

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)
)
 v.)
)
 JOHN SARTIN)
 GEORGE SARTIN)

INDICTMENT NO. _____

The Grand Jury charges:

COUNT ONE

That, on or about the twenty-second day of August 1960, in Roane County in the Eastern District of Tennessee, and within the jurisdiction of this Court, the defendant, GEORGE SARTIN, a duly appointed Deputy Sheriff of Roane County, acting under the color of the laws of Tennessee, and aided and abetted by the defendant, JOHN SARTIN, did wilfully subject WILLIAM THOMAS FERGUSON, JR., an inhabitant of the State of Tennessee, to the deprivation of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to wit: the right not to be deprived of his liberty without due process of law and the right and privilege to be immune from unlawful arrest and detention by persons acting under color of the laws of the State of Tennessee.

That is to say, that at the said time and place, the defendant, GEORGE SARTIN, while acting under color of law as aforesaid as a Deputy Sheriff of Roane County, State of Tennessee, and aided and abetted by JOHN SARTIN, and for the purpose of depriving WILLIAM THOMAS FERGUSON, JR., of his liberty without due process of law and his right to be immune from unlawful arrest and detention, did, wilfully.

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| 144-70-199 | |
| DEPARTMENT OF JUSTICE | |
| 7 | MAR 27 1961 |

and without justification under laws of the State of Tennessee, arrest and detain WILLIAM THOMAS FERGUSON, JR., although no warrant had been issued for the arrest of WILLIAM THOMAS FERGUSON, JR., no felony had been committed nor charge made that a felony had been committed by him, no public offense had been, or was committed or breach of the peace threatened by him in the presence of the defendants and the defendants had no reasonable cause to believe that WILLIAM THOMAS FERGUSON, JR. had committed a felony.

In violation of Title 18, Section 242, United State Code.

The Grand Jury further charges:

COUNT TWO

That, on or about the twenty-second day of August 1960, in Roane County, in the Eastern District of Tennessee, and within the jurisdiction of this Court, the defendant, GEORGE SARTIN, a duly appointed Deputy Sheriff of Roane County, acting under the color of the laws of Tennessee, and aided and abetted by the defendant, JOHN SARTIN, did wilfully strike, kick, choke, and assault WILLIAM THOMAS FERGUSON, JR., an inhabitant of the State of Tennessee, with the intent and purpose of inflicting summary punishment upon him, and did thereby wilfully deprive the said WILLIAM THOMAS FERGUSON, JR., of a right secured and protected by the Constitution and laws of the United States, namely, the right not to be deprived of his liberty without due process of law.

In violation of Title 18, Section 242, United States Code.

The Grand Jury further charges:

COUNT THREE

That, on or about the twenty-second day of August 1960, in Cumberland and Rhea Counties, in the Eastern District of Tennessee, and within the jurisdiction of this Court, the defendant, GEORGE SARTIN, a duly appointed Deputy Sheriff of Rhea County, acting under the color of the laws of Tennessee, and aided and abetted by the defendant, JOHN SARTIN, did wilfully under color of the laws of the State of Tennessee, subject and cause to be subjected WILLIAM THOMAS FERGUSON, ^{Jr.} an inhabitant of the State of Tennessee, to deprivation of the rights, privileges, and immunities secured to him and protected by the Fourteenth Amendment to the Constitution of the United States; to wit: the right and privilege not to be deprived of liberty without due process of law, the right and privilege to be secure in his person while in the custody of the State of Tennessee, the right and privilege not to be subjected to punishment without due process of law, the right and privilege to be immune, while in custody of persons acting under color of the laws of the State of Tennessee, from illegal assault and battery by any person exercising the authority of said State, and the right and privilege to be tried by due process of law and if found guilty to be sentenced and punished in accordance with the laws of the State of Tennessee.

That is to say, that on or about the twenty-second day of August 1960, the defendants while having WILLIAM

THOMAS FERGUSON, JR. in custody under color of law as
aforesaid, did then and there illegally strike, bruise,
batter, beat, assault, threaten and choke the said WILLIAM
THOMAS FERGUSON, JR. with the intent and purpose of imposing
summary punishment upon him and with the purpose of coercing
and forcing the said WILLIAM THOMAS FERGUSON, JR. to make
an admission and confession to the effect that he had
committed a criminal offense.

In violation of Title 18, Section 242, United
States Code.

