

Student Nonviolent Coordinating Committee

6 RAYMOND STREET, N.W., ATLANTA 14, GEORGIA • 688-0331

702 Wall Street
McComb, Mississippi
39648

(601) 684-9414

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

MRS. ALYENE QUINN, MRS. MATTIE DILLON, MRS. ROSA BATES, ALTHEA SPINKS, ESSIE REED, EVELYN NELSON, REVEREND DANIEL ROSS, MRS. DANIEL ROSS, LOUISE BANKS, GENERAL WHITE, MRS. ROSA MAE WATSON, MRS. BERNICE EUBANKS, ROBERT MCGEE, individually and on behalf of others similarly situated; JESSE HARRIS, CEPHUS HUGHES, JULIUS SAMSEIN and FANNIS SWEENEY, individually and on behalf of those similarly situated; REVERENDS CHARLES BLACKBURN, ROBERT BEECH, RICHARD STERNBERGER, HARRY BOWIE, DON CUSTIS, TOM FOSTER, LLEWELLYN KIMMERLE, WALTER NEHL, FRED CORNELL and JOEY JETER, individually and on behalf of those similarly situated,

Plaintiffs,

v.

R.R. WARREN, INDIVIDUALLY and as Sheriff of Pike County, Mississippi; GEORGE GUY, individually and as Chief of Police of the City of McComb, Mississippi; EDDIE SMITH, individually and as a police officer of the City of McComb; HUEY MILLER, individually and as a police officer of the City of McComb; "BIG JOHN" SHARPLING, individually and as a police officer of the City of McComb; T.B. BIRDSONG, individually and as Director of Public Safety of the State of Mississippi; their agents, successors, employees, and attorneys,

Defendants.

COMPLAINT

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

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I

This is a civil action seeking a temporary restraining order, a preliminary injunction, a permanent injunction, and other equitable relief to enjoin the deprivation under color of law of the State of Mississippi plaintiffs' rights, privileges and immunities secured by the United States Constitution and statutes specifically set out below. Jurisdiction of this Court is invoked pursuant to Title 28, U.S.C., Sections 1343 and Title 42, U.S.C., Sections 1971, 1983, 1985, and the Civil Rights Acts of 1957, 1960, and 1964.

II


A. Plaintiffs, Mrs. Alyone Quinn, Mrs. Mattie Dillon, Mrs. Rosa Bates, Mrs. Althea Spinks, Mrs. Essie Reed, Mrs. Evelyn Nelson, Rev. Daniel Ross, Mrs. Daniel Ross, Mrs. Rosa Mae Watson, Mrs. Louise Banks, Mr. General White, Mrs. Delores Johnson and Mr. Robert McGee, all Negroes, are citizens of the United States and residents of Pike County, Mississippi. They sue individually and on behalf of other Negro citizens of the State of Mississippi and of Pike County similarly situated, which class is too numerous to bring before the court.

B. Plaintiffs, Mr. Jesse Harris and Mr. Cephus Highes, are Negro citizens of the United States. Plaintiff Harris is director of the Council of Federated Organizations (COFO) project in Pike County, Mississippi. Plaintiff Hughes is a citizen of the State of Maryland, presently residing in McComb, Pike County, Mississippi. They sue individually and on behalf of all Negro COFO workers similarly situated.

C. Plaintiffs, Mr. Julius Samstein and Mr. Dennis Sweeney, are white COFO workers presently residing in McComb, Pike County, Mississippi. Plaintiff Samstein is a citizen of the State of New York. Plaintiff Sweeney is a citizen of the State of Oregon. They sue individually and on behalf of all other white COFO workers similarly situated.

D. Plaintiffs, Llewellyn Kimmerle, Walter Mehl, Richard Sternberger, Charles Blackburn, Robert Beech, Fred Cornell, and Don Cuspis, are United State citizens and white ministers present in Mississippi under the auspices of the National Council of Churches to aid COFO workers in obtaining equal civil rights for Negroes in the State of Mississippi. Plaintiff Kimmerle is a citizen and resident of the State of Ohio. Plaintiffs Mehl and Cornell are citizens and residents of the State of Illinois. Plaintiff Sternberger is a citizen and resident of the State of New York. They sue individ-

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ually and on behalf of other persons similarly situated.

