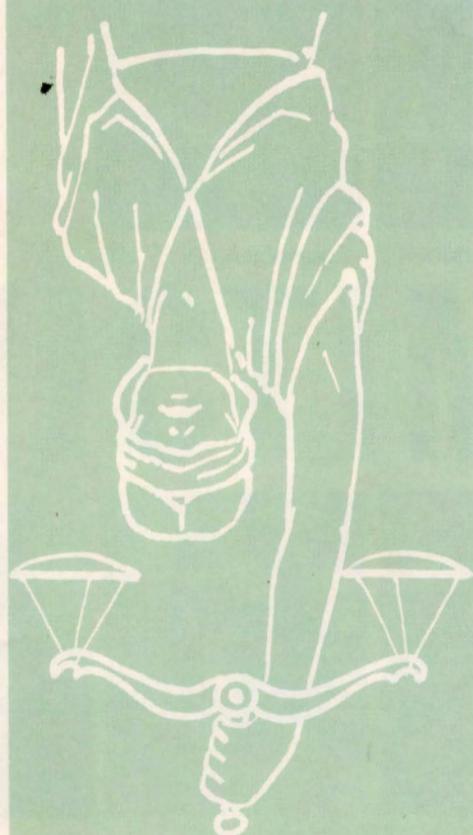


UPSIDE-DOWN



JUSTICE

The Albany Cases

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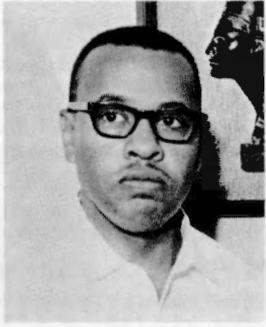
Dr. W. G. Anderson

Thomas Chatmon

VICTIMS



Mrs. Elza Jackson



Slater King



Joni Rabinowitz



Robert Thomas



Rev. Samuel Wells



Luther Woodall

The Albany Story

In the early 1960's, Albany, Ga., became known throughout the world for the efforts of its Negro citizens to gain their rights through nonviolent direct action.

Laurie Pritchett, Albany's chief of police, became equally known for his reputed use of nonviolence to quell demonstrations that rocked Albany and stirred the nation.

A. C. Searles, editor of the Southwest Georgian, a Negro newspaper in Albany, said: "The general belief that Albany police have met nonviolence with nonviolence is the biggest hoax ever perpetrated on this nation. Albany is a police state."

Pritchett apparently got his reputation for nonviolence because white newsmen on the scene needed a good story, and because Pritchett himself did not personally beat up Negroes and white sympathizers.

What he did was run the city of Albany in the silent, sure manner of an efficient police state, according to a report by Howard Zinn issued by the Southern Regional Council.

"He has done this by simply putting into prison every man, woman, or child who dared protest in any way the infringement of rights guaranteed to them by the Constitution," Zinn said in his report.

Such arrests in the two-year period prior to July, 1963, totaled around 2,000. In this same period there were numerous cases of violence and brutality against civil-rights workers in Albany and neighboring areas of Southwest Georgia.

Some of the more atrocious cases were reported by the news media; most were not. Many were reported to the F.B.I. and to the U. S. Department of Justice, along with sworn statements by the victims. The F.B.I. always said it was investigating.

The F.B.I. is a part of the Department of Justice, headed by

Attorney General Robert F. Kennedy. The latter sent Pritchett a wire praising him for the way he had handled the demonstrations, but apparently made no mention of the many cases of violence reported to his office.

For example, in May, 1962, Walter Harris was stopped by Albany police while carrying a jug of water down the street. A policeman shot and killed Harris because he said the victim drew a knife on him. The knife that was introduced in evidence at the inquest was an old and rusty pocketknife. A full report was made to the Justice Department.

Close-up of Georgia Police State

In July, 1962, Mrs. Marion King took food and clothing to Albany demonstrators who had been moved to the jail in Camilla, Ga. A police officer kicked her and punched her from behind until she fell to the ground and lost consciousness. She had a year-old baby in her arms and was leading a 3-year-old child.

Mrs. King was in her seventh month of pregnancy, and her child was born dead a month later. She is the wife of Slater King, leader of the Albany Movement. A full report of this incident was made to the Justice Department and the F.B.I.

In the same month, at the height of the demonstrations in Albany, William Hansen was brutally beaten by a trusty in the Dougherty County Jail, run by Sheriff D. C. Campbell Sr. Hansen's jaw was broken and several ribs were cracked.

