day, and that the sooner the whole issue is settled the better for all concerned. The best that can possibly be said for Negro suffrage is that it was a mistaken application of a perverted idealism which has *so far* done little serious harm because it is not practiced in the sections where it would be effective. . . . The Declaration of Independence states clearly what are mankind's 'inalienable rights.' It lists them as 'life, liberty, and the pursuit of happiness.' It does *not* list votes for unfit persons or races as an inalienable right—or any other kind! Clear and frank recognition that racial discrimination is an American national principle is necessary as a preliminary to seeing through the fog which surrounds the negro question."
- CONYERS, 1946. The Commoner Party, founded in 1945 by James Shipp, a Klansman, distributed widely throughout Georgia its 64-page *Program*, including a section as follows: "*A Double Standard Voting Franchise*. The Commoner Party demands repeal of the 15th Amendment to the Federal Constitution and the reduction of the Negro race to citizenship without the right of franchise. The 15th Amendment was a war spite measure, and the Commoner Party demands that the following be substituted for it: 'The right to vote and to hold office shall be limited to white people who are citizens of the United States of America, and to other racial individuals who can qualify under the franchise standard fixed by the Constitution and Acts of Congress.'" The Commoners would then have Congress empower the states to set up franchise courts, where all Negroes, as well as any whites who might be challenged "by a public official designated for that purpose," would be required to pass stringent tests.
- GAINESVILLE, *January 28, 1946*. Klansmen from all over Georgia staged a masked parade and burned three crosses in the Negro section. City fire chief served as coordinator. Report to Georgia Bureau of Investigation (GBI).
- ATLANTA Klavern No. 297, *February 2, 1946*. Exalted Cyclops Sam Roper announced he had written Roy Harris, speaker of the Georgia legislature, congratulating him for having defeated a constitutional amendment which would have permitted Governor Ellis Arnall to run for a second term. Harris replied that he was "100 percent for what the Klan believed in," Roper reported. Report to GBI.
- ATLANTA Klavern No. 297, *February 14, 1946*. Floggings and lynchings recommended as solution to "n—r problem"; all Klansmen urged to carry weapons while engaged in Klan demonstrations. Report to GBI.
- ATLANTA Klavern No. 297, *March 7, 1946*. Exalted Cyclops Roper said all-out Klan support would be given campaign of Eugene Talmadge for governor. It was said that Talmadge had promised Roper to re-appoint him to his former job as head of the state highway patrol. Report to GBI.
- ATLANTA Klavern No. 297, *April 1, 1946*. Cyclops Roper reported that he had conferred with gubernatorial candidate Eugene Talmadge on ways and means of keeping Georgia Negroes from voting, and that Talmadge had

replied by writing the word "Pistols" on a scrap of paper. Roper indicated that Talmadge had promised to give the Klan a "free hand" in any race rioting that might develop while he was governor. It was announced that "Brother Klansman Judge Luke Arnold would speak at Klavern 297 on the second Thursday in May, on a plan to keep Negroes from voting. Roper reported listening in on a conversation between Grand Dragon Samuel Green and house speaker Roy Harris in Augusta, in which Harris invited Klan leaders to discuss with him the prospect of getting the legislature to convene itself to adopt a white primary law, and other means of keeping Negroes from voting. Report to GBI.

ATLANTA Klavern No. 1, *April 8, 1946*. Grand Dragon Green reported that Talmadge had promised if elected to sweep out of office everyone who did not believe in "white supremacy and 100 percent Americanism." The CIO's Operation Dixie was attacked as "purely political," and "for the n—r and the Jew." "The KKK is declaring war on the CIO—we're going to nip their Operation Dixie in the bud," Green said. Applications for 98 new memberships and 37 reinstatements were attributed to Klan interest in the Talmadge campaign. Report to GBI.

ATLANTA Klavern No. 1, *April 15, 1946*. A poem "White Georgia Thanks God for the Klan" was read from Talmadge's *Statesman*. Klansmen in Augusta to be urged to support Roy Harris' Cracker Party, which, like Talmadge, is pledged to repeal all primary laws in hope of perpetuating the white primary. Klansmen also urged to support Marvin Griffin for lieutenant governor, as a "100-percent white man who doesn't want any n—r votes cast for him." Press reports read quoting then Adjutant-general Griffin as saying, with reference to U.S. Supreme Court decision against white primaries, "There is a remedy, and we should be courageous enough to follow the example set by our forefathers." Report to GBI.

ATLANTA Klavern No. 297, *April 18, 1946*. Cyclops Roper read what was purported to be a letter from Talmadge calling upon all Klansmen in the state to get out and work for him "to save Georgia and white supremacy." Report to GBI.

ATLANTA, *April 22, 1946*. A mimeographed call went out to all Klansmen urging them to attend a mass demonstration at Stone Mountain on May 9, saying in part: "America is calling every white Man who has red blood, into the fight. WHITE SUPREMACY is threatened on every hand. YOU CANNOT FAIL." Report to GBI.

ATLANTA Klavern No. 1, *April 29, 1946*. Dragon Green warned that "n—r, Jews, unionists, and Communists" were united against Talmadge, and that the Klan would have to work hard to insure his victory in the coming July 17 primary. Efforts to defeat Senator Bilbo in Mississippi with Negro votes would be met "with all the strength the Klan has," Dragon Green said. Report to GBI.

STONE MOUNTAIN, *May 9, 1946*. Some 1,000 Klansmen in a robed ceremony inducted 300 new members from all over Georgia. This was the Klan's first major postwar crossburning demonstration. Associated Press, *May 9, 1946*.

ATLANTA Klavern No. 1, *June 3, 1946*. Attendance up to 250 as a result of Stone Mountain demonstration. Dragon Green read press stories quoting Talmadge as saying he wanted "all white Georgians to be for Talmadge—whether Ku Klux, Catholics, or Jews." Green swore that if Talmadge

were elected "no n——r will vote in a Georgia white primary again." Report to GBI.

ATLANTA Klavern No. 1, *June 10, 1946*. Dragon Green explained that a resolution adopted the previous week by a regional convention of the AFL condemning a "secret, three-letter hate group," was not aimed at the KKK as reported by the press, but was directed against the CIO's PAC. This explanation had been obtained by Hoke Gewinner, chairman of the Klan's own Komitee to Investigate UnAmerican Activities, who received the explanation from an official at the AFL's southern Headquarters. Report to GBI.

SWAINSBORO, *July 11, 1946*. In a statewide radio address, Talmadge said, "Wise Negroes will stay away from the white folk's ballot boxes on July 17. We are the true friends of the Negroes, always have been, and always will be as long as they stay in the definite place we have provided for them." Associated Press, *July 11, 1946*.

EATONVILLE, *July 11, 1946*. W. S. Hooten, chairman of the board of registrars, announced that 20 per cent of Putnam County's Negro registrants had been purged "on grounds of incompetence due to lack of education, intelligence, or character." The purge procedure which then swept across Georgia consisted of pro-Talmadge registrars serving thousands of Negro registrants with sheriff's summonses to appear (during working hours) to "show cause" why they should not be dropped for "illiteracy, criminal record, bad character," etc. All who failed to appear were automatically purged. *Atlanta Constitution*, *July 12, 1946*.

ELLAVILLE. Fifty per cent of the county's Negro registrants were purged. When some registrars resigned, new ones were appointed by Superior Court Judge W. H. Harper, and the purge continued. *Atlanta Constitution*, *July 12, 1946*.

GAINESVILLE. Twenty-five per cent of the Negro registrants were challenged by attorney Frank B. Stow. *Atlanta Constitution*, *July 12, 1946*.

ATLANTA. During June, 1946, eighty-one Negro registrants were challenged by attorney Ike Wingrow (who in 1940 had represented the East Point Klan floggers in their clemency hearing before Talmadge). *Atlanta Constitution*.

BAXLEY. During June, 1946, in a hearing involving 400 challenged Negro registrants, the four white complainants were asked to be more specific whereupon they amended their charge to claim that the Negroes "had not taken the proper oath." When the Negroes' attorney asked for a postponement to review this new charge, he was granted five hours. When he rejected this offer, the board ordered all the Negroes purged. *Atlanta Constitution*.

COLQUITT COUNTY. During June, 1946, when C. E. McLendon, chairman of the board of registrars, objected to the purging of 800 Negroes, a group of spectators petitioned Superior Court Judge C. H. Dukes to fire McLendon. Judge Dukes did so, "in order to expedite the hearings." *Atlanta Constitution*.

SPAULDING COUNTY. During early July, 1946, after 180 Negroes had been purged, further purging was postponed when C. R. Fossett, who had made the challenges, admitted he had done so solely on the basis of the Negroes' handwriting. *Atlanta Constitution*.

LAMAR COUNTY. Early in July, 1946, one hundred Negroes purged, 15c

- more challenged. *Atlanta Constitution*.
- MOULTRIE. Early in July, 1946, two hundred and ninety-four Negroes were challenged, but Registrar Bert Clark resigned after the fourth Negro had been called up; and the chairman adjourned the hearing because "There seems to be a difference of opinion as to what constitutes a person qualified to vote." *Atlanta Constitution*.
- APPLING COUNTY. On July 10, 1946, a week before the primary, U.S. District Judge Frank H. Scarlett issued an order halting further purging in Atkinson, Ben Hill, Pierce, and Coffee Counties, and ordered the reinstatement of 800 Negroes who had been purged in Appling County. The National Association for the Advancement of Colored People had charged that more than 20,000 Negro registrants had been challenged in the state-wide purge, and had demanded that the U.S. Department of Justice take action. However, the Department decided to maintain a "hands off" policy. (Georgians were keenly aware that Senator Theodore Bilbo in a radio address at Jackson, Mississippi, on June 22 had called upon "every red-blooded American in Mississippi to resort to any means at their command" to prevent Negroes from voting and that he had been re-elected overwhelmingly.) *Atlanta Constitution*.
- CEDARTOWN, July 10, 1946. Four hundred and ninety-nine Negro registrants were challenged. *Atlanta Constitution*.
- COCHRAN, July 12, 1946. In a radio address Talmadge charged that U.S. District Attorneys were intimidating white people, and said, "Maybe it would not be inappropriate to warn some of these fellows to be careful. . . ." He repeated his warning to Negroes to stay away from the polls, "for neither the U.S. Attorneys nor Jimmy Carmichael (his opponent) will have a corporal guard to back them up." *Associated Press*, July 12, 1946.
- FITZGERALD, July 16, 1946. Notices were tacked on the doors of Negro churches reading "The first n—r who votes in Georgia will be a dead n—r!" *Atlanta Constitution*, July 17, 1946.
- GREENVILLE, July 16, 1946. A fiery cross was burned (election eve). *Atlanta Constitution*, July 17, 1946.
- LULA, July 16, 1946. A fiery cross was burned. *Atlanta Constitution*, July 17, 1946.
- LULA, July 17, 1946. No Negroes voted, nor came to town to meet the mail train as was their custom. *Atlanta Constitution*, July 18, 1946.
- MANCHESTER, July 17, 1946. A state senator picketed the polls with a shotgun as a warning to Negroes not to vote. *Atlanta Constitution*, July 18, 1946.
- GEORGIA, July 17, 1946. In many cities Negroes, and Negroes only, were arrested early on election day, on charges of carrying "dummy ballots" and other alleged infringements of election laws. Stories of these arrests appeared in afternoon papers across the state, and served as an effective deterrent to Negro voting. *Atlanta Constitution*, July 18, 1946.
- GEORGIA, July 17, 1946. Talmadge elected governor; pledges to preserve white primary by following lead of South Carolina, which abolished all statutory references to primaries in the hope of circumventing Supreme Court ruling that primaries had become instrumentalities of government. *Atlanta Constitution*, July 18, 1946.
- ATLANTA, August 8, 1946. Columbians, Inc. granted corporate charter by State of Georgia. Attorney for incorporators Vester Ownby, founder of

We the People, Inc., former Cyclops of Klan Klavern 207. James L. Shipp, founder of Commoner Party and American Gentile Army, Columbian No. 5. Ira Jett, Columbian No. 6, a member of KKK's Klavaler Klub flog squad. Hoke Gewinner, Columbian No. 9 and chief recruiter, chairman KKK's UnAmerican Kommittee. *Atlanta Journal*, August 9, 1946.

