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SPECIAL SNCC REPORT

FIVE BLACK STUDENTS CHARGED WITH MURDER IN HOUSTON

Indictments of SNCC-affiliated Youths Form Part of Continuing Efforts to Destroy the Organization

Five black students from Texas Southern University, all members of T.S.U. Friends of SNCC, have been charged with murder in Houston, Texas. The students are: John Parker, 20; Trazwell Franklin Jr., 20; Charles Freeman, 18; Floyd Nichols, 25; Douglas Wayne Waller, 21.

Trial has been set for July 25. District Attorney Carol S. Vance is expected to ask for the death penalty.

They have been charged with the murder of Patrolman Louis Kuba, on May 17, and assault to murder in the shooting of two other officers. Briefly, these events came about in the following manner: On May 16, police arrested Douglas Waller, a black student who had just returned from service in Vietnam and who refused to move on when so ordered, on the grounds of Texas Southern University. Against the angered students, 500 police armed with rifles, machine guns, shot guns and dogs invaded the campus, surrounded two dormitories, fired on the buildings and then charged into them. During this assault, Patrolman Luis Kuba was killed. Inside the dormitories, police wantonly destroyed University-owned furnishings and student's possessions; they then arrested all of the 487 dormitory residents.

We reprint below an article written by a witness, Rev. William Lawson, and published in the FORWARD TIMES of Houston on May 27, 1967; it gives a clear and detailed account of events:

"A week after the explosion of violence at Texas Southern University, many people wondered what happened. It has been called "riot" but most of the ingredients of riot are absent. There is no evidence of looting. There were no noticeable attempts at repetition. There was not even widespread resistance to arrest even though brutality by police was painfully obvious.

Yet for some reason the full concentration of police power was sent to a college campus and ordered to attack its dormitories like an enemy village. One man died, at least three were wounded by gunfire, scores of others were injured by the police. One dormitory was so plundered as to render it unfit for residence 489 college students were arrested - the largest mass arrest in the city, but this incident does not have the earmarks of a Watts, why has it been so reported?

Some people deserve to know what happened on the eventful night of Tuesday May 16. The citizens of this young and growing city deserve to know. The students themselves, who will be asked for the rest of their lives by employers and benefactors if they have ever been arrested -- they deserve to know. And their little brothers and sisters or sons and daughters, who know only what has been reported in the conservative newspapers and broadcasts , have a right to know.

The chain of events which made ugly history on that night have never been fully reported, because the victims and the witnesses have not been quoted. That chain of events might cast blame on the city rather than on the students, and the city does not want to bear on its hands the guilt of the blood of young Louis Kuba. But it is clear that his death was not caused by the hundreds

of half-naked boys who filled the patrol wagons and jail cells in the dawn hours of Wednesday, May 17. The pictures and statements in this story help to give more light on the "TSU fiots".

The local news media has seriously misrepresented the facts, partly because the aim of their stories has been to persuade the public that the acts of the police were "prudent" and commendable and partly because they never took the time to question and quote the hundreds of witnesses, participants, and victims. The officials of the city do not want to bear on their hands the guilt of the blood of young Louis Kuba, and they must wipe it off on somebody. The most obvious scapegoat is the university, whose administration may be degraded, and whose students, defenseless and half-naked in packed patrol wagons, may be portrayed as "villainous" and "criminal". The full story, completely documented with hundreds of photographs and statements from those most intimately involved, has been assembled and will be made public at the proper time. The pattern it reveals is an ugly one, and those it incriminates must answer to their city, themselves, and their God. But this brief account in words and pictures makes it clear that there is much more than has been said about the "TSU riot"/

Frustrated citizens in Northeast Houston and in Sunnyside have been protesting two completely separate conditions all day Monday, May 15 and Tuesday May 16; Negro students expelled from Northwood Junior High School for fighting with white students were not re-admitted when the white students were; and a long protested garbage dump near Sunn-side community facilities had claimed the life of a 11 year old boy. On Tuesday afternoon students from city high schools and colleges joined the citizens in both protests. 23 were placed under arrest in Northeast Houston, while independently 32 were arrested in Sunnyside. Those not arrested returned to the communities to enlist more people to carry on the protest and to raise funds to bail out prisoners.