The trusty who beat him was David Sizemore, who later said that a deputy sheriff paid him to assault Hansen, who was a white man aiding in the civil-rights demonstrations. A full report was made to the Justice Department.

Later the same day, Sheriff Campbell broke a walking stick across the head of C. B. King, an attorney and brother of Slater King. Attorney King had gone to the sheriff's office to ask about Hansen's having been beaten in the jail.

The sheriff ordered King out of the office and then struck him. This took place in the Courthouse across the street from Chief Pritchett's office. A full report was made to the Justice Department and the F.B.I.

In the summer of 1963, police dragged Miss Joanne Christian of Albany to the Camilla jail by her hair and then stepped on her legs and kicked her. They also dropped her on the concrete floor of the jail several times.

They took a police dog into her cell and threatened to let the animal attack her. Then they took the light bulb out of her cell and left her in darkness. Her mother made a sworn statement about

the treatment of this 15-year-old girl and sent it to the Justice Department. She heard no more.

In July, 1961, Charlie Ware was arrested in neighboring Baker County by Sheriff L. Warren Johnson. The arrest was made without a warrant and Ware, a Negro, was taken to jail in handcuffs. There he was beaten with a pistol and shot in the neck three times by Johnson. A full report was made to the Justice Department.

Ware also sued Sheriff Johnson for damages in the U.S. District Court in Albany, charging violation of his civil rights. An all-white jury ruled in favor of the sheriff, as had been expected.

Soon afterward, in April, 1963, a student group picketed a supermarket owned by Carl Smith, one of the jurors in the Ware case. The group also conducted a boycott of Smith's store, which was in the Negro section of Albany and had only Negroes as customers.

The students picketed the store for an hour on Saturday afternoon, and on Monday Smith closed the store. Smith said the demonstration was held because of his vote on the jury. The pickets said it was because Smith refused to give Negroes jobs as head butchers and cashiers, keeping them in menial tasks. The Albany Movement had been at odds with Smith about this for several months before he was a juror in the Ware case. At one point he promised to upgrade Negro employees but later reneged.

A week after Smith's store was closed, the Albany Bar Association called upon the U.S. Department of Justice and Attorney General Kennedy for a "full, complete and thorough investigation." The bar resolution also charged that the picketing was in revenge for Smith's part in the verdict against Ware, and therefore violated federal laws against intimidation of jurors.

Negroes in Albany took note of the fact that Smith's lawyers were the firm of Smith, Gardner, Kelley, and Wiggins. This firm included both the mayor and the former mayor of Albany and represented the big-money interests in Southwest Georgia.

A key member of the firm was Taxi Smith, closely allied politically with U.S. Senators Richard Russell and Herman Talmadge of Georgia. In fact, Smith and Kelley had promised to carry Southwest Georgia for the late John F. Kennedy in his race for the presidency in 1960, and this pledge was carried out.

James H. Gray, publisher of the *Albany Herald* and former chairman of the Georgia State Democratic Committee, also requested an investigation of the picketing of Smith's store. Gray, a leading segregationist, had given a fund-raising banquet in honor of John F. Kennedy when the latter was U.S. senator. (In 1964, Gray became Georgia state chairman of Democrats for Goldwater.)

Negroes already knew that Chief Pritchett, Mayor Asa Kelley,

and other political leaders had kept the telephone lines to Washington busy at the height of the Albany demonstrations in 1962. These calls were made because the Justice Department was receiving so many requests to investigate the situation in Albany.

Pritchett and Kelley were reported to have obtained a pledge that the Federal Government would not interfere, so long as open violence by police was avoided.

Now the shoe was on the other foot, and it was the segregationists who were asking for an investigation.

Pretty soon 35 or more F.B.I. agents swarmed into Albany, a city with a population of about 55,000. The agents arrived about the time that the Rev. Samuel B. Wells was making a complaint to the Justice Department about the way he had been treated by Albany police.

Mr. Wells, a leader in the Albany Movement, was arrested on July 8, 1963, after a march to City Hall to protest failure of Mayor Kelley and other city officials to grant Negroes fair and equal treatment. The minister swore that he was dragged by his genitals from the street into the police station, where he was dropped on the floor.

Three weeks later a federal grand jury was called into session at Macon, Ga., to investigate the situation in Albany. Fifty-eight Negro citizens of Albany were summoned to appear before the jury at Macon, about 100 miles northeast of Albany.