ATLANTA, *August 26, 1946*. Hoke Gewinner, speaking from sound truck Columbian street meeting in front of Exposition Cotton Mills, called for organization on a block and precinct basis to "combat n—r bloc voting," and said: "There are just two ways to fight these things—with ballots and with bullets. We are going to try ballots first." Report to GBI.

ATLANTA, *October 3, 1946*. Homer Loomis, Columbian leader, at a public meeting held in Klan Klavern No. 1 at 198½ Whitehall Street, said: "Nowadays we hear a lot of talk about 'Let's give the n—r political equality, but not social equality.' But don't you know that, given political equality, one-third of the Georgia legislature would be black?" (Columbians a brownshirt terrorist band which, in addition to discouraging Negro voting, established armed patrols to maintain racial residential zoning. Their blackjacking of Negroes and dynamiting of Negro homes was widely publicized throughout Georgia.) Columbian public meetings were also held in the Dallas courthouse, arrangements being made by state legislator R. E. L. Whitworth, holder of Columbian card No. 5109; and at the Fairburn courthouse.) Report to GBI.

ATLANTA, *October 8, 1946*. West End Cooperative Corporation issued a charter by State of Georgia. Founded by Joseph M. Wallace, chairman of the KKK's Housing Kommittee and member of Klavern 297. According to reports made by Wallace to the Klan, WECC designed to serve as front for terrorizing Negroes who sought to establish homes in "white" neighborhoods; the Klan's Housing Kommittee to be called on for direct action when necessary. WECC published weekly *West End Facts*, containing such statements as the following: "Southern Whites occupying that super position assigned them by the Creator are justifiably hostile to any race that attempts to drag them down to its own level! Therefore let the Negro be wise in leaving the ballot in the hands of a dominant sympathetic race! since he is far better off as a political enunch in the house of his friends, than a voter rampant in the halls of his enemies!" Similar sentiments voiced at WECC mass meetings. Report to GBI.

ATLANTA, *November 18, 1946*. Herman Talmadge was featured speaker at a birthday party given by the Klan for Dragon Green in the city auditorium. Klan guards triple-checked all guests, who numbered 1,500. Talmadge was introduced as "the son of an illustrious father, who has the courage of his convictions and is ready to fight for the preservation of our American traditions against Communists, foreign agitators, Negroes, Catholics, and Jews." Talmadge said he was "glad of the opportunity to speak to organizations like this," which he said are "destined to save America for Americans." He went on to say: "Your organization through its power and influence was of tremendous assistance in electing my father. My father and I were among the first to point out the dangers of Negro voting, particularly since they are easily controlled by a shrewder race." Talmadge eulogized Dragon Green as a "splendid American of spotless character." Green spoke and concluded: "I believe in the Ku Klux Klan, and will

- fight for it and white supremacy with the last drop of my blood." Report to GBI.
- ATLANTA, *December 20, 1946*. Eugene Talmadge died, 21 days before he was to have been inaugurated governor. *Associated Press*, December 20, 1946.
- ATLANTA Klavern No. 1, *January 6, 1947*. Klan support was pledged to make Talmadge governor in his father's stead as "the only hope for white supremacy in Georgia." A petition to this effect was launched with about 100 signatures from Klavern No. 1, to be circulated among all Klansmen in Georgia. Report to GBI.
- ATLANTA, *January 12, 1947*. The Georgia legislature, dominated by pro-Talmadge forces, refused to swear in lieutenant governor M. E. Thompson as Talmadge's successor. Instead, it became clear that the legislature would name Talmadge's son Herman, who had received 697 write-in votes in the general election (as the result of a last-minute drive inspired by his father's illness) as governor. To strengthen the hand of the Talmadge forces, the Klan sent out a statewide call for Klansmen to come to Atlanta and pack the galleries. Klan stickers (see Exhibit Q) appeared on the Capitol walls and the office of Governor Ellis Arnall. *Associated Press*, January 12, 1947.
- ATLANTA, *January 15, 1947*. In a 2 A.M. vote, the legislature named Herman Talmadge governor of Georgia, after hearing legislators such as Jewel Crowe say on the assembly floor, "We are not going to turn Georgia over to n—rs, Rosenwalds, and Wallaces." *Atlanta Constitution*, January 16, 1947.
- ATLANTA, *January 16, 1947*. Marvin Griffin, unsuccessful Klan-backed candidate for lieutenant governor, was named adjutant by Talmadge, and proceeded under cover of darkness to replace the lock on the governor's office. Arnall, locked out, declared that Talmadge's claim was based "purely on inheritance, but Georgia is not a monarchy." Arnall insisted that he would continue to serve as governor until Thompson was sworn in to replace him. To this Talmadge in a statewide broadcast said: "There's a n—r named Father Divine in New York City who thinks he's God, but that don't make him God." *Atlanta Constitution*, January 17, 1947.
- ATLANTA, *March 19, 1947*. Georgia's supreme court ruled Talmadge out, and Thompson in. Leaving the governor's office with Bible in hand, Talmadge said, "This case will be taken to the court of last resort, the people of Georgia." *Atlanta Constitution*, March 20, 1947.
- ATLANTA Klavern No. 1, *March 24, 1947*. Dragon Green ordered all Klansmen to begin campaigning for Talmadge for governor in the 1948 election. The Klansmen were ordered to "appeal even to Catholics and Jews on the basis of white supremacy, but don't let them know you're a Klansman, because they know we are sworn against them." Report to GBI.
- MILLEDGEVILLE, *April 10, 1947*. Klan chartered with 147 members, headed by Reverend Bomer as Exalted Cyclops. Report to GBI.
- HANCOCK COUNTY, *May 5, 1947*. A Klansman named Phillips from this county, speaking in Atlanta Klavern No. 1, said Negroes constituted a majority in his county, and consequently he was organizing the Klan there as the only means of keeping them disfranchised. Report to GBI.
- McRAE, *August 21, 1947*. George Mobley, white, was beaten after attending an anti-Talmadge political rally here in Talmadge's home town. Asked

- why he didn't swear out warrants, Mobley replied, "After all, I haven't any court to go to, nor do I have a sheriff to go to." *Atlanta Constitution*, August 22, 1947.
- MACON, *November 17, 1947*. Police chief Ben Watkins assured Dragon Green, in response to a Klan demand, that a Progressive Party rally scheduled for Macon would be segregated by law officers. *Atlanta Constitution*, November 18, 1947.
- GAINESVILLE, *November 29, 1947*. Statewide klavalkade staged with robes and cross-burning at Chicopee Mill Village. Report to GBI.
- ATLANTA, *December 7, 1947*. Inflammatory Klan posters appeared, called for defeat of Mayor Hartsfield for having employed Negro police, and urging election of "decent men who are not afraid of pressure from the Chamber of Commerce, the CIO, Georgia Academy of Social Sciences, Jewish Community Council, and Communist groups." *Atlanta Journal*, December 8, 1947.
- DOUGLAS, *January 1, 1948*. The *Atlanta Constitution* prominently reported the fact that of the 10,500 Coffee County citizens qualified to vote in the following day's primary, only 175 were Negroes (Exhibit E).
- ATLANTA Klavern No. 1, *January 5, 1948*. "The No. 1 job of all Georgia Klansmen in '48 is the election of Herman Talmadge as governor," Dragon Green said. To this end, he promised a "hot year," with "something doing almost every night." He called for the total "Kluxing" of Georgia through the establishment of at least one KKK Klavern in each of the state's 159 counties by the time of the September 8th primary. Report to GBI.
- ATLANTA Klavern No. 1, *February 2, 1948*. Dragon Green ordered all Klansmen to conduct house to house canvasses for Talmadge, saying, "The Klan is doing a good job that way for Ed Crump in Tennessee." Report to GBI.
- LAKEVIEW, *February 3, 1948*. Cross burned before home of high school coach Walter Bowland. "I'm afraid of the Ku Klux, and would advise you to do whatever they tell you," the sheriff said. Bowland was fired by the county school board, and forced to leave town. *Associated Press*, February 3, 1948.
- SWAINSBORO, *February 4, 1948*. Cross burned on courthouse lawn, and 189 robed Kluxers staged parade. Governor M. E. Thompson, asked to halt the demonstration, replied, "I know of no law for stopping a peaceable assembly." The mayor claimed the Klansmen were non-residents; actually the Swainsboro klavern was chartered March 24, 1947, with 126 charter members. *Associated Press*, February 4, 1948.
- SAVANNAH, *February 14, 1948*. A Federal grand jury refused to indict two Dodge County registrars charged with purging 1,300 Negroes from the voting list (Exhibit E).
- CORDON, *March 1, 1948*. Klansmen burned cross on courthouse lawn on eve of primary. *Atlanta Constitution*, March 2, 1948.
- WRIGHTSVILLE, *March 2, 1948*. Three hundred robed Klansmen paraded around Johnson County square, burned cross on courthouse lawn on election eve. Said Dragon Green: "Whenever the Negro takes his place at the side of white men through the force of Federal bayonets, blood will flow in the streets of the South." There were 5,200 whites registered in the county, and 400 Negroes, out of a total Negro population of 4,500 (Exhibit U). No Negroes voted the next day. (Two weeks earlier the Johnson

- County Democratic Committee adopted an oath requiring all voters to pledge allegiance to segregation laws; but the oath was dropped following the adverse decision by Federal Judge Waites Waring in South Carolina.) *Atlanta Constitution*, March 3, 1948.
- COLUMBUS, *March 12, 1948*. Klan staged robed klavalkades to Pine Mountain cross-burning ceremony. *Atlanta Constitution*, March 15, 1948. (Exhibit W.)
- JACKSON, *March 22, 1948*. Newspapers reported that the Klan planned a demonstration on eve of Butts County primary.
- JEFFERSONVILLE, *March 20, 1948*. Crosses burned on courthouse lawn on Saturday and Sunday nights before Jefferson County primary Monday. Small coffins labeled "KKK" also placed on Negroes' doorsteps. Only 150 Negroes voted. (Exhibit U.) *Atlanta Constitution*, March 21, 1948.
- CONERS, *March 23, 1948*. Four crosses burned on eve of Rockdale County primary. One cross bore placard reading, "This cross burned with county fuel oil." Of the 3,600 registrants in county, only 240 were Negroes. (Exhibit T.) *Atlanta Constitution*, March 24, 1948.
- LAWRENCEVILLE, *March 23, 1948*. Cross burned on eve of Gwinnett County primary. Of 12,000 registrants, only 800 were Negroes, *Atlanta Constitution*, March 24, 1948.
- COLUMBUS, *April 8, 1948*. KKK "white supremacy" propaganda leaflets dropped from airplane over Negro neighborhoods on eve of primary. Report to GBI.
- AUGUSTA, *April 13, 1948*. In a robed ceremony conducted in municipal park building from which public was barred, Klan inducted 100 new members. *Atlanta Constitution*, April 14, 1948.
- ATLANTA, *April 15, 1948*. Joe Berry, 23-year old white war veteran, was flogged by Klan's "Black Raiders." Investigation revealed the Raiders had also flogged L. J. Martin, white carpenter of Atlanta, and Mary and Limon Gates, Negroes, of South Georgia. *Atlanta Journal*, April 16, 1948.
- LAURENS COUNTY, *May 20, 1948*. Eight Negro citizens—including four college graduates, three ministers, and a school teacher—sued for \$440,000 damages for having been purged from the voting list. Named as defendants were Superior Court Judge Earl Camp; State Legislator Herschel Lovett; two candidates for the Georgia Senate; and members of the board of registrars and county commission. Since November, 1,800 Negroes, representing 75 percent of the county's Negro registrants, had been purged. (Exhibit D.) *Atlanta Constitution*, May 29, 1948.
- MONTGOMERY COUNTY, *May 27, 1948*. Scorched bits of paper were mailed to Negroes the day before election, reading: "U better stay at work tomorro—kkk." Report to GBI.
- ATLANTA Klavern No. 1, *June 7, 1948*. Klectoken initiation fee reduced from \$10 to \$5 to facilitate Klan-building for political purposes. Mass demonstration announced for Stone Mountain July 23, reported 100,000 announcements sent out. Dragon Green reported \$25,000 set aside for reprinting *Ideals of the Ku Klux Klan*, which says in part: "This is a White Man's organization, exalting the Caucasian Race and teaching the doctrine of White Supremacy. . . . This is a Gentile organization, and as such has as its mission the interpretation of the highest ideals of the White, Gentile peoples. . . . Our forefathers founded this as a Protestant country and . . . our purpose is to reestablish and maintain it as such. . . . This

Republic was established by White Men. It was established for White Men. Every effort to wrest from White Men the management of its affairs in order to transfer it to the control of blacks or any other color, or to permit them to share in its control, is an invasion of our sacred constitutional prerogatives and a violation of divinely established laws. One of the sad facts in American political life is the readiness of so many politicians to sell their noble white birthright for a mess of black pottage. They would betray their race in order to win a few black votes. We would not rob the colored population of their rights, but we demand that they respect the rights of the White Race in whose country they are permitted to reside. When it comes to the point that they cannot and will not respect those rights, they must be reminded that this is a White Man's country, so that they will seek for themselves a country more agreeable to their tastes and aspirations." Report to GBI.