For some reason Houston police focused on the easily-identified concentration of Negroes at Texas Southern University, whose life is made public by the bisecting Wheeler Street. Students already irritable, yelled jeers at the growing buildup of squad cars. Heavy weapons and police dogs were in evidence near Jeppesen stadium.. Some students threw a watermelon rind at a parked squad car. The air was tense as the two police office emerged and the students ducked off the street -- all except one who claimed that city police had no right to intimidate him on state property. He was student, Douglas Wayne Waller a veteran of the war in Vietnam. He was seized and arrested, and the students screamed their rage as he was taken to jail. That was the end of appeals for demonstrators for Northeast Houston and Sunnyside. Texas Southern now had problems of its own.

I was one of the arrested Sunnyside protestors. At the request of the mayor, I was released at about 12:30 A.M. Wednesday, May 17th and rushed to the campus of Texas Southern where I was told a "riot" was building up. I was asked to help prevent it.

But when the squad car arrived, it was obvious I was too late. The city police had already assembled a show of riot force by blocking Wheeler with scores of squad cars, barricade style, and helmeted officers with aimed guns were holding the dormitories in their sights. They had already judged the entire student body and found them potentially dangerous, and were now lined up for attack.

I was led to Rev. F.O. Kirkpatrick, usually effective in commanding the allegiance of the students, and Rev. Earl Allen, a skilled professional who organizes communities for the Economic Opportunities Organization. All three of us doubted that we could convince anyone who might be prepared to strike back at the police to lay down any weapons he might have. Rev. Allen pleaded with Police Chief Herman Short to remove the show of

force from the streets and block off Wheeler from through traffic. Short was reluctant, but agreed to a kind of compromise -- he would move the barricade of squad cars, but he would not block off the street (this was not under his jurisdiction, he claimed). The three of us went into the dormitory area and realized that Chief Short was only pulling the cars back some 3,000 yards to the adjacent block; the guns were still very much in view.

We looked desperately around for some students who might be leader or coordinator of the scared and angry boys milling around the lawns and drive-ways, and realized to our horror that no existing leadership could be identified. Most of the student leaders were in jail or off campus. We cornered a couple or three students and began to tell them the lie that Chief Short was removing the invasion force. But they knew better, and somebody yelled, "Then we'll block the street ourselves!" We turned desperately to see big sheets of corrugated metal being thrown out into the streets to obstruct cars, and behind us rolled two large tar barrels from the construction materials. They had been soaked with kerosene, and somebody threw a match at the metal cylinders. It burst into flames. Less than fifteen minutes had passed since we had begun looking for someone to negotiate with. Girls locked in their dormitory, yelled approval at the flaming tar barrels in the street, and we left to return to the Chief. It was too late.

It was then that the "riot" began. Chief Short, without warning to anybody gave what must have been the most blundering order of the evening

He pulled out the barricade of cars between the dormitories on the South side of the street and the empty parking lots on the North side. He had not arranged to surround the dormitories nor to demand evacuation of all occupants (a step invariably taken when an unknown number of armed and unarmed people are inside a building ---- and there were five here). He had not arranged to use tear gas or other non-lethal means of control-taking. And his officers wore "riot helmets" made of light plastic!

But he gave the command to charge the dormitories, and to shoot as they charged.

I watched the pathetic confusion that followed. Over six-hundred policemen ran down the empty street on the defenseless parking lot side under the right street lights. And they loose a salvo of shots that sounded like a hundred machine guns as over 5,000 rounds of ammunition were pured forth. They were in each other's way. Young rookies who had never seen real danger fired wildly. One policeman shot another. One went berserk and was taken away in shock. The had been sent into an unshielded opening, and they leaped behind trees, piles of dirt, telephone poles --anything. And the Chief had lost control of them, for he could not reach them to give further commands. They shot through windows despite instructions to shoot high, and kept shooting when students inside begged to be allowed to bring out wounded Morris English, shot through a wall while he lay on his belly.

Young Louis Kuba was one who managed to rush over into the safety of a concrete forum pit in front of the unoccupied Student Union Building. This was the haven where newsmen found cover. But in the disorganized volleys of fire from behind them even the pit was not truly safe. The young officer, huddled against the empty building, fell back into the arms of a newsmen, fatal wounded - and no one knows whose bullet from the countless hail of shots hit him. The FBI has been to the spot still soaked with his spurting blood, and they know it did not come from a dormitory. There are no rooms or windows on the east end of the dormitory!