Some people thought that the F.B.I. and the grand jury were going to look into charges of brutality and denial of civil rights to Negroes over the years. Such illusions disappeared as soon as the grand jury began questioning the witnesses.

None of the members of the Albany Movement had been told why they were being called before the jury. However, they soon learned that the subject under investigation was the picketing of Smith's store.

Miss Joni Rabinowitz, a white student from New York who had been working with the Movement, was the only white person summoned before the jury. She was asked if she had been present when the picketing took place. She said she had not; the jury accused her of lying and indicted her on three charges of perjury.

Others were asked if they had planned the picketing of Smith's store because of his part in the jury verdict. They denied that they had. Others denied that they had attended a meeting about the grand-jury investigation in Attorney King's office the night before. Besides Miss Rabinowitz, five others were indicted for perjury and three for conspiring to injure a federal juror.

Attorney General Kennedy took the unusual step of announcing the indictments at a special news conference in Washington. Such

announcements are usually made by the local district attorney.

The indictments were handed down on Aug. 9, 1963. On that day and the day before there had been brutality and violence against civil-rights workers in Americus, Ga., which is between Albany and Macon.

Three field workers of the Student Nonviolent Coordinating Committee were arrested Aug. 8 and brutally beaten by Americus police while watching a street demonstration. They and a worker for the Congress of Racial Equality were then charged with unlawful assembly, obstructing lawful arrest, inciting to riot, assault with intent to murder, and attempting to incite insurrection. The last is punishable by death and the arrested youths were held in jail for three months.

“. . . No Evidence of Police Brutality”

Americus citizens demonstrated on August 9 in protest against the arrests. They were met by city, county, and state police and by deputized white citizens armed with clubs, guns, and electric cattle prods.

Shots were fired over the heads of the marchers, children were clubbed and burned with cattle prods. One youth's leg was broken, another required 20 stitches to close wounds in his head, clubs split open the heads of a man 67 and several teen-age boys and girls. All needed many stitches to close the wounds.

The grand jury at Macon took no heed of all this and a spokesman for the Justice Department said: “There is no evidence of police brutality in Americus.” (It is fair to note that this statement was amended later, after protests from all over the nation caused the F.B.I. to finally investigate.)

Besides Miss Rabinowitz, those indicted in the Smith case included Slater King, a real-estate and insurance man, whose wife had lost her baby after being assaulted; the Rev. Samuel Wells, who had been carried to jail by his genitals, and Luther Woodall, 16, who had been harassed by police for wearing a T-shirt urging a boycott of downtown Albany. Luther's father died of a heart attack 5 months after the indictment, leaving smaller children whom Luther is now helping to support.

Others indicted were Dr. W. G. Anderson, a physician, former head of the Albany Movement; Mrs. Elza (Goldie) Jackson, recording secretary; Robert Thomas, a barber; Thomas Chatmon, businessman, and Robert Colbert.

Mrs. Jackson's husband, Emmanuel Jackson, Jr., was formerly assistant circulation manager of James H. Gray's *Albany Herald*. He was fired after becoming active in the Movement, although he had worked for the *Herald* for 16 years. Mrs. Jackson was fired from her

job at Albany State College. Jackson now operates a service station.

Dr. Anderson won a mistrial when tried at Albany on a charge of conspiring to injure a federal juror. He has moved to Detroit to continue his medical studies, and his case was transferred to the U.S. District Court there.

Dr. Anderson then went before the court in Detroit and pleaded nolo contendere, which meant that he did not wish to contest the charge. He was sentenced to one year in prison, but the sentence was suspended and he was placed on probation.

Slater King and Mr. Wells were convicted of perjury and sentenced to serve a year and a day in prison. Mr. Wells was also fired as a sandblaster at the Marine Corps Supply Center in Albany, the second largest Marine supply center in the U.S.A.

Although he had worked there since 1955, Mr. Wells was declared to be unfit to be a federal employee. The commandant of the supply center was asked if Mr. Wells would be rehired if he won a reversal of his one-year sentence. The commandant replied that "we'll have to see at that time."

Chatmon and Thomas were given five years on probation while Mrs. Jackson was placed on probation for three years on the perjury charge. All three denied that they had lied to the grand jury.

Dr. Martin Luther King Jr., head of the Southern Christian Leadership Conference, declared: "It is tragic that the only instance in which the Federal Government has moved with vigor has been against Negro leaders who have been working to end the evils of segregation."

". . . Persecution by the Federal Government"

Slater King said: "I knew from the beginning that it would be an impossibility for all of us who had been very active leaders in the freedom struggle to receive a fair and impartial trial before an all-white Southern jury.