ATLANTA, Klavern No. 1, *June 14, 1948*. Dragon Green announced that the goal of at least one klavern in each of Georgia's 159 counties before the September 8 primary had already been reached. Report to GBI.

MACON, *June 14, 1948*. Cross burned in front of home of Dr. D. W. Walton, Negro supporter of Progressive Party. *Atlanta Constitution*, June 15, 1948.

HAVEVILLE, *June 18, 1948*. Cross burned in front of, and shotgun fired over, a private home. *Atlanta Constitution*, June 19, 1948.

COLUMBUS, *June 28, 1948*. Corporate charter granted "Original Southern Klans, Inc." by State of Georgia, through Secretary of State Ben Fortson and Judge T. Hicks Fort. The latter, who keynotes Talmadge conventions of the Georgia Democratic Party, said he could "find no evidence of illegal intent." The newly-incorporated Klan opened an office in Columbus with a neon sign, and at a public demonstration and crossburning said it was "dedicated to the defense of Protestant Americanism, white supremacy, and the prevention of political dominance of any inferior minority group." (Exhibit F.)

MACON, *June 30, 1948*. Cross burned in front of home of Larkin Marshall, Negro Progressive Party candidate for the U.S. Senate. *Atlanta Constitution*, July 1, 1948.

STONE MOUNTAIN, *July 23, 1948*. Three thousand robed Klansmen, convening in cars from all over Georgia and 14 other states, inducted 700 new members under a 30-foot fiery cross. Talmadge stickers on majority of Georgia cars. Dragon Green extolled Talmadge as "the only man in the gubernatorial race who believes 100 percent in white supremacy." The Dragon said again that blood would flow in the streets if Federal civil rights laws are enacted. *Atlanta Journal*, July 24, 1948.

COLUMBIA, S. C., *August 9, 1948*. On the eve of the Democratic primary, the Klan burned fiery crosses in front of a Negro church where a meeting was in progress on the mechanics of voting. *Pittsburgh Courier*, August 11, 1948.

ROSSVILLE, *August 21, 1948*. A crowd of 7,000 turned out to see a Klan demonstration featuring robed horses. "No law that will ever be drafted will make us accept the Negroes as our equals," Dragon Green said. "If it is tried, the grandsons of Klan members who routed the carpetbaggers in 1860 will do the same job over again." *Associated Press*, August 21, 1948.

SANDERSVILLE, *September 1, 1948*. Dragon Green told a gathering of several thousand Klansmen that "The Klan is only interested in preserving

- white supremacy, which is based on the fact that the white man is a natural-born leader." *Associated Press*, September 1, 1948.
- TALLAHASSEE, Fla., *September 1, 1948*. A central Florida Klan Klavalklade touched off twelve crosses in twelve Negro communities. *Associated Press*, September 1, 1948.
- GRIFFIN, *September 6, 1948*. Two days before election, 558 Negroes purged from voting list. *Atlanta Constitution*, September 7, 1948.
- PERRY, *September 7, 1948*. Crosses burned on election eve. *Atlanta Constitution*, September 8, 1948.
- BULLOCK COUNTY, *September 7, 1948*. Miniature coffins labelled "KKK" appeared on Negroes' doorsteps. *Atlanta Constitution*, September 8, 1948.
- VALDOSTA, *September 7, 1948*. Two crosses burned in Negro sections; "KKK" coffins placed on Negro doorsteps. *Atlanta Constitution*, September 8, 1948.
- AUGUSTA, *September 8, 1948*. Election officials handling Negro voting at segregated booths slowed voting to less than one per fifteen minutes by asking all manner of questions. (Exhibit X.) *Atlanta Constitution*, September 9, 1948.
- ATLANTA, *September 8, 1948*. Here and elsewhere in state, Negroes arrested early on election day for carrying "dummy ballots" and other alleged infringements, the arrests and news stories in afternoon papers deterring many Negro voters. *Atlanta Journal*, September 8, 1948.
- ATLANTA, *September 8, 1948*. Herman Talmadge elected governor. "The people of Georgia have spoken in no uncertain terms of what they think of the so-called civil rights program," he said. Dragon Green one of first to congratulate Talmadge at campaign headquarters. *Associated Press*, September 8, 1948.
- MOUNT VERNON, *September 9, 1948*. Isaiah Nixon, Negro, shot down in his home for having voted in the Democratic primary. *Associated Press*, September 8, 1948.
- ATLANTA Klavern No. 1, *October 25, 1948*. Dragon Green said: "At last the Klan has a friend in the governor's chair. We're sitting on top of the world and nothing can stop us. Herman has assured me of his cooperation at all times, and has promised to go all the way down the road to protect the Klan. If you ever need anything from him, be sure to make it known that you are a friend of Sam Green's." Green went on to say that "The Dixiecrats are the only ones who are for white supremacy and against social equality—the same principles the Klan has always fought for." He said he was ordering all Klansmen in the U.S. to work for and vote for Dixiecrat nominee Strom Thurmond in the November 2 election. Report to GBI.
- LEESBURG, Fla., *October 28, 1948*. The Klan distributed propaganda leaflets warning that it would stage a klavalklade through eight surrounding towns on election eve. *Associated Press*, October 28, 1948.
- ATLANTA Klavern No. 1, *November 1, 1948*. Cliff Vittur, chief "Ass-Tearer" (sic) of the KKK's Klavaliel Klub flog squad, reported on the demonstration at Vidalia October 28. He said the Klansmen, numbering 300 from all parts of Georgia, were met at the city limits by Toombs County Sheriff R. E. Gray, the police chief and assistant chief, who escorted the parade into town. These three officials, as well as all Vidalia officials except the mayor, were Klansmen, Vittur said. The Klan would either convert the mayor, or defeat him in the next election, he added. At

- the demonstration, Dragon Green broadcast over a south Georgia radio network. Acting Cyclops Ransom urged all Klansmen to turn out the following day (election) and "work for Thurmond as they had for Talmadge." Nine automobiles were pledged from Klavern 1 to carry Thurmond voters to the polls. Report to GBI.
- TUSKEGEE, Ala., *November 1, 1948*. The Klan touched off fiery crosses in front of the courthouse, and at the highway leading to Tuskegee Institute. *Associated Press*, November 1, 1948.
- NASHVILLE, Tenn., *November 1, 1948*. Many Negroes received threats through the U.S. mails, warning them not to vote. *Associated Press*, November 1, 1948.
- MT. DORA, Fla., *November 3, 1948*. The promised Klan klavalklade touched off election eve crosses in Negro districts from Mt. Dora to Miami. *Associated Press*, November 3, 1948.
- LYONS, *November 20, 1948*. Robert Mallard, leader in the movement to increase Negro voting, ambushed by robed band and shot while driving from church to his home in Toombs County. *Associated Press*, November 28, 1948.
- ATLANTA Klavern No. 1, *November 29, 1948*. Atlanta policeman "Itchy Trigger Finger" Nash, recipient of a Klan award for killing 13 Negroes, declared that Governor Talmadge, who took office two weeks ago, had given the Georgia Bureau of Investigation orders "not to believe everything the n—rs tell them" about the killing of Robert Mallard. A couple of days ago Dragon Green released to the press signed statements which had been forwarded to him by the Kleagle of Vidalia, in which Sheriff Gray (he who allegedly as a Klansman gave escort to the Klan parade less than a month before the murder of Mallard), Sergeant J. W. Robertson of the GBI, and Police Chief T. L. Graham of Lyons all expressed the "belief" that "the KKK had no part in killing this mean Negro." The *Atlanta Journal* suggested that the murder had been committed by Negroes disguised as Klansmen, and went on to say, "Mallard was an uppity Northern Negro, of bad character and habits, who had no business around here." (Mallard was a substantial dealer in mortician's supplies, married to a school teacher.) Report to GBI.
- ATLANTA, Klavern No. 1, *December 6, 1948*. Dragon Green boasted that the GBI had given the KKK a "clean bill of health" in the Mallard case. He said Klansmen throughout U.S. were being invited to Macon demonstration December 10. Pistol bullets were raffled at \$1.00 each, the proceeds going to a Klan relief fund; the bullets were then presented to policeman Nash, with the comment, "He knows what to do with them." Report to GBI.
- MACON, *December 10, 1948*. Several thousand masked Klansmen demonstrated in the city auditorium, and afterwards burned two fiery crosses. Mercer College students were prohibited by Police Chief Ben Watkins from distributing anti-Klan pamphlets under a local ordinance banning literature distribution which creates a "fire hazard"; at the same time, Klansmen were permitted to distribute Klan propaganda and application blanks. *Associated Press*, December 10, 1948.
- ATLANTA, *December 4, 1948*. All seven Klaverns in the city participated in a masked parade led by Fulton County road patrolmen as a motorcycle escort. *Atlanta Constitution*, December 5, 1948.

ATLANTA Klavern No. 1, *December 13, 1948*. Dragon Green ordered all Klansmen "not to take the law into their own hands" without first consulting him. He said he was available at "any hour of the day or night" to "discuss anything that needs to be straightened out." Report to GBI.

ATLANTA, *December 18, 1948*. In an *Associated Press* dispatch published throughout Georgia under the heading: "GEORGIA MAPS PLAN TO BAR MOST NEGROES FROM POLLS" it was said: "A 'white supremacy' program designed to keep 80 percent of Georgia's Negroes from the ballot box had been advanced today by Gov. Talmadge and his legislative leaders. House speaker Fred Hand, who will guide the measure in the legislature which convenes in January, outlined the proposal at an informal conference of lawmakers. . . . The plan would start out by wiping all the present voters' registration lists off the books. A new statewide registration would follow with emphasis on strict 'educational qualification' for voting. The program, Hand explained, would be similar to Alabama's Boswell amendment, which requires prospective voters to "read and explain" the constitution to the satisfaction of registrars. Talmadge was not present at the conference but the program fitted in with his campaign assertion that "if we can't have an all-white primary in Georgia, then we want one just as white as we can get it." Hand said the Georgia plan would 'hold water'—be constitutional. It is necessary, he continued, because 46 Georgia counties have more Negroes than white persons." *Atlanta Constitution*, December 19, 1948.

ATLANTA, *February 11, 1949*. The Georgia senate passed a bill similar to one already passed by the house, wiping out the 1,200,000 names on Georgia's voting lists. According to the *AP*, February 11, 1949, the measure gave "certain discretionary powers to boards of county registrars in determining an applicant's right to the ballot." Besides requiring applicants to be able to read and write the state and national constitutions "intelligibly or legibly," the bill provided a list of 30 questions, 10 of which must be answered correctly by anyone failing the constitution test. "Gov. Talmadge has said over and over again that the re-registration bill is aimed at ending bloc voting by Negroes," the *AP* reported.

9. Attached hereto as Exhibit "Map A" is a map of the State of Georgia on which is indicated the geographic location of all of the acts set forth in Paragraph 8 hereof. The said map will be authenticated by the witness and offered into evidence, if permitted. The acts are symbolized in each case by the designation "X." Wherever said act is overtly and directly involved with an election, the symbol "X" is accompanied by the letter "E."