Finally, at shortly after 2:00 A.M. the main volleys stopped. The police dashed into Lanier Hall for men with fire-axes and drawn guns. Their mission -- to disarm and disable the building. The pictures show some of what happened.

The housemother, Mrs. Lattye Farbert, had begun to order the boys to replace light bulbs and generally refurbish the residence hall, and had been forced to hit the floor with all the boys when officers, guns, and dogs charged into the building. The police trampled over her body (she is still in the hospital at this writing) and rather than use her pass-key, broke open doors with axes, ripped down ceiling tiles, broke mirrors, and brutally attacked students with clubs and dogs. The pictures show what happened. Notice the complete destruction of clothing, books even radios, lamps, television sets --anything that belonged to students. They said they were looking for weapons, but students' statements of loss listed record players, band instruments, even a little "walkie-talkie" in the apartment of the housemother was snatched from its tiny styrofoam box and smashed.

The brutalization of students -- I was brutalized too, until somebody said, "That's Reverend Lawson," and the roughness stopped (you don't brutalize blacks you recognize) --was the order of the night. These photos are only a few of many detailed shots which will appear later. One young man had his hand broken -- police dogs awoke one student who had somehow managed to fall asleep when the shooting stopped -- a foreign student who could not understand orders barked at him was severely beaten and hospitalized -- many were taken to jail half--naked and beaten pushed and shoved as though their guilt had already been determined.

I was taken at gun point to a squad car when the students were being arrested, but once again was diverted. The mayor and police chief wanted to question me about the events of the evening. A photographer, a minister, and I sat in the outer office of Chief Short awaiting our interrogation and wondered what all the events meant. It was clear to the three of us as we sat across from a 21-year old rookie who had been buddy to Louis Kuba that the police who had carried out the clumsy mission of the night were not skilled military people, but scared and confused men who tried to follow orders -- and who felt Negroes needed to be kept in their place.

When we were ushered into the Chief's office, it was 4:00 AM Wed. morning, May 17. The Mayor sat next to the desk. Rev. Kirkpatrick and Rev. Moody were against a wall, having already been questioned. The room was full of city officials, newsmen and policemen. We faced a tired, drawn man sitting behind the desk of the Chief of Police.

We asked me point blank to evaluate the actions of the police. I was not prepared for such a question, and did not know what Rev. Kirkpatrick had said. But I remembered the empty street, the failure to evacuate the buildings, the clumsy and bewildered police shooting everything they saw, even each other. And I told the Chief that his own command had endangered his men. His indecisiveness had removed their shelter and then forced them into a defenseless area. The shot because they had to shoot -- or be shot, if those buildings really were full of snipers and guerillas. I learned that Rev. Kirkpatrick had said much the same thing: the strategy was stupid and made the wild shooting a last resort.

This is a bald-faced lie. Neither of us could possibly have approved the events of that night. But the reason for the question was clear -- the Mayor recognized the political consequences of the attack against an entire university, and the Chief realized that he had ordered his own officers to risk death. When it developed that they did not meet serious opposition, he had to confess that there never were the hordes of snipers they had pretended filled the dormitories.

It becomes vital, then, for the Chief of Police, who had to face his city and the widow of his young officer to prove that the decision was wise, and was approved even by Negroes. And the Mayor has had to use the mass media to deny what many statements and photographs and the reports of the FBI will show: that the massive attack on TSU dormitories was a panic action forced by clumsy leadership. And that the building up of that force was originally designed to teach a lesson to Negroes in Houston; that the city is strong enough and determined enough to crush

any uprising they may plan.

The tragic twist which took a man's life was unexpected. But Chief Herman Short will hear for the rest of his life his own words: not "Call them out and search them," or "Throw a few tear gas bombs and force them out." And his bungling troops were very funny in the empty street with their trembling hands and their extra ammunition. But nobody laughs -- nobody laughs at all.

There are questions that must be answered about the incident at TSU. And these questions must be faced by both the Mayor and the Chief of Police.

1. What was the caliber of the bullet that killed Louis Kuba? Has the gun that fired them ever been found, since presumably no students escaped and all the dormitories were thoroughly searched?

2. Why did the Chief not order a surrounding and evacuation of the dormitories before attacking the building which harbored the "snipers?"