III

Defendant R.R. Warren is Sheriff of Pike County Mississippi. Defendant George Guy is Chief of Police of the City of McComb. Defendant Eddie Smith is a police officer of the City of McComb. Defendant Huey Miller is a police officer of the City of McComb. Defendant "Big John" Sharpling is a police officer of the City of McComb. Defendant R. B. Birdsong is Director of Public Safety of the State of Mississippi. They are sued individually and in their capacity as law enforcement agents of the State of Mississippi, County of Pike, and City of McComb.

All of the defendants are engaged in the enforcement and execution of the laws of the State of Mississippi, County of Pike and City of McComb and have been and, upon information and belief, are presently acting under color of authority of the State of Mississippi as law enforcement officers of the State of Mississippi, County of Pike and City of McComb.

IV


Defendant law enforcement officers have for a period of time and more particularly, since the beginning of the COFO "summer project" in June 1964, combined and conspired under color of statutes, ordinances, regulations, customs and usages of the State of Mississippi to subject or cause to subject plaintiffs, all citizens of the United States, while engaged in civil rights activities in the State of Mississippi, to the deprivation of rights, privileges and immunities secured by the Constitution and laws of the United States. By action and inaction, including arrests, prosecutions, intimidations, threats and other harassments, and by the failure of defendants to provide plaintiffs with police protection, defendants have denied to plaintiffs the equal protection of the laws and, more particularly, the right to register and vote and to encourage and help others to register and vote.

V

A. October 26, 1964, was designated "Freedom Day" in the City of McComb by COFO (an organization dedicated to implementing equal rights, including the right to vote, for Negro citizens in the State of Mississippi) to encourage large numbers of Negro citizens of Pike County to exercise their federally secured right to register and vote.

B. At approximately 9:30 a.m. on the morning of October 26, plaintiff Jesse Harris and four white ministers, plaintiffs Kimmerle, Mehl, Foster and Cornell, arrived at the Pike County Courthouse in

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the City of Magnolia, Mississippi. They were met by defendant R.R. Warren and three deputy sheriffs as they approached the Courthouse entrance. Several Highway Patrolmen stood nearby. Warren read a court order to them stating that the voting registrar's office was closed and that if they did not go home immediately they would be arrested. Notwithstanding this threat, these plaintiffs continued to advance toward the Courthouse entrance; plaintiff Harris again attempted to talk to defendant Warren who told plaintiff Harris that he had exactly three minutes to leave or be arrested for contempt of court. While continuing to peacefully approach the Courthouse these plaintiffs were arrested, jailed and charged with trespassing and refusing to obey an officer.

C. Shortly thereafter, more local Negro citizens of Pike County Mississippi, ministers and COFO workers, plaintiffs herein, arrived at the Pike County Courthouse and attempted to enter to register or aid others to register to vote. They were all met by police officers of McComb and Pike County, defendants herein, and were told to leave or be arrested. They continued toward the Courthouse and were all jailed and charged with trespassing and refusing to obey and officer. Bond in the amount of \$100.00 was set for each defendant with the exception of plaintiff Spinks who was held under \$200.00 bond. Most of those arrested have been released. Plaintiffs Kimmerle, Foster, Sternberger, Blackburn, Custis and Samstein and Rev. Kenneth Bell are still incarcerated in the Pike County jail at Magnolia Mississippi.


VI

All of the plaintiffs' arrests stem from their sole act of attempting to exercise their federally secured right to register to vote and/or to assist others to register to vote. Plaintiffs' attempt to enter the public courthouse of the City of Magnolia, Pike County, Mississippi, to exercise the right to register and vote secured by the Fifteenth Amendment to the United States Constitution was entirely peaceful and orderly. Despite their clear right to register and vote, and despite their entirely peaceful conduct, they were arbitrarily arrested and jailed by the City, County and, it is believed, State Highway Patrol officers of the City of McComb, Pike County, and State of Mississippi. Among those arrested were Rev. Daniel Ross, 94 years old; his wife, 78 years of age; and Mr. General White, 80 years of age, all longtime residents of Pike County.