10. Attached hereto as Exhibits A through Z are photostatic copies of intimidatory propaganda releases, threats sent through the United States mails, news stories, and other documentary materials having the intent and/or effect of deterring the great majority of the Negro citizens of Georgia from voting in the Congressional and other elections; which documents would be duly authenticated and offered as exhibits in connection with the testimony of this witness, if permitted.

11. That Mr. Henderson Lanham, first elected to Congress in 1946 as well as all of the other alleged Representatives in Congress from the State of Georgia, was elected as such as a direct result of the illegal actions which are mentioned above, and that therefore the re-election of the said Henderson

Lanham in 1948 constituted a violation by the State of Georgia of Section 2 of the Fourteenth Amendment to the Constitution of the United States.

Respectfully submitted,

GEORGE W. CROCKETT, JR.

VITO MARCANTONIO

RALPH E. POWE

Attorneys for the Defendant

Document B

THIS STUDY by Dr. Johnson, prepared from the prison records of the State of Louisiana, gives the history in one state of one of the most sinister of American institutions—the use of the charge of “rape” for the political and economic oppression of the Negro people. Dr. Johnson reveals how the death sentence for “rape” is reserved virtually exclusively for the Negro people as well as giving the political genesis of that fact.

IS THE PUNISHMENT OF RAPE EQUALLY ADMINISTERED TO NEGROES AND WHITES IN THE STATE OF LOUISIANA?*

A Study by DR. OAKLEY C. JOHNSON, 3564 Virgil Blvd., New Orleans 22, La.

For convenience, this Study is presented under five headings as follows:

Exhibit I. Statistical: “The official figures of executions in Louisiana for rape from 1900 to 1950; and some data from old prison records (1866 to 1899) at the Louisiana State Penitentiary, Angola, La., for comparison. The *question* posed.

Exhibit II. Legal: Territorial and state laws; pre-Civil War laws; the Black Code; later statutes.

Exhibit III. The Constitutions of Louisiana, territorial, pre-Civil War, Reconstruction, post-Reconstruction.

Exhibit IV. The Social Background in this State with respect to segregation of races, lynching, police brutality.

Exhibit V. The Special Category implicitly reserved for white rapists. Reply to the question posed in Exhibit I.

* Prepared for Attorney Louis Berry, and for Attorneys Alvin B. Jones and Leroy White, in cooperation with the Louisiana Civil Rights Congress. Occasion for this Study was the case of Paul Washington, Jefferson Parish, La., 24-year-old World War II veteran, sentenced to die in the electric for alleged rape committed March 15, 1948. He was arrested shortly after his discharge from the Army after 21 months overseas, and has been confined in the death cell of the Jefferson Parish jail in Gretna, La., since that time. Washington maintains his innocence. . . . Not only did Paul Washington fight in World War II, but his five brothers also—every one of them!—served in the armed forces. . . . His wife, Velma, and his 3-year-old daughter, Ella Mae (born two week after he was jailed), staunchly defend him. . . . Velma Washington’s brother Leonard was lynched in 1941.

EXHIBIT I: *Crime Statistics*

ACCORDING to the census of 1940, the population of Louisiana was 2,363,880, including 849,303 Negroes, the latter constituting 35.9 percent of the total.¹

While we cannot draw from population statistics exact mathematical conclusions about the extent of crime in any section of the population, we are nevertheless justified in assuming that, by and large, the proportion of crime among whites and Negroes, and the corresponding punishments, would roughly correspond to their proportion of the population. This would be modified by the relative social conditions of the two groups, and perhaps other factors; but if Negroes constitute 35.9 percent of the population, they would commit a not too disproportionate share of the crimes perpetrated, and would receive a not too disproportionate share of the punishments therefor.

In the attached list of persons punished for rape in this state for the years 1900 to 1950, inclusive—a full half-century—there have been, according to the records in the office of the Secretary of State at Baton Rouge, exactly 39 executions for rape (hanging up to 1941; electrocution thereafter). Of those put to death, all but two have been Negro. One white man, who confessed to the rape of a 17-year-old white girl who had been crippled from birth, was a railroad worker, Thomas Brady, not a native of Louisiana, and was hanged in 1906; the other white man was a foreigner, Lazar Mehogrivic, hanged in 1907 for the rape of a white woman. *Since 1907, a period of 43 years, not one white rapist has been put to death, though 29 Negroes have been.*

Of the convicted rapists sentenced to death whose sentence was commuted to life imprisonment, two white men—one-half of all the white rapists sentenced to death—had their death sentences commuted to life imprisonment. It is very difficult to secure commutation for a Negro convicted of rape. The 17-year-old Negro boy, Lewis Young, in the parish of St. John the Baptist, was hanged October 11, 1907, regardless of his youth. Furthermore, the punishment for "aggravated rape" is meted out no matter how suppositious the charge; Sam Wright, a Negro, was hanged in 1900 for "Breaking and entering in the night time, and with a dangerous weapon, and assault with intent to commit rape"; and Bob Burton, also a Negro, was hanged in 1905 for "Breaking and entering dwelling house in night time with intent to commit rape." Similarly with George Steward (1907), Tobe Stevens (1908), Emanuel Johnson (1909), Henry Slaughter (1914), Jimmie Johnson (1929).

In addition to the number of Negroes officially put to death by the State of Louisiana, there were three others put to death in this state by the United States Government, during World War II, in 1942: Corporal John Walter Bordenave, 29; Private Lawrence Mitchell, 18; and Private Richard Philip Adams, 25. They are added to the total in the attached list because their punishment took place on Louisiana soil and by means of the state's portable electric chair, loaned for the purpose. *These three make a total of 40 Negroes put to death for rape in this state since 1900, as compared to 2 white men.*

The question is: *Can we find an explanation for this surprising difference by studying the legal, constitutional, and social history of this state?*

1) The 1950 census gives Louisiana a total population of 2,683,516, but there is no breakdown into racial categories. That is why the 1940 census figures are used here. There is no reason to suppose that the percentages in the recent census would differ materially from the 1940 census.

ADDENDUM: Following the table of executions for rape during 1900-1950 is a selection of old rape records from the period 1866-1899 of the Louisiana State Penitentiary at Angola, La. The following facts are clear from an examination of these old records:

- 1) From Civil War days until the consolidation of white political control, punishment for rape was imprisonment only, never death; pardoning was frequent; and a differentiation was made between "rape" and "intent to rape."
- 2) Race differences were noted for the purpose of description, but had not yet hardened into *caste* differences.
- 3) After the solidification of white rule politically, the setting up of the death penalty for rape gave opportunity to return to virtual implied re-enactment of the Black Code with its differentiation between punishment for whites and punishment for Negroes.

WHITES CONVICTED OF RAPE AND SENTENCED TO DEATH

(From recorded death warrants in the office of the Secretary of State at Baton Rouge)

<i>Name</i>	<i>Parish</i>	<i>Date Set for Execution</i>	<i>Commuted</i>
James Hebert alias Frederick Hebert	Cameron	9/11/1903 (Not Hanged)	10/27/1903 Life Imprisonment
Thomas Brady alias Thomas C. Braden	Rapides	Hanged 12/7/1906	
Lazar Mehogrivic alias George Norris	Orleans	Hanged 8/9/1907	
William Braxton	Beauregard	6/14/1918 (Not Hanged)	6/14/1918 Life Imprisonment

TOTAL NUMBER OF WHITES EXECUTED: 2; COMMUTED: 2

NEGROES CONVICTED OF RAPE AND SENTENCED TO DEATH

(From recorded death warrants in the office of the Secretary of State in Baton Rouge)

<i>Name</i>	<i>Parish</i>	<i>Date Set for Execution</i>	<i>Commuted</i>
Sam Wright Will Farmer	Jefferson Caddo	Hanged 2/9/1900 Hanged 9/7/1900 (After one reprieve)	
Moses D. Lewis Amos Holmes alias Oliver Holmes	Orleans Iberia	Hanged 9/23/1904 Hanged 7/7/1905	
William Young Bob Burton	Richland Lincoln	Hanged 5/11/1906 Hanged 8/4/1905	

<i>Name</i>	<i>Parish</i>	<i>Date Set for Execution</i>	<i>Commuted</i>
Ed Williams	Ascension	Hanged 2/2/1906	
George Steward alias Montgomery Lewis Young	St. John the Baptist	Hanged 7/19/1907	
Tobe Stevens	Calcasieu	Hanged 10/11/1907	
Charles Madison	Calcasieu	Hanged 4/24/1908	
Squire Hawkins	Rapides	Hanged 3/5/1909	
Emanuel Johnson	Vermilion	10/15/1909 (Not Hanged)	11/9/1909 Life Imprisonment
Bud Davis	Ouachita	Hanged 10/8/1909	
Henry Slaughter	Allen	Hanged 12/17/1909	
George Cotton	Calcasieu	Hanged 10/2/1914 (After one reprieve)	
Summa Levine	Avoyelles	Hanged 11/6/1914	
Peter Bouy	Vermilion	Hanged 12/17/1915	
Preston Miles	West Feliciana	Hanged 11/2/1917	
Lucius Brown	Terrebonne	Hanged 6/28/1918	
Arthur Williams	Rapides	Hanged 8/8/1919	
Laodis Lincoln	Vermilion	12/24/1920 (Not Hanged)	10/26/1920 Life Imprisonment
Gus Bracy	Vernon	Hanged 2/25/1921	
Willie Johnson alias Willie Kelly	Orleans	Hanged 4/22/1921	
Willie Johnson alias Willie Kelly	Orleans	Hanged 8/6/1926	
Jimmie Johnson	Natchitoches	Hanged 7/26/1929	
Edward McKay	Orleans	Hanged 10/4/1929	
William Irwin Virgeto	Orleans	Hanged 10/4/1929	
Henry Wilson	Richland	Hanged 1/3/1930	
John Henry Lee alias Buddy Lee	Catahoula	Hanged 1/19/1932	
Jim Edwards	Jefferson Davis	1/29/1932 (Not Hanged)	1/21/1932 Imprisonment Hospital for Criminal Insane
Levi Hicks	Caddo	Hanged 10/19/1934	
Dave Johnson	Orleans	Hanged 3/31/1939	
Willie Larkin	East Baton Rouge	Electrocuted 9/9/1942	
William Hamilton	East Baton Rouge	Electrocuted 12/3/1942	
Anthony Wilson	Madison	Electrocuted 3/6/1944	
William Ayers	Winn	Electrocuted 6/28/1946	
Jesse Perkins	East Baton Rouge	Electrocuted 7/18/1947	
Edward Spriggs, Jr.	Iberville	Electrocuted 6/25/1948	
L. C. Loyd	Tangipahoa	To have been electrocuted 3/11/1949 (Found dead in cell, a supposed suicide)	
Edward Sanford	East Baton Rouge	Electrocuted 12/1/1950	

TOTAL NUMBER OF NEGROES EXECUTED: 37; COMMUTED: 3

Corporal John Walter Bordenave, 29	New Orleans, La.	Electrocuted 10/30/1942 (At U.S. Army camp)
Private Richard Philip Adams, 25	Columbus, Ohio	Electrocuted 10/30/1942 (At U.S. Army camp)
Private Lawrence Mitchell, 18	Baldwin, Mich.	Electrocuted 10/30/1942 (At U.S. Army camp)

TOTAL NUMBER OF NEGROES EXECUTED IN LOUISIANA
DURING 1900-1950 FOR ALLEGED RAPE: 40

SUPPLEMENT FROM OLD ANGOLA PRISON RECORDS:

Notes from the "Register of Convicts Received" from Feb. 13, 1866, to Dec. 29, 1889, listing 9,073 Convicts

Following are only a selection of typical rape cases, taken first from 1866-7, then 1876, then from 1885, and finally from 1889 (omitting the intervening years). The crime is either "rape" (not labeled in this list) or "Assault with intent to commit rape." Note difference in punishment between the two.