A TRUE BILL

Foreman

United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)
)
 v.)
)
 R. D. SMITH)
)
 Defendant)
 _____)

INDICTMENT NO. _____

The Grand Jury charges:

COUNT I

That on or about June 10, 1961, at Opelika,
Lee County, Alabama, in the Middle District of Alabama,
R. D. Smith, a jailer in the Lee County Jail, acting
under color of the laws of Alabama, did wilfully beat,
strike, and assault Mary Louise McCray, an inhabitant
of the State of Alabama, with the intent and purpose of
inflicting summary punishment upon her, and did wilfully
deprive the said Mary Louise McCray of a right secured
and protected by the Constitution and laws of the United
States, to wit, the right not to be deprived of her liberty
without due process of law.

In violation of Title 18, Section 242, United
States Code.

COUNT II

The Grand Jury further charges:

That on or about June 10, 1961, at Opelika,
Lee County, Alabama, in the Middle District of Alabama,
R. D. Smith, a jailer in the Lee County Jail, acting
under color of the laws of Alabama, did knowingly and

wilfully take improper and indecent liberties with Mary Louise McCray, an inhabitant of the State of Alabama, over her protests and against her wishes, with intent to violate her personal integrity as a woman, and did thereby wilfully deprive the said Mary Louise McCray of a right secured and protected by the Constitution and laws of the United States, to wit, the right not to be deprived of her liberty without due process of law.

In violation of Title 18, Section 242, United States Code.

COUNT III

The Grand Jury further charges:

That on or about June 10, 1961, at Opelika, Lee County, Alabama, in the Middle District of Alabama, R. D. Smith, a jailer in the Lee County Jail, acting under color of the laws of Alabama, did wilfully induce William O'Neal to assault Mary Louise McCray, an inhabitant of the State of Alabama, and to attempt to have sexual intercourse with her against her wishes and over her protest, the said Mary Louise McCray being then and there a prisoner in the Lee County Jail and in the custody of R. D. Smith, and the said R. D. Smith did thereby wilfully deprive Mary Louise McCray of a right secured and protected by the Constitution of the United States, to wit, the right not to be denied the equal protection of the laws by persons acting under color of the laws of the State of Alabama.

In violation of Title 18, Section 242, United States Code.

COUNT IV

The Grand Jury further charges:

That on or about June 10, 1961, at Opelika, Lee County, Alabama, in the Middle District of Alabama, R. D. Smith, a jailer in the Lee County Jail, acting under color of the laws of Alabama, did wilfully induce George Willie Colquitt to assault Mary Louise McCray, an inhabitant of the State of Alabama, and to attempt to have sexual intercourse with her against her wishes and over her protest, the said Mary Louise McCray being then and there a prisoner in the Lee County Jail and in the custody of R. D. Smith, and the said R. D. Smith did thereby wilfully deprive Mary Louise McCray of a right secured and protected by the Constitution of the United States, to wit, the right not to be denied the equal protection of the laws by persons acting under color of the laws of the State of Alabama.

In violation of Title 18, Section 242, United States code.

A TRUE BILL

Foreman

United States Attorney

Inter-Citizens Committee

Rev. J. L. Ware, President

Rev. J. C. Wilson, Vice-Chairman

Rev. G. L. Terrell, Treasurer

Rev. C. H. Oliver, Secretary

Rev. H. D. Long, Assistant Secretary

Box 1443

Birmingham, Alabama

Oct. 5, 1962

Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

9116

Dear Mr. Marshall,

I write to commend you on the role you played in the Meredith case in Mississippi. I know it was not easy, and I am glad to see the Administration uphold the law with vigor and with an eye to justice.

The trial of the officers involved in the Travis case will be held on Nov. 13. We hope that something will be done to convince officers that they cannot violate the rights of citizens irresponsibly.

I am enclosing some clippings on some events here.

Sincerely yours,

C. Herbert Oliver

C. Herbert Oliver

RECEIVED

OCT 23 1962

U.S. DEPT. OF JUSTICE

DOCKETED

OCT 23 1962

44-1-589
DEPARTMENT OF JUSTICE
OCT 19 1962
RECORDS SECTION
R. S. M.
CIV. RIGHTS DIV.
Gen. Lit. Sec.

OCT 24 1962

morning of Sept. 19, 1962 after a man took it out of my yard and drove it up the street at high speed and crashed it into a house. My car key was in the house and the switch was locked. How he got it started, I don't know. The man is a Rev. Grady Spencer, a Negro, who lives in the same neighborhood that I live in.

It happened just as I was about to take my three children to school. A neighbor knocked on the door and told me that a man had taken my car out of my yard and wrecked it. I ran up the street to the car and saw the man still at the wheel and the car demolished. Neighbors said he stripped himself as he was coming down the street toward my house, and that he was naked when he got into the car. He was naked when I got to the scene of the "accident". He left his car in his yard, passed by more than a dozen of the neighbors' cars before he got to mine. Then when he got to my house, somehow he decided to get into my car and drive it off at full speed.