3. Why did the police not use the pass-keys of Mattye Hervert and Ivory Black to open doors in Lanier and Jones Halls?

4. What happened to the \$127. taken out of the pocket of Assistant Track Coach Ivory Black by the police?

5. Which policeman was shot by his own companion? Who did the shooting?

6. When will the findings of the FBI be made public, or who could demand to see them?

Much will be determined by the courts -- but the final price was paid by the students, whose chief crime was that they had not dropped out of school before the police attacked Texas Southern University.

Rev. William Lawson  
Forward Times  
May 17, 1967

WILL

THEY

DIE

## Five SNCC members Charged with Murder!

John Parker, 20

Trazawell Franklin, Jr. 20

Charles Freeman, 18

Floyd Nichols, 25

Douglas Wayne Waller, 21

all students at TSU at time of rioting

## COPS RIOT IN HOUSTON: THE FACTS

In Texas, the home of President Johnson and U.S. Attorney General Ramsey Clark, five young Black students have been charged with the murder of a white cop.

The facts clearly indicate the guilt of the Houston Police Force and the innocence of the five Black leaders:

1. On Tuesday, May 16, 1967 Houston cops arrested Douglas Waller, a TSU student recently returned from service in Vietnam, who refused to move when so ordered on the grounds of Texas Southern University.
2. Minutes later 500 cops armed with rifles, machine guns, shot guns with dogs invaded the TSU campus and surrounded two dormitories.
3. A few angry students responded to this blatant show of white armed force by firing firecrackers and pellets.
4. Police retaliated at once by emptying some 5000 rounds of ammunition into the buildings, wounding several of the hundreds of students trapped inside.
5. At Police Chief Short's order to "go in there and clean out this mess," the 500 cops charged the dormitories housing defenseless students, shooting wildly as they ran toward the buildings. "And they unloaded a salvo of shots that sounded like a hundred machine guns as over 5,000 rounds of ammunition were poured forth. They were in each other's way. Young rookies who had never seen real danger fired wildly. One policeman shot another. One went berserk and was taken away in shock. And the Chief had lost control of them."
6. During this massive assault, Patrolman Louis Kuba was killed by a 32 caliber bullet.
7. Once inside the dormitories, cops tore down doors, brutally beat the students, wrecked everything in sight, from University owned furniture to a sewing machine belonging to a dormitory house mother, Mrs. Mattye Harbert, whom they kicked and trampled.
8. Police trampled all the dorm residents, both men and women, were told to lie face down on the cold wet ground. Many were clad only in shorts.
9. Police arrested some 437 students and herded them "like cattle" into vans to jail, beating and cursing them on the way.

On June 3, 1967, a grand jury indicted five black students for the murder of a cop killed during the cop's riot. Intensive search was unable to find the murder weapon in the possession of any of the students.

One witness at the scene has stated that the policeman was probably killed by the wild fire of his fellow officers, since

he was killed on the side of a building that had no windows or doors from which anyone could have shot out.

Thus the arrest of these men, all of whom are militant and outspoken leaders in Houston, is an attempt by the racists to intimidate and silence the rage of the Black community.

It is reported that Houston's D.A. will ask for the DEATH PENALTY. The trial is scheduled for JULY25.

We cannot allow our Black men to die for the crimes and gestapo tactics of racists white cops!

WHAT CAN YOU DO:

GIVE THIS LEAFLET TO A FRIEND.

HAVE YOUR ORGANIZATION, CHURCH OR SOCIAL, REPRODUCE AND DISCUSS THIS LEAFLET.

ENCOURAGE BLACK MEN NOT TO FIGHT IN VIET NAM WHEN OUR STRUGGLE IS IN THE UNITED STATES.

TELL THE TEXAS U.S. PRESIDENT LYNDON JOHNSON AND THE TEXAS U.S. ATTORNEY GENERAL PARSEY CLARK IN YOUR OWN WAY THAT YOU ARE CONCERNED ABOUT THE FREEDOM OF BLACK MEN IN THE UNITED STATES, ESPECIALLY THE TSU FIVE.

SEND MONEY TO THE HOUSTON DEFENSE IN ACTION FUND THAT WILL DEFEND THE TSU FIVE AND HELP SNCC CONTINUE ITS PROGRAM IN HOUSTON.

STATEMENT BY CORE AND SNCC BY FLOYD MCKISSICK, NATIONAL DIRECTOR OF CORE AND U.I RAP BROWN CHAIRMAN OF SNCC. JUNE 27, 1967.