<i>Name</i>	<i>Description</i>	<i>Date Sentenced and Punishment</i>	<i>Pardon</i>
Jesse Wiley	Black	11/9/1866—Life	5/5/1873
Edward Hague	Black	12/10/1866—2 yrs. ("Assault with intent")	
Theodore Coppersmith	Fair	7/22/1867—Life	4/25/1871
Thomas May	Fair	7/22/1867—Life	7/25/1871
Adolph Withman	Fair	7/22/1867—Life	7/25/1871
Henry Graham	Black	1/29/1868—Life	3/8/1884
Henry Clay	"Grieffe"	3/9/1868—Life	3/8/1878
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Nicholas Anderson	Mulatto	6/2/1876—2 yrs. ("Assault with intent")	
Owen Scott	Black	6/4/1876—Life	
Paul Charles	"Dk. Mulatto"	6/16/1876—2 yrs. ("Assault with intent")	
William Alonzo	Black	6/20/1876—2 yrs. ("Assault with intent")	
John Jones alias Jack Jones	Black	4/30/1885—Life	6/19/1891
Henry Williams	Black	5/5/1885—1 year ("Assault with intent")	
Julien Moses	Black	6/19/1885—6 months ("Assault with intent")	
John Baptiste	Black	6/19/1885—Life	
Young McIver	Black	8/14/1885—10 yrs.	2/25/1893
<hr/>			
William Josephine	Black	3/15/1889—6 yrs., 1 mo. ("Assault with intent")	2/15/1891
Charles Alexander	"Dk. Griff"	4/13/1889—Life	9/30/1899
Frank Reed	Mulatto	10/20/1889—2 yrs. ("Assault with intent")	
Henry Stokes	Fair	11/2/1889—2 yrs. ("Assault with intent")	
Pat Scott	"Dk. Griff"	10/20/1889—2 yrs. ("Assault with intent")	
Henry Miller	Black	12/14/1889—1 yr. ("Assault with intent")	
William Johnson	Black	12/14/1889—2 yrs. ("Assault with intent")	

EXHIBIT II: *Legal History*

THE PRESENT statutes defining and providing for the punishment of rape have a long legal history. On the surface, they provide uniform punishment for aggravated rape; simple rape; and "carnal knowledge of a juvenile" who is more than 12 and less than 17. But there was a code for the punishment of Negro slaves which was different from that for the punishment of whites; today the careful classification of "rape" as "aggravated" for Negro offenders

and "simple"—or merely "carnal knowledge"—for white offenders provides the mechanism for carrying on what was formerly explicitly provided by law, namely, the inflicting of severer penalties on black men than on white. Verbally, the laws have changed; but the old *practice* of differential punishments, *having become well established* for more than a century, now continues under the disguise of verbal equality.

Louisiana as a colony was at various times under *French and Spanish domination, and these colonial regimes have left legal imprints on the law of this state*. Louisiana was discovered first by the Spanish in 1541 but settled by the French around 1682, and Negro slaves were imported on or before 1719. By 1724, Louisiana had its Black Code, set up by Governor Jean Baptiste le Moyne de Bienville. Louisiana became a territory of the United States in 1805 and a state in 1812, but it *kept* its Black Code.

In *Orleans Laws, 1804-05*, and the *Acts of Louisiana, 1806-07* (Louisiana State Law Library), we have the "Acts passed at the First Session of the Legislative Council of the Territory of Orleans," which provide for the punishment of rape: "every person . . . duly convicted of any manner of rape" shall suffer "imprisonment at hard labor for life," and any accessory to this crime shall "suffer the same kind of punishment" as the "principal offender." (pp. 416-454, Chapter 50, An Act for the Punishment of Crimes and Misdemeanors.) Section 33 provides that procedure be "according to and in conformity with the *common law of England*." (My emphasis.—o.c.j.) But Section 47 of this same Act (p. 450) specifically states "That nothing herein before contained shall be construed to extend to any slave or slaves, but that every slave accused of any crime shall be punished according to the *laws of Spain* for regulating her colonies." (My emphasis.—o.c.j.)

The *Acts of Louisiana, 1806-07*, Chapter 33, p. 150, contain what is called the "Black Code, An Act Prescribing the rules and conduct to be observed with respect to Negroes and other Slaves of this Territory." Section 18 of this Act declared "That the *condition of a slave being merely a passive one*, his subordination to his master and to all who represent him is not susceptible of any modification or restriction." The slave "owes to his master, and to all his family, a respect without bounds, and an absolute obedience."

The Laws of Spain used in Louisiana Colony were translated and codified in Lislet and Carleton's *Partidas*, Vol. I and Vol. II, 1820 (Louisiana State Law Library), and contain that portion of La Siete Partidas "considered as having the force of law in Louisiana." In Title 2, Law 8, p. 30, we learn that "a slave cannot legally appear in court, as he has no control over himself, but is under the domination of his master, who is above him." The master "may chastise him by words or blows." In Title 21, Law 6, p. 584, we learn that the master ought not to kill a slave or "cause him to perish by hunger, unless he has found him with his wife, or daughter, or had committed some other similar offense; for them he *may kill the slave*." (My emphasis.—o.c.j.)

After Louisiana became a state, the provision is put into Article 7, Section 4, of the first state constitution² that "All laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the Legislature." The Black Code was not repealed, but remained "in full effect." On March 9, 1827, for example, in the *Acts of*

2) The state constitution of that time is given in *Acts of Louisiana, 1828-30*, Louisiana

Louisiana, 1825-27 (Louisiana State Law Library), we find an Act is passed "to amend the thirty-eighth article of the Black Code."

It is particularly notable that Section 40 of the Black Code (*Acts of Louisiana*, 1806-07, page 188) states: "That free people of color ought never to insult or strike white people, nor pressure to conceive themselves equal to the white; but on the contrary that they ought to yield to them in every occasion, and never speak or answer to them but with respect, under the penalty of imprisonment according to the nature of the offense." This has the very plain meaning that even free Negroes were subject to the Black Code and that they constituted a type of inhabitant midway between Negro slaves and free whites. It is worth noting today, in the 20th century, that the entire Negro people in Louisiana are "free people of color," and, in the view of those who inherit the Black Code state of mind, are to be punished in a different way if convicted of crime.

Following the Civil War, as shown in *Acts of Louisiana*, 1869-70, pp. 49-51 (Louisiana State Law Library), a new statute provided that rape and other crimes should be punished by imprisonment "at hard labor not exceeding two years nor less than six months, and fined not exceeding two thousand dollars nor less than \$500, at the discretion of the court." It was under such a rather liberal statute, and later ones, that the sentences were meted out to the inmates of Angola penitentiary in the examples given previously from the years 1866 to 1889.

When political domination was "restored" to whites after the Rutherford B. Hayes election in 1876, the Black Code was quietly put back into operation in all but name. As the editor of the *Louisiana Almanac and Fact Book*, 1949-1950, puts it, "Fortunately for the whites and home rule, the Federal troops did not come to the aid of the Radicals as they had before. A sort of bargain between the forces of presidential candidate Hayes (who needed the Louisiana electoral vote, to defeat his opponent Tilden) and the state's conservatives," resulted in Hayes backing the white supremacist politicians in Louisiana. "Reconstruction was over," continues the *Louisiana Almanac and Fact Book*. ". . . A strong court system was also provided to prevent a repetition of the disregard for law which characterized the previous decade," that is, to prevent the disregard for the Black Code which was thenceforth to be the unwritten constitution of Louisiana courts of justice.

The way Louisiana Law became twisted to suit the descendants of slaveholders is very interesting. Jefferson Davis, head of the Confederacy, found New Orleans a congenial place to settle in after his rebellion was defeated; he lived here until his death in 1889, and doubtless was happy that white political rule was set up before his passing. It was a former Confederate general, Francis Tillou Nicholls, who became governor of Louisiana in 1876 when President Hayes made the "sort of bargain" spoken of above. Thomas J. Semmes, a New Orleans lawyer who before the Civil War was an Attorney General of Louisiana, and who—according to Dr. Mitchell Franklin³ was the theorist of Secessionism, settled down after the Civil War to practice law in New Orleans in his own white supremacist way, and eventually became president of the American Bar Association. And Judge John A. Campbell who, while on the U.S. Supreme Court before the Civil War concurred in the Dred Scott decision, devoted himself after the War as a New Orleans lawyer and

3) Dr. Mitchell Franklin is professor of constitutional law at Tulane University.

jurist, to partially successful efforts to nullify the 14th Amendment.

The career of Alabama-born Judge Campbell is traced in Dr. Mitchell Franklin's article, "The Foundations and Meaning of the Slaughterhouse Cases."⁴ Campbell left his U.S. Supreme Court job to support the seceding slave-holding Confederacy, and, like Jefferson Davis, found after the Civil War that New Orleans was a congenial place to live. As the article states, "The task of John A. Campbell . . . was to overcome the defeat suffered by the Southern slaveholders in the Civil War." Campbell attempted "to overcome the 14th Amendment by veering it about to the advantage of the defeated South." Dr. Franklin points out, in discussing the legal controversy over the Slaughterhouse monopoly: "At the very moment Campbell was contending in the Louisiana courts that the 14th Amendment had the broadest possible meaning and hence protected the rights of the anti-monopolists of pursuing their calling, he was also defending the right of a New Orleans theater to segregate Negro opera-goers, despite a statute of Louisiana which then forbade that form of racial discrimination."

Dr. Franklin points out that the 14th Amendment, which he describes as the "sleeping giant" of the United States Constitution, was in effect put to sleep by the legal trickeries of such ex-Confederate pro-Slavery jurists as Judge Campbell, who not only led Louisiana law in the direction of separate but unequal justice for the Negro but also inspired to a great extent federal coyness in enforcement of the 14th Amendment.

EXHIBIT III: *Constitutional History*

LOUISIANA has had nine different constitutions in its history, and what they contain—and what they leave out—explains in part the continued existence of the Black Code as Louisiana's underground constitution.

Huey P. Long, Louisiana's cleverest demagogue, published the texts of all nine of Louisiana's constitutions, so arranged that the reader can compare them article by article, in his *Compilation of the Constitutions of the State of Louisiana*, 1930. Particularly interesting are the first constitution, that of 1812; the fifth constitution, adopted in 1868, which was the first and last state constitution to contain the full Bill of Rights; the sixth constitution, adopted in 1879 under the leadership of the Ku Klux Klan forces who deleted the most vital parts of the Bill of Rights; and the latest constitution, that of 1921, which is a polished version of the original KKK constitution.

Huey P. Long knew the meaning of the various constitutions. "The Bill of Rights first found its way into the Constitution of Louisiana after the Civil War," he wrote, in his introduction, "in the Constitution of 1868. It was after human slavery had been abolished that the Louisiana Constitution contained certain lines of the Declaration of Independence, reading: 'All men are created free and equal, have certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.'"

Long continued: "But when the white Southern manhood gained the upper hand in the control of the State's affairs, and convoked the Constitutional

⁴ *Tulane Law Review*, October and December, 1943 (Vol. XVIII, Nos. 1 and 2). Quotes are from the December, 1943 issue, pp. 227, 299, 237, 245.

Convention of 1879, the lines of Jefferson, in the Bill of Rights, were changed for words otherwise considered more appropriate and certain for the causes and purposes intended and desired." It is perfectly clear what "purposes" were "intended and desired."

The 1868 Constitution provided, in Article 13, that public conveyances, and places of business and public resort, "shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color." This article was taken out of later Louisiana constitutions.

The 1868 Constitution also provided that all children of the state should be admitted to the public schools or institutions of learning "without distinction of race, color, or previous conditions." It added: "There shall be no separate schools or institutions of learning, established exclusively for any race by the State of Louisiana."

In place of this we now have, in the 1921 Constitution, Article 12, a provision that "Separate free public schools shall be maintained for the education of white and colored children between the ages of six and eighteen years."

Among the "purposes . . . intended and desired" by the 1879 Constitution was that of neutralizing and reducing the Negro vote and depriving Negroes of any share in the government. The constitution of 1898 carried the plan further by introducing the "Grandfather Clause" which for a couple of generations destroyed every Negro citizen's right to vote, or to hold office.

But most effective of all was the tight control of the courts of justice put into the hands of anti-democratic white reactionaries. This was the Black Code, wearing a cloak of invisibility but as powerful as it ever was in pre-Emancipation days.