Only one policeman came to the scene. He was police chief Wilson of the Brownville police department (near Birmingham). He did not make a factual investigation. He did not ask me who I was. He did not ask me if the car was mine. He asked me if my car was insured. Since I have never met him before, apparently he knew who I was and whose car it was. I have never met Mr. Spencer before either. But on the evening after the wreck, his wife talked with him and told me that he told her to tell Rev. Oliver that everything was covered and that I would get a car. Mr. Spencer apparently knew whose car he had taken. On my second visit to see Mr. Spencer on Sept. 21, while he was still in critical condition, he said to me as I was leaving, "Rev. Oliver, you don't work, do you?" For a man that I have never met, this shows a very deep concern. To ease his mind, I informed him that I was working.

Police chief Wilson is mentioned on Document No. 12 on Human Rights in Alabama distributed by the Inter-Citizens Committee.

On Sept. 30 my wife and I visited Mr. Spencer. Among other things, he spoke of our understanding things better after a while. I asked what he meant, but he said he could not say right now. The next day I visited him with a local minister. Again I tried to find out what he meant. This time he said there were some things he was not supposed to say. Apparently someone is advising him as to what to say. He claimed that the pains in his chest kept him from talking long. Yet after I left the subject, he was ready to talk at length about other subjects. He talked about the value of his insurance and used the following strange illustration: "Suppose I ran over you and killed you, I would want to be covered by insurance so your family would get something." I wonder what might have happened if my children had been in the car, or if I had gone outside to try to stop him. A telephone call delayed me. This may have saved me from possible death. Rev. Spencer is said to have had mental troubles before. In this case, however, his procedure seems to have been strangely methodical.

C. Herbert Oliver
C. Herbert Oliver, secretary
Inter-Citizens Committee
Box 1443 -- Birmingham, Alabama

Prisoner Makes Costly Mistake

A 25-year-old Negro got a \$55 lesson in politeness this week from Judge William Conway.

Lonnie Ellis, 1310 Avenue J, was up before the judge in Recorder's Court because he failed to say "yes, sir" to a foreman with the Birmingham Park and Recreation Board.

George Waters, the foreman, said he had the defendant in a work gang from city jail. After the prisoner refused to address him as "sir" he said he took him back to jail.

As he walked through the door, Asst. Warden J. A. Bivens said he looked like he might strike him, so they struggled, and he and another warden managed to subdue the prisoner without any more force than necessary.

The prisoner asked Judge Conway if he might go to the hospital for an examination of sore ribs, and the judge told him, "No. Until you learn to say 'yes sir' to white people you can stay in jail."

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA)

v.

INDICTMENT NO. _____

(18 U.S.C. 252)

JOSEPH W. MCKINNEY, Jr.

Defendant

The Grand Jury charges:

COURT ONE

That, on or about November 21, 1961, in Jefferson Parish, Louisiana, in the Eastern District of Louisiana, the defendant, Joseph W. McKinney, Jr., an officer of the Juvenile Bureau of the Jefferson Parish Sheriff's Department, acting under color of the laws of the State of Louisiana did wilfully take into custody Edward Little, a twelve year old inhabitant of the State of Louisiana, for the purpose of questioning him about an alleged violation of the criminal laws of Louisiana; did transport Edward Little to a levee overlooking the Mississippi River and there did grasp him by his arms and threaten to throw him into the river if he did not confess to having committed a criminal offense; and did further intimidate Edward Little by firing shots from a revolver into the river and by pointing a loaded and cocked revolver at him and shooting towards him; all with the intent and purpose of

coercing a confession from and of subjecting Edward Little to a trial by ordeal; and did thereby wilfully deprive Edward Little of a right, privilege and immunity secured and protected by the Constitution and laws of the United States, to wit, the right not to be deprived of liberty without due process of law.

In violation of Section 242, Title 18, United States Code.

COUNT TWO

That, on or about November 21, 1961, in Jefferson Parish, Louisiana, in the Eastern District of Louisiana, and within the jurisdiction of this Court, the defendant, Joseph W. McKinney, Jr., an officer of the Juvenile Bureau of the Jefferson Parish Sheriff's Department, acting under color of the laws of the State of Louisiana did wilfully shoot and kill Edward Little, an inhabitant of the State of Louisiana, with the purpose and intent of inflicting summary punishment upon him and did thereby wilfully subject him to the deprivation of rights, privileges and immunities secured to him and protected by the Constitution and laws of the United States, to wit, the right not to be deprived of his life without due process of law.