DISTURBED BY CERTAIN EVENTS AND HAPPENINGS WITHIN SEGMENTS OF THE BLACK COMMUNITY AND THE REACTION OF MANY ELEMENTS IN THE WHITE POWER STRUCTURE, CORE AND SNCC HAVE CALLED THIS JOINT PRESS CONFERENCE TO MAKE KNOWN THEIR VIEWS ON THE FOLLOWING MATTERS: WE FEEL THAT THESE POINTS FURTHER INDICATE AN EFFORT BY THE WHITE POWER STRUCTURE TO THREATEN AND INTIMIDATE BLACK MILITANTS, TO CURB PROTEST, TO DISCREDIT THE RISING TIDE OF BLACK CONSCIOUSNESS, TO BEGIN A NEW FORM OF McCARTHYISM DIPECTED AT THE VOICES OF DISSENT COMING FROM THE GHETTO AND ENRAGED BLACK YOUTH.

1. THE INDICTMENT OF FIVE SNCC PEOPLE ON TRUMPED UP CHARGES OF MURDER, ASSAULT TO MURDER, AND INCITING TO RIOT IN HOUSTON, TEXAS.

This indictment was made in Texas, the home state of the President of the United States and the United States Attorney General, both of whom are encouraging Black men to go to war in Vietnam while they cannot, will not, guarantee the rights of Black people at home. The indictment was handed down despite the fact that the policeman was shot at right angles to the building on the side where there are no windows or doors from which anyone could have shot out. It was made in spite of the fact of evidence that some of the charged were not in the area at the time of the incidents.

Of the five-hundred students arrested, the five kept and charged with murder are vocal members of SNCC in Houston. We are urging concerned people to express their displeasure to the Texas President of the U.S. and the Texas Attorney General in their own way. We are also urging people to contribute to the Houston Defense and A Fund established for the defense of the TSU five.

2. THE PASSAGE OF THE SO-CALLED ANTI-RIOT BILL BY THE HOUSE OF REPRESENTATIVES.

The so-called anti-riot bill which the House of Representatives has just passed is clearly unconstitutional. It violates the right of free speech and the right of free travel. The United States already violated the right of people to travel outside the country and is now trying to frighten people from moving around within the United States exercising their right of free speech. We will resist any attempt to muzzle our right to travel and to impose thought control on us by the Federal government.

The anti-riot bill, passed by an overwhelming White House of Representatives does not address itself to solutions of the problems of the ghetto but is rather seeking to find scapegoats for America's inability to correct the conditions of Black people in this country.

The anti-riot bill is further indication that Civil Rights legislation is meaningless when the Federal Government does not enforce that legislation. We call your attention to the 1965 Civil Rights Bill about which there was much praise but had become a mockery due to the Federal inaction and lack of enforcement.

3. THE ARREST OF THE SO-CALLED R.A.T. SIXTEEN.

We are concerned that those arrested in the so-called conspiracy to kill Civil Rights leaders have already been tried by press headlines. We find it disgusting that these defendants cannot get their bond lowered, we call attention of the nation to the Statue of Liberty Case, where the police planned and attempted to execute the plot, but implicated and convicted Black men on trumped up charges.

We also call attention to the so-called dynamite case on Philadelphia in which SNCC was involved. After a massive trial by the police, resulting action disclosed that the police had framed the members of SNCC. Three of the Black men were finally freed.

We urge people in the Black community not to run for cover, not to suppress their freedom of speech, not to give in to McCarthy tactics. The system is trying to contain the rebellious mood.

of the Black community by these periodic arrest. The attempt to discredit memberships in the National Rifle Association by Black people is outrageous when the U.S. Defense Department spends 21/2 million dollars in the activities of the National Rifle Association.

#### 4. THE CONVICTION OF MOHAMMED ALI.

We recognize Mohammed Ali as a minister of the Islam religion. Other religious persons get draft exemptions. It is outrageous that Mohammed Ali should be penalized because he is Black.

Mohammed Ali remains the world heavyweight boxing champion, and we condemn the removal of his title, an act which judged him guilty. We know that this conviction happened only because he is Black and spoke against the war in Vietnam.

His conviction is designed to be a lesson in conformity for Black youth. We urge resistance to the draft by Black Americans who wish to fight here in the United States instead of in Vietnam, where the Vietnamese people never called us niggers.