The chronology of the march of white supremacy and unequal justice may be indicated as follows: In 1876 the unholy alliance of President Hayes and Southern white reactionaries was consummated; immediately began the consolidation of white political power, culminating in the 1879 constitution which in effect nullified the Bill of Rights and the 13th and 14th Amendments; in 1892, the statute providing death was a punishment for "aggravated rape" (i.e., in practice, of white women and Negro men) went into effect; in 1894, inter-marriage between Negroes and whites was prohibited by statute; in 1898 the "grandfather clause" was put into the Constitution; in 1921 segregation in education, already in effect, was put into the Constitution; in 1942, "miscegenation" was defined so as to emphasize the 1894 statute on intermarriage and further facilitate differential punishment for rape.

It is contended here that this development is incompatible with federal constitutional and legal provisions for equal justice; that it is a violation of these provisions; and that persons affected by this violation suffer denial of constitutional and legal rights.

EXHIBIT IV: *Social History*

IT WAS in 1867 that the Knights of the White Camelia, an organization to enforce white supremacy, was formed at Franklin, Louisiana, and in 1874 that a similar organization, the White League, was formed at Opelousas, Louisiana. These groups had virtual private armies which fought the Reconstruction government forces and—with the backing of President Hayes—defeated the government and set up a "white man's" rule in the state, which

exists to this day. The cornerstone of white supremacy is segregation of the races.

Segregation: Since the end of the Reconstruction period and the adoption of the KKK-sponsored Constitution of 1879, segregation of the white and black race has been the *law* in this state, enforced by constitutional provision, legislative statute, and local regulation, requiring separate schools, separate restaurants, separate toilets and drinking fountains in public buildings, separate seating in trains and buses. In addition, marriage and even co-habitation of Negroes and whites is forbidden by statute.

This separation has made easy the almost complete denial of the vote and of public office to the entire Negro people in this state, 35.9 percent of the population. The virtual denial of the vote and of public office carries with it the virtual denial of the right to sit on juries, and hence the virtual denial to a Negro defendant of the right of trial by a jury of his peers. It is a serious question whether *any* trial of a Negro for crime in the prevailing milieu of this state could be considered a fair trial.

Lynching: No people can be held down undemocratically through use of democratic political forms except through terroristic tactics, and this is the *raison d'être* for lynching. Louisiana members of Congress have steadily opposed anti-lynching legislation. In Louisiana 335 recorded lynchings of Negroes took place between 1882 and 1948, a period of 66 years; a quarter of these lynchings were due to allegations of rape. It is a serious question whether *any* trial of a Negro for crime by a state which has permitted 335 lynchings of Negroes in 66 years can be considered fair. It is apparent that the 335 Louisiana extra-legal killings of Negroes and the 40 Louisiana legal executions for "rape" are both parts of a system of Black Code justice quite out of keeping with the Federal Constitution and Federal civil rights.

Police Brutality: A natural result of segregation and of white supremacy is police brutality exercised primarily against Negroes, particularly those arrested and charged with crime. Negro newspapers have spoken out against police brutality time and time again.

In its issue of June 19, 1926, the *Louisiana Weekly* editorialized under the title of "Bullies in Uniform": "Two New Orleans policemen arrest Negro woman in her home, drag her half-dressed from bed, beat her to pulp and throw her in jail without medical attention." In the issue of December 7, 1929, under the title, "Police Brutality," the same paper said editorially: "Time after time the *Louisiana Weekly* has called the attention of the authorities to the fact that patrolmen oftentimes use Negro suspects and prisoners with utter contempt, treating them worse than one would a stray mongrel dog. Beat them like they were something inanimate." Ten years later, February 11, 1939, under the heading, "No Excuse for Police Brutality," the same paper declared: "Once again in New Orleans Negroes and those of human hearts belonging to other races are caught in a dragnet of fear at the animal-like savagery with which Negroes so unfortunate as to be caught in the toils of the law or the long arm of policemen, are being treated. Almost daily, stories of horrible examples of what physical brutality the sworn protectors of the law wreak upon hapless, helpless individuals are brought before the public which, however skeptical, cannot refute the evidence as offered by men's bruised and scarred bodies."

And in the current period, May 13, 1950, right after the election of the Mayor and city officials of New Orleans, the *Louisiana Weekly* warned edi-

torially: "The members of the Commission should know that Negroes will expect them to be concerned about their welfare during the next four years as they were about the votes in January. . . . Should know that Negroes are alarmed and displeased at the readiness of local police to use their clubs and their pistols, frequently without provocation. . . . Negroes do not expect this coroner to find citizens to have died from 'natural causes' where undertakers and private physicians find such persons have been shot through the head or the back." And the paper adds, ironically, in another editorial two months later in a comment on "Those Police Investigations" (July 29, 1950): "If there is anything that is a greater farce than the police department's investigation of its police, we would like to know . . ."

In a sharply worded editorial August 12, 1950, the *Louisiana Weekly* indicates the connection between police brutality and Black Code mentality by saying: "Last week we published an excerpt from a letter written over the signature of Criminal Sheriff Grosch. In this letter Mr. Grosch advises his readers that: 'I recently chartered the John J. Grosch Democratic Organization, a political and civil organization. The organization is organized principally to further the cause of white supremacy.'"

The Negro press is right in seeing a connection between segregation and white supremacy on the one hand, and police brutality on the other, and right to see a connection between both and those rape trials in which the death sentence is reserved for Negroes.

As implied in the May 13, 1950, editorial quoted above, police in this state carry brutality to the point of killing at the slightest provocation, and sometimes with no provocation at all. Attention is called to the shooting of Roy Cyril Brooks by Patrolman Alvin Bladsacker in Gretna on February 27, 1948; the killing, before his father's eyes, of the young veteran, Chrispin Charles, in New Orleans, July 4, 1949, by New Orleans policemen Sahuc and Landry; the beating to death of war veteran Eugene Jones by West Bank police in the early morning of Saturday, November 5, 1949, as the man lay handcuffed in a Gretna jail cell; the shooting to death of Eugene Johnson, 24, on So. Rampart St., New Orleans, December 27, 1948, by Officer David Mark of the New Orleans police force; and the shooting and severe wounding by Deputy Sheriff Anthony J. Licciardi, St. Bernard Parish, of U.S. Army Pvt. Matthew Peterson, Jr., as he lay in bed in Meraux, La., on March 9, 1951.

These examples are taken from New Orleans and vicinity, and New Orleans is without doubt the most enlightened and most nearly democratic place in the state. When one goes to those many parishes where not one single Negro dares register to vote, he will find still worse conditions.

It is a serious question whether *any* trial of a Negro for crime can be considered fair when those who make the arrests, collect the evidence, and keep suspects confined are guilty of so much brutality in the exercise of their routine duties.

EXHIBIT V: *Special Category for White Rapists*

VERY INTERESTING are the comparative facts about the punishment of *Negroes* accused of rape and of *white rapists*, particularly white rapists of Negro women or Negro girls.

John E. Rousseau in the *Pittsburgh Courier* (Louisiana Edition) of March 10, 1951, presents a comparative study of two contemporary rape cases, one

in which a Negro rapes a white girl baby-sitter 12 years of age, and another in which a white man rapes a Negro baby-sitter 12 years of age. The Negro, Walter Bentley, 28, of 2013 Marigay St., New Orleans, was found guilty on February 19, 1951, of "aggravated rape" (Article 42), and has been sentenced to death in the electric chair. The white man, Steve Cangelosi, 36, of 228 Brooklyn St., in Jefferson Parish, who pleaded guilty, was sentenced October 27, 1949, for "carnal knowledge of a minor" (Article 80) to one year in the Parish prison.

In opening his article on these two typical cases, Mr. Rousseau asks: "Is Article 42 of the Louisiana Criminal Code designed to protect all females in this state, or does it protect only those females who are members of the white race?" The answer lies not only in the obvious practice of the courts, but in the concealed Black Code which is designed to follow up the segregation of Negroes from whites with the dealing out to Negroes a separate kind of justice.

The Bentley-Cangelosi contrast is not an isolated example, but it is an unusually public one. There are scores of other more or less hidden instances that, with effort, could be brought to light.

Statutes on intermarriage have further emphasized the survival of slave regulations. In 1825, under slavery, not only was marriage between free persons and slaves forbidden, but also marriage "between free white persons and free persons of color" (Art. 95, Civil Code, 1825). This provision was repealed during Reconstruction, but in 1894, with the revival of white man's rule, a statute (Act 54 of 1894, amending Art. 94, Revised Civil Code, 1870) forbade marriage "between white persons and persons of color." In 1942 (No. 43, Art. 79), this rule was strengthened by defining "miscegenation" as "marriage or habitual co-habitation, with knowledge of their difference in race, between a person of the Caucasian or white race and a person of the colored or Negro race." (Dart's Louisiana Code of Criminal Law and Procedure, 740-79.) The 1942 statute thus illegalizes interracial "co-habitation" (common law marriage) as well as formal marriage, that is, it makes any kind of sex relationship between whites and Negroes—with emphasis on white women and Negro men—a *criminal offense*.

This limitation of marriage provided a new gimmick for carrying out the original White League plan of Black Code justice. It meant that, while a sex relation of a white man with a white woman could be either voluntary or at the worst simple rape, and of a white man with a Negro woman "probably" voluntary but sometimes simple rape, a sex relation of a Negro man with a white woman had no legal standing at all; it *must* be, in practice and in logic, *aggravated rape*. The gimmick thus provided a concealed legal foundation for the Special Category of White Rapists, virtually guaranteeing that in practice a white rapist would not receive the death penalty.

The hidden Black Code is the theoretical basis for an unequal administration of justice in Louisiana. The explanation of a ratio of 40 death sentences for rape by 35.9 percent of the population, during a half-century, to 2 death sentences for that crime by the remaining 64.1 percent, lies in the Black Code mentality of Louisiana courts and government.

The former legal differentiation between punishment of white criminals and punishment of Negro criminals, which existed in pre-Civil War days, established a *practice* of unequal justice; this *practice* was re-established and continued with the setting up of post-Reconstruction "white man's rule"; the

practice of unequal administration of the criminal statutes, particularly that providing for the punishment of rape, backed and protected as it is by the segregation and political subjugation of the Negro people in this state, and facilitated by legal and constitutional ambiguities, still continues in all state and local courts.

Document C

"THE MASTERS of the Government of the United States are the combined capitalists and manufacturers of the United States," President Woodrow Wilson declared in 1913. "A more nearly perfect mechanism for making the poor poorer and the rich richer could scarcely be devised," the Temporary National Economic Committee declared in describing American monopoly.

Both observations are apropos of monopoly in the South. It dominates the state governments there more nakedly than elsewhere. And it has made the Southern people poorer than those of any other section of the nation, while making itself the richest aggregate of capital the world has seen. The monopoly listed below owes much of its favored position and gargantuan profits to the segregation, oppression and genocidal terror it foments as a source of economic and political control.

SOME DATA ON MONOPOLY CONTROL IN THE SOUTH

Morgan:

The huge steel plants of the Tennessee Coal, Iron and Railroad Company in Birmingham, Ensley, Bessemer, and Fairfield, Ala., its captive iron ore mines in Alabama and its 362,432 acres of captive coal veins in Alabama and Tennessee, since 1907 have belonged to the Morgan-launched and Morgan-interest dominated U.S. Steel Corporation. So do the Virginia Bridge Company plants at Roanoke, Birmingham, and Memphis; the Universal Atlas Cement Company plants at Waco, Texas, and Leeds, Ala.; and since 1943, the American Republics Corporations plants at Port Arthur and Beaumont, Texas. U.S. Steel also has a plant at New Orleans.

Morgan interests likewise control the Commonwealth and Southern Co., leading southern utility company, the American Telephone and Telegraph Co. (Bell System), and the Southern Railway Co.