In violation of Section 242, Title 18, United States Code.

A TRUE BILL

Foreman

United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA)

v.)

JOSEPH W. MCKINNEY, JR.,)

Defendant)
_____)

INDICTMENT NO. _____

(18 U.S.C. 242)

The Grand Jury charges:

COUNT 1

That, on or about November 21, 1961, in Jefferson Parish, Louisiana, in the Eastern District of Louisiana, the defendant, Joseph William McKinney, Jr., an officer of the Juvenile Bureau of the Jefferson Parish Sheriff's Office, acting under color of the laws of the State of Louisiana, did take into custody Edward Little, a twelve year old inhabitant of the State of Louisiana, for the purpose of questioning him about an alleged violation of the criminal laws of Louisiana, and Louisiana, /did wilfully:

- (a) Transport Edward Little to a levee overlooking the Mississippi River;
- (b) Grasp him by his arms and threaten to throw him into the river;
- (c) Fire shots from his pistol into the river; and
- (d) Point a pistol, cocked and loaded, at Edward Little; and did shoot him;

all with the intent and purpose of subjecting Edward Little to a trial by ordeal and to coerce him to confess that he had committed an offense, and did thereby, wilfully deprive him of a right, privilege and immunity secured and protected by the Constitution and laws of the United States, to wit, the right not to be deprived of liberty without due process of law.

In violation of Section 242, Title 18, United States Code.

A TRUE BILL

Foreman

United States Attorney

Rep. Kidd Calls for Inquiry In Guard's Killing of Convict

By JACK NELSON
Constitution Staff Writer

MILLEDGEVILLE—A coroner's jury has called the fatal shooting of a county warden's house boy "justifiable."

However, a county commissioner has called for a further investigation and seven prisoners who were witnesses have asked to testify before a grand jury.

Richard Ingram, a 29-year-old Baldwin County Negro, was shot to death in the bullpen of the county public works camp about 6 a.m. Monday after he refused to go to the "hole," a small room where prisoners are confined for punishment.

"I'd die and go to hell before I'd go to the hole for doing nothing," several witnesses quoted Ingram as saying to Warden Joe Collins just before the warden gave orders for a guard to shoot him.

Oliver Kidd, a veteran member of the Baldwin County Commission, a state legislator and a recent candidate for lieutenant governor, called for a "thorough investigation to set the record straight."

Kidd asked, "In the first place, why would a man rather be killed than go to the hole?"

Warden Collins said he would be glad for a grand jury to investigate the matter further.

R. W. McCook, Wilkinson County farmer, who serves as a night guard at the prison, shot Ingram with a pistol. The bullet passed through his arm and penetrated near the heart, bringing almost instant death, according to Dr. James Bough, county medical examiner.

Seven prisoners who witnessed the shooting told a Constitution reporter Tuesday that Ingram kept backing away from the warden and refused to accompany him to the "hole." They said the prisoner had his back to a concrete wall when Collins said, "Let him have R. Shoot him."

Warden Collins told the re-

Continued on Page 12, Column 2

Continued From Page 1
porter he recalled "saying something like that."

The warden contended that Ingram hit him once in the face, causing his hat to fall off.

The seven prisoners who were interviewed, two of whom were called to testify at the coroner's hearing, declared that Collins' hat fell off when Ingram jerked his arm from the warden's grasp.

STORY OF GUARD

Sam Miller, a guard who was standing by in the bullpen when the shooting occurred, told the reporter that Ingram hit Collins "on the arm, I thought, but he (Collins) said the face, and his hat fell off."

Miller said he and another guard, George Turner, were in the bullpen when McCook and Collins were confronting Ingram. He said he supposed they could have subdued Ingram, "but I wasn't going to take him on by myself. He kept repeating, 'I'd die and go to hell before I'd go to the hole.'"

Miller said "the hole" is a pretty bad place."

The seven prisoners who were interviewed said that on the night before the killing, McCook fired three times into the bullpen—a large room where the camp's 22 prisoners are quartered.

ADMITTED FIRING

McCook admitted at the coroner's hearing that he had fired twice Sunday night to "quieten down" the prisoners. He said Richard Ingram had been the chief troublemaker, breaking rules by walking around and arguing in the bullpen.

No newsmen were present at the coroner's hearing Monday night. A Constitution reporter asked Coroner Francis Williams to permit him to listen to a recording of testimony made for his office. However, he declined, saying he was not sure it was public record.