VII

October 27, 1964 Lewis Campbell and Buddy Coleman, two Negro

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citizens of Pike County, were arrested for trespassing as they attempted to enter the Pike County Courthouse to register to vote. Rev. Don Blanchette, a white minister accompanying them, was also arrested for trespassing. All three were immediately incarcerated. Eleven other arrests occurred during the afternoon for the same offense.

VIII


Plaintiffs allege that the blatantly illegal actions of the defendants and their agents on October 26 and October 27 in arresting person who attempted to register to vote or who encouraged others to register to vote as they attempted to enter the Pike County Courthouse, is the latest of a series of illegal acts committed by defendants against person engaged in civil rights activities in the City of McComb. Plaintiffs allege that there has been a policy and practice by defendants of arrests and prosecutions to deter, hinder and punish plaintiffs and others active in civil rights; that over the past several months numerous arrests of civil rights workers have occurred. Examples of the unequal application by defendants of the law to such persons include:

A. Roy Lee, a Negro citizen of the City of McComb active in civil rights, was arrested on August 15, 1964, when he started to pray aloud at the scene of the bombing of the Burgland Supermarket in the City of McComb. "Big John" Sharpling, viewing Lee on his knees in front of the supermarket, came toward him with a gun as if to strike him, but was prevented by COFO workers covering Lee's body with their own. When Lee returned to the scene of the bombing later that night, defendant Huey Miller told Lee, "Nigger, next time there's a bombing you'd better not show up or I'm going to blow your brains out." Lee was arrested, jailed and charged with breach of the peace.

B. On August 22, 1964, Percy McGhee, a COFO worker, was arrested as he stood in the Pike County Courthouse, charged with loitering and jailed. On the same day, Cephus Hughes, another Negro COFO worker, went to the courthouse to post bond for Percy McGhee. The jailer, Roy Boone, refused to accept the bond money and pulled a gun on Hughes.

D. August 27, the home of Mrs. Willie John Dillon was bombed. Defendant Warren, upon arriving at the bombed scene, told Mrs. Dillon that if she did not cooperate with him instead of the COFO workers, more than the bombing would happen. Later, a highway patrolman returned to question Mrs. Dillon and stated that the next time he hoped they would put the bomb in the middle of the house. Some hours later Mr. Dillon was arrested and charged with operating a garage

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without a license and tampering with electric lines.

D. September 20, Mrs. Quinn's home was bombed while her two children and a baby sitter slept inside. Many Negro citizens gathered in anger at Mrs. Quinn's home and expressed resentment against police officials. Between September 20 and 23, city, county, and state police officials arrested and jailed approximately 25 Negro citizens of Pike County without warrants and without informing them of the charges against them. They were held under flagrantly excessive bond of \$500.00 each in the county jail at Magnolia. Several COFO workers were among those arrested, including plaintiff Dennis Sweeney, who was released after "investigation." Counsel was told several days later that the charge against them was criminal syndicalism under Senate Bill N. 2027 of June 11, 1964.

E. October 23, 14 COFO workers, the entire McComb staff, were arrested by Chief Guy and other city police officials for violation of the health inspection laws, to-wit: Handling food without a permit. They were all released on \$100.00 bond. Trial was held in the City Court of McComb, Pike County, Mississippi on October 27 at 7:30 a.m.. All were acquitted except plaintiff Jesse Harris who was fined \$100.00. Notice of appeal had been filed.

IX

Defendants' pattern of conduct and action described herein and further documented in the attached affidavits, has resulted in and continues to effect an unconscionable and shocking deprivation of plaintiffs' basic and unquestioned federally protected rights secured by the First, Fourteenth, and Fifteenth Amendments to the United States Constitution. Defendants' conduct has been and is being carried on for the sole purpose and effect of harassing plaintiffs and punishing them for, and deterring plaintiffs from exercising their federally secured right to vote in federal elections and to vote in all elections without abridgement or discrimination by reason of race and their federal constitutionally protected rights of free speech and of free assembly to protest conditions of racial discrimination in voting and in all other aspects of life which the State of Mississippi maintains by statute, ordinance, regulation, custom, usage, and practice. This harassment of plaintiffs is pursuant to a policy of racial discrimination actively encouraged, followed and enforced by legislation and by action of the executive and judicial branches of the State of Mississippi.