Cleveland Financiers:

Republic Steel, a Cleveland-controlled company, has plants and captive mines in the Birmingham area and Gadsden.

du Ponts:

The E. I. Du Pont de Nemours & Co. has rayon, nylon, plastic, explosive and chemical plants throughout the South—at Belle, Meadowbrook, Nemours, Weirton, W. Va.; Wurland, Ky.; Waynesboro, Martinsville, and Richmond, Va.; Old Hickory, Tenn.; Birmingham, Ala.; Bartlesville, Okla.; Houston, Stanton and Orange, Texas. Also under Du Pont control are the General

Motors Corp. plants at Memphis and Atlanta, its saw mills in Louisiana and Tennessee, and its timber tracts in Louisiana and Arkansas. Du Pont also controls the United States Rubber Co. plants at Hogansville, Ga., Winnsboro, S. C., Shelbyville, Tenn., and Scottsville, Va.

Chemicals:

The chemical industry of the South is almost entirely in the hands of large northern corporations—du Pont, Allied Chemical and Dye, Union Carbide and Carbon, Celanese Corporation of America, the American Viscose Corporation, largest rayon-producing corporation. Dow Chemical Co. has tremendous plants near Houston and has bought four government-owned plants in the area. Monsanto Chemical Co. is also expanding in the South. The American Bemberg Corporation, North American Rayon, and the American Enka Corporation, with plants entirely in the South, are subsidiaries of the Gemeene Kuntzjide Unie N.V., a Netherlands concern.

Rockefellers & Oil:

One of the South's greatest natural resources is petroleum. This has fallen almost entirely into the hands of great monopolies, principally the Rockefellers.

The Humble Oil and Refining Co., operating mainly in Texas but also in Louisiana and New Mexico, and the Carter Oil Co., producing largely in Oklahoma, are subsidiaries of the Rockefeller-controlled Standard Oil Co. of New Jersey and constitute the entire producing facilities of that company, the largest petroleum company in America. They hold in fee and under lease some 20,000,000 acres in the United States, mainly in the South. The Interstate Oil Pipe Line Co. and the Plantation Pipe Line Co. are also subsidiaries of Standard Oil (N.J.).

Standard Oil Co. of California, also a Rockefeller company, has under lease 613,903 acres in Texas, 246,346 acres in Mississippi, 217,656 acres in Louisiana, 733,899 acres in Georgia, and 207,062 acres in Alabama, and additional acreage in other southern states, although this company operates at the present time almost entirely in California and has actual southern oil wells in operation only in Texas, Louisiana, and Mississippi. The rest of its acreage is for further use.

Rockefeller interests also control the Socony-Vacuum Oil Co., Inc., which holds about eleven million acres of land in the United States, about seven million acres in the South. Of its 10,621 oil and gas wells operating in the United States, 5,708 at the end of 1945 were in Texas, 1,758 in Oklahoma, 278 in Louisiana and 20 in Mississippi.

The Coronado Corporation, owning and operating oil properties in Texas, Louisiana, and Alabama, is owned by the Stanolind Oil and Gas Company which is owned by another Rockefeller company, the Standard Oil Co. of Indiana. Standard Oil (Ind.) has producing or prospective acreage in Arkansas, Georgia, Florida, Kentucky, Mississippi, and Alabama though its chief producing properties at present are in Kansas, Oklahoma, Texas, New Mexico, Wyoming, and Louisiana. The Mexican Petroleum Corporation of Georgia with a refinery at Savannah, and the Pan-American Refining Corporation with refineries at Texas City, Texas, and Destrehan, La., are other subsidiaries of Standard Oil (Indiana).

Another Rockefeller company, Atlantic Refining Company, owns oil rights on 3,665,000 acres in the U.S., much of it in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Texas, and Mississippi. A smaller Rockefeller-controlled company, the Ohio Oil Company, has oil and gas lands or leases on production in Kentucky, Arkansas, Louisiana, Oklahoma, and Texas.

Joining hands with Rockefeller interests in joint exploitation of oil resources in the Near East is the Texas Company, fifth largest American oil corporation, which operates mainly at present in Texas, but also has extensive operations in Oklahoma and Louisiana. It has more than 10 million acres of oil producing or potential producing land owned in fee or under lease in the United States, mainly in the South.

Mellon:

Gulf Oil Corporation with millions of acres under lease in the South is a Mellon concern. Mellon also controls the Koppers Co., with many southern plants and the Virginian Railway Company.

Shell Union Oil Corporation, which is controlled by the great Royal Dutch petroleum company, holds in fee or under lease 365,743 acres in Louisiana, 122,292 acres in Oklahoma, and 907,593 acres in Texas.

These companies and a few others not quite so large are rapidly acquiring control of all the potential oilfields in the South. Thus the Socony Vacuum Oil Company holds under lease 1,678,976 acres of land in Florida where in 1946 it had not tried to drill a single well; and in Mississippi nearly 800,000 acres only 800 of which were "proven."

Pulp & Paper:

Another great industry of the South is the manufacture of pulp and paper from wood supplied by the South's forests. This industry is one of the less concentrated of America's industries so far as ownership is concerned. But the world's largest paper company, the International Paper Company, with assets amounting to over 250 million dollars, has huge plants in Mobile, Ala.; Camden, Arkansas; Panama City, Florida; Moss Point, Mississippi; Georgetown, South Carolina; and three plants in Louisiana. It owns one and a half million acres of timberland in the South. It exercises enormous power over the press through ownership and sales.

The Union Bag and Paper Company, world's largest producer of paper bags, also controlled by northern capital, has its principal plant at Savannah, where, prior to its current expansion, it produced each eight-hour day nine hundred and sixty tons of Kraft pulp, 500 tons of Kraft paper, 400 tons of Kraft boards and 14,500,000 paper bags. This company owns in fee or holds under long term lease 468,269 acres of woodlands in Georgia, South Carolina, and Florida.

Also Wall Street-controlled is the West Virginia Pulp and Paper Company, which between 1923 and 1943 bought 345,800 acres of timberlands in North and South Carolina and has huge plants at Covington, Va., and Charleston, S. C. plant which started operations in 1937. The lease runs for fifty years with an option to renew for another fifty years.

The Container Corp. of America, third largest paper producer in this country, has plants at Forth Worth, Texas and Fernandina, Florida. It also controls the Sefton Fibre Can Company with a plant at New Orleans.

The Brunswick Pulp and Paper Company which began operation at Brunswick, Georgia, in 1938 is jointly owned by two northern corporations, the Scott Paper Co., of toilet-tissue fame, and the Mead Corp. The Mead Corporation has plants of its own at Lynchburg and Radford, Virginia; Nashville, Knoxville, Harriman, Kingsport and Newport, Tenn.; and Sylva, N. C.

The Champion Paper and Fibre Company, a fifty million dollar northern corporation, has mills at Houston, Texas; Canton, N. C.; and Sandersville, Ga. It owns about 75,000 acres of timberland and holds a contract for preferential right to purchase another million and a half acres in Texas.

Rubber:

Rubber is a relative newcomer to the South; Goodyear Tire & Rubber Co. which accounts for about one-third of all rubber sales and is controlled by the Cleveland group of financiers, has a tire and rubber plant with nearly 3,000 employees at Gadsden, Ala., and tire cord plants at Cedartown, Cartersville, and Rockmart, Ga., and Decatur, Ala. At the end of 1947 it was still operating a government-owned war plant at Houston, Texas.

Firestone, which is a family-controlled northern corporation depending on a Ford connection for its market, prior to the war got 30 percent of its production from its Memphis plant. It also has plants at Gastonia, N. C., and Bennettsville, S. C., and at the end of 1947 was still operating government-owned synthetic rubber plants at Lake Charles, La., and Port Neches, Texas.

The B. F. Goodrich Company has large plants in Alabama, Georgia, Tennessee, Kentucky, and Oklahoma.

The U.S. Rubber Company has three mills in Georgia and other plants in South Carolina, North Carolina, Virginia and Tennessee.

Tobacco:

The South's industries most closely allied to agriculture, such as the fertilizer plants and the tobacco plants, the cotton oil mills and the cotton compresses, are dominated by giant corporations.

Prices paid to southern farmers for the tobacco crop are pretty much determined by the big tobacco companies whose giant southern plants supply the nation with cigarettes. In 1934, according to the Agricultural Income Inquiry of the Federal Trade Commission published in 1938 (Part 1, *Principal Farm Products*), Liggett & Myers, the American Tobacco Company, and R. J. Reynolds, makers of Chesterfield, Lucky Strike, and Camel cigarettes respectively, bought nearly half the United States tobacco crop, and nearly 70 per cent of the crop sold for use in this country. The six leading companies bought 58 percent of the total crop and more than 87 percent of the crop sold domestically.

Cotton:

The compressing and warehousing of cotton is dominated by another giant \$160,000,000 corporation, Anderson, Clayton & Company, largest merchandiser of cotton in the world with buying organizations in the United States, Brazil, Mexico, Argentina, Peru, Paraguay and Egypt. In 1933, this company bought 10 percent of the American cotton crop. It employs about 6,000 men and women in this country and 6,500 abroad. Its subsidiaries include chains

of cotton compress plants and warehouses located in Georgia, Texas, Louisiana, Alabama, North Carolina, Tennessee, Arizona and California. It also operates cotton oil mills and cotton gins in Texas, Oklahoma, New Mexico, Arizona, and California. The stock of this company is handled through J. P. Morgan and Co., and the Morgan-interest controlled bank, the Guaranty Trust Co. of New York.

Second largest cotton factor in the South is the family of South Carolina's Senator Maybank.

Meat Packing & Oil:

Swift & Company, the great meat packer, with sales that led the nation in 1946, has some 40 cotton seed oil plants and refineries in the South, 12 fertilizer plants, 11 packing plants, nine dairy and poultry plants and eight ice-cream processing plants. These are only its principal southern properties.

Armour & Co., which in 1946 led the nation's meat-packing industry in profits, has large packing plants at Atlanta, Ga.; Birmingham, Ala.; Fort Worth, Texas; Lexington, Ky.; Memphis, Tenn.; Oklahoma City, Tifton, Ga.; and a rendering plant at Fort Worth, Texas. It has fertilizer works at Albany, Atlanta, and Columbus, Ga.; Greensboro, N. C.; Houston, Texas; Jacksonville, Fla.; Nashville, Tenn.; Navassa, N. C.; New Orleans, La.; Augusta, Ga.; Birmingham, Ala.; Columbia, S. C.; Montgomery, Ala.; Norfolk, Va. It also operates cotton seed oil plants. Wilson & Company, third largest meat packer, has plants at Oklahoma City and Columbus, Ga., and a cottonseed oil and compound lard refinery at Chattanooga.

The Cudahy Packing Company, last of the Big Four, has plants at Albany, Ga., Leedwood, near Memphis, Tenn., and Victoria, Texas.

The Buckeye Cotton Oil Co. with plants in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and Tennessee is owned by the soap monarch, Procter and Gamble, which also has soap and glycerine plants at Macon, Ga., Dallas, Texas, and Portsmouth, Va. During the war it operated three government munitions plants in the South.

These companies together with the Wesson Oil and Snowdrift Co., owners of 69 cottonseed crushing mills and 100 cotton ginneries, seven peanut shelling plants, seven shortening plants, 28 fertilizer plants, and miscellaneous other plants labelled under various names, operate together to control the price of cottonseed paid to the farmer and play an important part in credit extended to the cotton grower. Wesson Oil and Snowdrift Company owns the Southern Cotton Oil Company, the Refuge Cotton Oil Company, the International Vegetable Oil Co., and many others.

Textiles:

While southern textiles remains one of the least concentrated of American industries, the ten largest corporations owning in 1948 probably not more than about a fifth of the spindles and possibly a fourth of the looms, it should be noted that much of the southern textile industry is owned by northern corporations or is under northern control.