"Segregationists can bomb, murder, and plunder at will and with the knowledge that they will not be punished by the courts, but black men must face death daily, and even persecution by the Federal Government, in attempting to obtain their constitutionally guaranteed rights."

Miss Rabinowitz was tried and found guilty of perjury, although 12 persons testified that she was not at the scene of the picketing. It was noted that neither she nor two other white girls working with the Albany Movement were ever questioned by any of the swarm of F.B.I. agents.

Miss Rabinowitz contended that it was Miss Joyce Barrett and not she who was present when Smith's store was picketed. Miss Barrett testified that this was the truth. Nevertheless, Miss Rabinowitz

witz was given three months to four years in prison. It was apparently enough for the jury that she was a white girl working with Negroes.

Her attorneys had sought to waive a jury trial on the ground that Miss Rabinowitz could not get a fair trial from a Southern white jury. Her position was supported in sworn statements by experts in the field of race relations in the South, but the request was denied.

She also asked to have the trial moved to the North on the same ground, and this was refused. Miss Rabinowitz further challenged the fairness of her trial on the basis that the jury had been chosen in such a way as to exclude Negroes.

Her attorneys showed that Negroes make up 34½ per cent of the people in the Middle District of Georgia but fewer than 6 per cent were called for either grand or petit jury service. Those who did appear were easily challenged and removed by the Government attorneys.

Seventy-three leading members of the American academic community have filed a friend-of-the-court brief in which they note that Miss Rabinowitz "is the first college student to appear as a defendant in a federal case resulting from participation in behalf of the integration movement."

These scholars state that she was "quite clearly exercising one of her functions as a member of the academic community" when she went to Albany to aid in voter registration.

The points raised by her attorneys are the basis on which her sentence has been appealed to the U.S. Fifth Circuit Court of Appeals in New Orleans. They will also form the grounds for an appeal to the U.S. Supreme Court in Washington if the appeals court does not upset her conviction.

The system of jury selection is also one of the main points raised in the appeals of the others who were convicted. However, they are also depending on an aroused public opinion to overturn their sentences.

The National Committee for the Albany Defendants is circulating a petition asking the Department of Justice to confess error in these cases. A similar petition is being circulated by the Student Nonviolent Coordinating Committee, by which Miss Rabinowitz was employed.

It is felt that Miss Rabinowitz's conviction was intended as a warning to other Northern white students not to come to the South and work for the rights of Negroes. All the cases are seen as an effort to destroy the freedom movement in Southwest Georgia and to frighten others into inaction throughout the South.

(See next page for what you can do.)

WHAT CAN YOU DO

Those who are appealing their sentences need the help of every concerned person throughout the world. You can strike a blow for freedom by doing any or all of the following:

1. Obtain, circulate, and send to President Johnson a petition asking him to set aside all the sentences, stay further prosecution, and order a full-scale investigation of the persecution of these people. These petitions can be obtained from the National Committee for the Albany Defendants, 532 Mercer St., Albany, Georgia.

2. Obtain, circulate, and send to Attorney General Robert F. Kennedy petitions asking that the Department of Justice confess error and have the higher courts overturn the convictions. These petitions can be obtained from the New York office of the Student Nonviolent Coordinating Committee (SNCC), 100 Fifth Ave., New York, N.Y., 10011. They also ask the Attorney General of the United States to direct District Attorneys in the South to make their jury lists represent a true racial cross-section of the population.

3. Write personal letters to the President and the Attorney General, at their offices in Washington, urging them to take the action outlined in Sections 1 and 2 above.

4. Obtain and circulate copies of the friend-of-the-court brief prepared by American scholars in the case of Miss Rabinowitz. These can be obtained from the SNCC Legal Committee, 1715 Francisco St., Berkeley 3, California.

5. The cost of fighting these cases and circulating material like this pamphlet is very high. You are urged to obtain additional copies of this pamphlet and give them to your friends. And, above all, make a generous contribution to the cost of court action and publicity around these cases.



Send your contribution to the address below. Make checks payable to:

**NATIONAL COMMITTEE FOR THE ALBANY DEFENDANTS,
532 Mercer Street, Albany, Georgia**

**DR. MARTIN L. KING JR., Honorary Chairman; HOSEA WILLIAMS,
Chairman; the REV. WYATT TEE WALKER, Coordinator**

(This pamphlet prepared in cooperation with the Southern Conference
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