Ingram was serving a sentence of 15-to-20 years on manslaughter charge. As house boy, Ingram was a trusty who did chores, such

as washing floors, mending beds and other domestic work, at the warden's house near the prison camp.

FOR NINE YEARS

Collins, 68, who has been warden here for nine years, said he had never had trouble with Ingram before.

Collins said he was trying to force Ingram into the "hole" because McCook had reported he had caused trouble the previous night. However, the warden said he did not know McCook had shot into the bullpen Sunday night until learning of it at the coroner's hearing.

The prisoners who were interviewed contended they and other prisoners had told the warden of the shooting when he walked into the bullpen Monday to try to put Ingram in the "hole."

One prisoner testified at the coroner's hearing that he started reading the Bible when the trouble started Monday morning and didn't see the killing because it made him "nervous" to look.

FROM BEGINNING

The seven prisoners who were interviewed said they saw the trouble from the beginning and watched as McCook held his pistol up and came down to aim at close range.

G. E. Moore, a guard at the camp, told the reporter that he testified before the coroner's jury that on Sunday, the day prior to the shooting, Richard Ingram had been drinking.

Moore said the work camp has had "quite a bit of trouble from drinking." He said he didn't know how the prisoners had been getting the liquor into the camp.

Warden Collins also told the reporter drinking had been a problem at the work camp.

Atlanta Constitution
Atlanta, Georgia
Date: 10/17/62

Macon Negroes March in Protest Against Shooting

MACON, Ga., Oct. 18 (AP). — More than 400 Negroes marched through downtown streets of this Middle Georgia city to protest the shooting of a Negro youth by policemen, and then attended an inquest into his death.

After hearing about three hours of testimony, Coroner A. E. King, Jr., recessed the inquest until 1 p.m. tomorrow.

An attorney for A. C. Hall, the 17-year-old Macon youth, said that when the session resumed he planned to recall Boise Franklin to the stand.

The 16-year-old Macon Negro girl testified yesterday that she was with Hall Saturday night and saw him shot while he was running away from a police car.

Officers J. L. Darden and J. T. Brown said they were attempting to arrest Hall on charges of straining a pistol from a car. They said they fired when the youth turned and reached toward his pocket.

Before the inquest, Negro demonstrators — some wearing black bands of mourning on their arms — marched to City Hall and then to the courthouse where the inquest was held. Some carried placards reading, "Stop This Senseless Killing."

Evening Star
Washington, D. C.

Date: 10/18/62

TWO COPS INDICTED BY FEDERAL GRAND JURY IN BRUTALITY CASE

The Indianapolis Recorder

GREATEST WEEKLY

FOUNDED 1895

May 25, 1962

144-26-96

U.S. Justice Dept. Attorneys Attend Session

GARY — Official sources said here this week a Federal grand jury has indicted two Gary police detectives on charges of violating the civil rights of a man they had picked up for questioning in connection with a lovers' lane robbery and murder.

The two detectives were taken for arraignment before the U.S. District judge in Hammond but their cases were continued until May 29.

The accused detectives, Det. Sgt. Clinton E. Savage, 47, and Det. William Kennedy, 44, have both denied the charges. Savage is a 14-year veteran of the department and Kennedy has been on the force 14 years.

The indictment charges that Savage and Kennedy struck and beat James Lee Anderson, 35, a Negro, when they questioned him Nov. 20, 1964, while they were on duty. Anderson was being questioned in connection with a lovers' lane robbery which a 14-year-old girl was raped and fatally shot.

Attorneys for both officers were denied a second indictment returned there last week by the Federal Grand Jury in South Bend. But the charges were not made public until Federal marshals arrested the two detectives. They were arraigned and taken to Hammond for arraignment. The Reporter that the Gary Police Department has previously made an investigation of the charges, but did not disclose the results of the

record and a current 10-25 year term at State Prison on an armed robbery conviction.

The officers inflicted "punishment" and "season" from Anderson, depriving him of his rights, privileges and immunities granted by the U.S. Constitution, according to the indictment.

The indictments were presented to Federal Judge Robert A. Grant by two attorneys from the Civil Rights Division of the U.S. Justice Department in Washington, D.C. Judge Grant presented the indictments to the Grand Jury.

The complaint against the officers apparently was registered directly with the Civil Rights Division in Washington.

The attorneys, John L. Murphy and David Marlin, came from Washington to South Bend during the three-day session of the Federal Grand Jury.

The Grand Jury indicted Savage and Kennedy on one count of violating the Federal Civil Rights Law, alleging they deprived Anderson of "liberty without due process of law."