The southern textile industry was originally native but northern companies moved in increasingly after 1910. By 1931 at least 6 percent of the spindles and 3.7 percent of the looms were northern owned; in South Carolina 13

percent of the spindles and 10 percent of the looms; in Georgia 20 percent of the spindles and 14.4 percent of the looms; in Alabama 36 percent of the spindles and 37 percent of the looms. Nearly half the silk looms and a quarter of the silk spindles in the South were northern-owned.¹

There are indications that the depression years served to increase the degree of northern ownership considerably. The later war years and first two post-war years, however, saw a veritable revolution in southern textiles, with whole chains of mills passing into northern ownership and merging with northern capital, as well as a general integration of the industry. Between a fourth and a fifth of the productive capacity of the textile industry were involved in such changes of hands during these years. One leading newcomer to the south was the war-born Textron, Inc., a Rhode Island Company, which owns the Manville-Jenckes Company and Textron Southern, Incorporated, organized in 1946 to take over the Gossett mills in North and South Carolina. Another was J. P. Stevens & Co. of New York, the leading cotton commission merchants during the recent war. In August 1946 they merged nine textile companies in the Carolinas and a producing subsidiary in Massachusetts.

[Sources for the above information are as follows: For interest group control and some other information: *Economic Concentration and World War II*. (Report of the Smaller War Plants Corporation to the Special Committee to Study Problems of American Small Business, U.S. Senate, 79th Congress, 2nd Session, Report No. 6; U.S. Government Printing Office, Washington, 1946.)

For individual company data: Moody's Manual of Investments, American and Foreign, Industrial Securities, Moody's Investors Service, New York, 1945, 1946, 1947 and 1948, and *The Wall Street Journal*.

For textile industry, some material was secured from the *Journal of Commerce*, the *Textile World*, the *Manufacturers Record*, Standard and Poor's *Industry Surveys*, and Davison's *Textile Blue Book*, 1940.]

Document D

CONGRESS, by its consistent refusal to act for the protection or welfare of the 15,000,000 American citizens who are Negroes, incites Genocide against them. Its conduct clearly shows that it believes Negro Americans should be without the protection of the law and the Constitution. This partial calendar reveals something of the tone, temper and maneuvers of Congress toward the Negro people from January 16, 1950 to September 21, 1950.

SEN. WILLIAM LANGER (R., N.D.) attacked an anti-lynching rider which had been appended to an anti-poll tax bill, and called for a Congressional investigation of "so-called Negro leaders" who call upon Congress to enact civil rights laws.

[January 18. Senator Langer, who two days earlier had attacked all civil rights legislation, attached an anti-lynching and an anti-poll tax rider to a bill

1) See Ben F. Lemert, *The Cotton Textile Industry of the Southern Appalachian Piedmont*, p. 155, University of North Carolina Press, Chapel Hill, 1933.

- to permit the coloring of oleomargarine, in a maneuver intended to alienate Southern support for the bill and thus ensure its defeat.
- January 20.* Dr. H. M. Griffith, lobbyist for the National Economic Council, testified at a committee hearing against the anti-lynching bill, S. 1726.
- January 24.* Sen. Scott Lucas (D., Ill.) introduced an amendment to the FEPC bill which would prevent it from going into effect until the various state legislatures had resolved that discrimination in employment existed within the state, and had set up a state FEPC agency to work with the national FEPC.
- February 1.* Anti-lynching bill S. 91 was scheduled for consideration, but upon the motion of Sen. Lucas (D., Ill.) it was passed over.
- February 9.* Harry S. Barger of the National Economic Council testified before the Senate Subcommittee on Foreign Relations against ratification of the Genocide Convention.
- February 10.* Rep. Rankin spoke of what he called a "disgusting report of a little Yiddish woman lawyer here by the name of Ruth Weygand" for having filed a brief with the U.S. Supreme Court against dining car segregation in the Henderson case. "Mr. Speaker, one of the greatest fakers the world ever knew is Albert Einstein, who should have been deported for his communistic activities years ago," Rankin also said.
- February 14.* Rep. Rankin, in an attack aimed at "Orientals" among others, by which he apparently referred to Jewish persons, said, "Do not forget that these alleged racial minorities have from 50 to 100 times as many of their own groups on the Federal payroll in Washington as they are numerically entitled to, while our white American servicemen who fought the Nation's battles in time of war, and must now support its institutions in time of peace, are driven from the Federal payroll."
- February 14.* Sen. John C. Stennis (D., Miss.) and Sen. James O. Eastland (D., Miss.) introduced the statement made by Louisiana district attorney Leander H. Perez before the Senate Foreign Relations Committee in opposition to ratification of the Genocide Convention.
- February 15.* Rep. Clare Hoffman (R., Mich.) declared that advocates of FEPC legislation want "special privileges, special administration which will not only give equality to them, but special privileges . . . as the Gentleman from Mississippi, Mr. Rankin once said . . . the group that needs protection in this country are the white taxpaying Gentiles."
- February 16.* Rep. Louis B. Heller (D., N.Y.) pointed out that the U.S. Army is not making due progress against racial discrimination in its ranks, and that the gap between principles and practices "is all too apparent to the rest of the world."
- February 23.* Despite protests of Negro organizations that such a measure would prove worse than none, the House passed, 240 to 177, a "voluntary" FEPC bill, H.R. 4453 which would rely upon moral suasion alone.
- March 3.* Rep. James B. Hare (D., S.C.) charged that if the Presidential order calling for the elimination of racial discrimination in the armed forces is carried out and not rescinded it will cause "an untold amount of dissension and insurrection among the ranks of our fighting men."
- March 13.* Rep. Hare in a speech against civil rights legislation declared that racial prejudice cannot be regulated by law.
- April 14.* Sen. Clyde R. Hoey (D., N.C.) read to the Senate an editorial from the April 12 issue of the *Christian Science Monitor* entitled "Separate

but Equal" which said in part: "To throw out segregation bodily within states that still desire it would run all the dangers we have listed where law presses custom too fast and hard. To demand equality as the price for separateness, on the other hand, promises steady and peaceful progress."

April 19. FEPC legislation was scheduled for consideration by the Senate, but was passed over at the request of Sen. Allen J. Ellender (D., La.) speaking for Sen. Olin D. Johnston (D., S.C.).

An amendment to the 1950 District of Columbia appropriations bill, which would have denied funds to any agency practicing racial or religious discrimination, was offered by Rep. Vito Marcantonio (ALP, N.Y.), but was defeated 67 to 21.

April 20. An editorial was inserted in the *Congressional Record* from the April 19 *Washington Times Herald*, entitled "Truth on Civil Rights," and charging that the Democrats had done nothing to secure passage of the civil rights program.

May 3. The House Committee on the District of Columbia voted unanimously to report favorably H.R. 5968, which would take public swimming pools in the District of Columbia out of the jurisdiction of the U.S. Department of Interior, and place them under the control of the District Commissioners. (The Interior Department had inaugurated a policy of nonsegregation, whereas it was the policy of the Commissioners to segregate the races.)

May 10. Rep. Jacob Javits (R., N.Y.) and Rep. Marcantonio introduced amendments to H.R. 7786, the 1950 General Appropriations Bill, which would have denied funds to any Governmental agency practicing racial, religious, or national discrimination; but the amendments were defeated.

May 8, 9, 10, 12, 15, 16. Southern Senators conducted filibuster against motion to take up consideration of FEPC bill, S. 1728.

Sen. Forrest C. Donnell (R., Mo.) introduced a petition for a rehearing filed by the Attorney General of California objecting to a ruling by the California Supreme Court invalidating that state's Alien Land Act as being repugnant to the United Nations Charter.

May 18. Rep. Rankin charged that FEPC legislation was "being fostered and pressed by alien-minded minorities that have for their purpose the amalgamation of the races and the destruction of the white man's civilization, and wiping Christianity from the face of the earth."

May 19. A motion to limit debate on FEPC, which requires 64 votes for passage, was defeated in the Senate by a vote of 52 to 32.

Three Senators attacked the ruling of California court invalidating that state's Alien Land Act as being repugnant to the United Nations Charter.

May 23. An amendment offered by Rep. Adam Clayton Powell (D., N.Y.) to deny funds to Government agencies in the District of Columbia which discriminate was voted down.

May 24. An amendment to H.R. 6826 to extend the Selective Service Act, which would prohibit discrimination in the armed forces, was offered by Reps. Powell and Javits, but was voted down.

May 25. Subcommittee on Foreign Relations heard Gerald L. K. Smith testify in favor of amending the United Nations Charter to drastically curtail powers of the organization.

June 1. Rep. Rankin spoke against FEPC, introduced a letter "from my good friend, Hon. George W. Armstrong, of Natchez, Mississippi" (Armstrong is an oil and cotton multimillionaire, who offered \$50,000,000 to Jefferson

- Military College in Mississippi if it would pledge to bar Negroes and Jews and teach white supremacy.)
- June 6.* Rep. Ed Gossett (D., Tex.) attacked the Supreme Court for its rulings in the Sweatt, McLaurin, and Henderson cases (which ordered opening white state colleges to Negroes where equal separate facilities are not provided, and an end to segregation in dining cars). "If Solicitor General Perlman has his way, America will eventually be communized," Gossett said. Rep. Hoffman (R. Mich.) and Rep. Ben H. Guill (R., Tex.) endorsed Gossett's views. Guill charged that the Supreme Court was waging war upon the South.
- June 7.* Rep. Rankin charged that the Supreme Court's decisions on civil rights have done more to harm Negroes than anything since the Civil War which abolished slavery.
- June 8.* The Senate Armed Services Committee adopted an amendment to H.R. 6826 extending the Selective Service Act. Offered by Sen. Richard Russell, (D., Ga.), the amendment would enable servicemen to decide whether they wished to serve in segregated or unsegregated units.
- June 12.* Rep. Rankin attacked the Anti-Defamation League of B'nai B'rith for having condemned racial segregation in District of Columbia swimming pools. "That gang has been run out of every civilized country on earth except this one, and they are headed for the same treatment here," Rankin said.
- June 21.* Twenty-nine Senators voted in favor of the bill which would permit draftees to serve in segregated units of the armed forces if they preferred; 42 Senators voted against the measure.
- June 22.* Sen. James O. Eastland (D., Miss.) said that the South has no apologies to make for racial segregation, and is determined to maintain it. He introduced S. J. Res. 189, which would provide Federal funds for a study to determine what it would cost to provide "separate but equal" educational facilities for the two races. His resolution was referred to the Committee on Labor and Public Welfare.
- An amendment to the Selective Service Act which would punish any act of violence against servicemen because of race, color, national origin, ancestry, rank, or religion was offered by Sen. Hubert H. Humphrey (D., Minn.) but was defeated.
- June 27.* Sen. William E. Jenner (R., Ind.) introduced a series of editorials from the *New Orleans States* opposing ratification of the Genocide Convention of the United Nations.
- July 12.* Motion to limit debate on FEPC defeated 55 to 33. Twenty-two Democrats and 33 Republicans voted to limit debate, and 27 Democrats and 6 Republicans voted against limiting debate.
- July 17.* Rep. Gossett (D., Tex.) called for abolition of Presidential elector system to reduce power of "bloc voting" (which he attributed to Negroes, Jews, etc.).
- August 11.* Rep. Henderson Lanham (D., Ga.) denied that he had called William L. Patterson, head of the Civil Rights Congress, a "n—r." Rep. Lanham went on to say that segregation is best for both races.
- August 28.* Rep. Rankin attacked the United Nations and called for its abolition.
- August 29.* Rep. Rankin again attacked the United Nations as a "Tower of Babel," and for trying to dictate to the U.S. what to do in Korea.

- September 5.* Rep. Sam Hobbs (D., Ala.) spoke in behalf of H. J. 538 to repeal the 14th Amendment of the Constitution which purports to guarantee civil and political rights to Negroes and all persons equally.
- September 7.* Sen. Clyde R. Hoey (D., N.C.) called upon the Senate not to ratify the Genocide Convention, on the ground that it would impair civil rights.
- September 8.* A speech entitled "Government by Treaty" delivered by the publisher of the *New Orleans States* was inserted in the *Congressional Record*, opposing ratification of the Genocide Convention.
- September 13.* On motion of Sen. Russell and others, the Senate passed over FEPC bills which were scheduled to come up (S. 1728 and H.R. 4453). Also passed over was S. 2595, a bill to create a Human Rights Commission for the District of Columbia.
- September 14.* Rep. Rankin, in debate on the Internal Security Act, proposed concentration camps and deportation for "disloyal minorities."
- September 21.* Rep. James C. Davis (D., Ga.) charged that the "real aim of Negroes and agitators is not equal educational opportunities, but social equality."

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