X

Plaintiffs further allege that arrests in Pike County by defendants on October 23, 26, and 27, for violation of the health inspection law, for trespassing, and for refusing to obey a police

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officer, were blatantly illegal and contrary to rights guaranteed by the State and Federal Constitutions and Laws, and designed to further intimidate and prevent petitioners from exercising their constitutionally protected rights to vote and to encourage and aid others to vote, and that plaintiffs are being prosecuted for acts done under color of authority derived from the Federal Constitution and Laws providing for equal rights, that is, United States Constitution, Amendments One, Fourteen, Fifteen, and 42 U.S.C., Sections 1971, 1983, 1985, and the civil Rights Act of 1964.

XI

Plaintiffs allege that in addition to the harassment by arrest and prosecution described above, Negro and white persons engaged in civil rights activities in Pike County, Mississippi have been subjected to many terroristic acts. For example, on July 8, 1964, the COFO Freedom House was bombed injuring several COFO workers; July 26, 1964, two bombs were thrown at the home of Charles Bryant, the head of the local National Association for the Advancement of Colored People, Pike County, Mississippi; August 28, 1964, a bomb was exploded on the lawn of plaintiff Willie J. Dillon's home; September 7, 1964, four bombings of property owned by Negroes occurred, including the home of Rev. Hugh Washington, a Negro active in civil rights; September 20, 1964, the home of plaintiff Alyene Quinn was bombed; on the same evening the Society Hill Baptist Church, a Negro church in the City of McComb, was bombed. Plaintiffs allege that many more incidents of a similar nature have occurred in the City of McComb over the past several months. Plaintiffs further allege that these terroristic acts are pursuant to a conspiracy to interfere with and prevent them from obtaining equal civil rights for Negro citizens of the State of Mississippi and that defendants, by their illegal acts and prosecutions, have aided said conspiracy to prohibit plaintiffs' exercise of federal constitutionally secured rights.

XII

Plaintiffs allege (a) that there is no adequate remedy at law; (b) that unless this Court grants an immediate temporary restraining order plaintiffs will continue to be illegally prosecuted and otherwise intimidated for attempting to exercise their federal constitutional rights; and (c) that those plaintiffs still remaining in jail in McComb, Pike County, will continue to be punished for having attempted to exercise their constitutional rights. Plaintiffs further allege that unless defendants are immediately restrained, defendants will continue to interfere with plaintiffs' right to vote on threat of arrest and prosecution contrary to the Fourteenth and Fifteenth Amendments to the United States Constitution. Moreover, plaintiffs allege that unless defendants are restrained from

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using abusive acts and practices of defendants as law enforcement officer of the State of Mississippi, Pike County and City of McComb and continue to be denied the equal protection of the laws.

(Affidavits describing more fully defendants' acts are attached hereto.)

WHEREFORE, plaintiffs pray that this Court hear this action immediately, cause this case to be in every way expediated and, upon hearing, to:

(1) issue a temporary restraining order and preliminary injunction enjoining defendants R.R. Warren, George Guy, Eddie Smith, Huey Miller, "Big John" Sharpling and T.B. Birdson, their agents, employees and successors in their individual capacity and while acting under color and authority of law, from detaining, prosecuting, arresting, threatening, harassing, deterring, discouraging, or otherwise interfering with plaintiffs and their class in the exercise of their federal constitutional right to vote;

(2) permanently enjoin defendants, their agents, successors, employees, attorneys, and all those acting in concert with them and at their direction from detaining, prosecuting, arresting, threatening, harassing, deterring, discouraging, or otherwise interfering with plaintiffs and their class in their exercise of their federal constitutional right to vote;

(3) temporarily and permanently enjoin defendants, their agents, successors and employees as law enforcement officer to provide to plaintiffs and their class the equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution; and

(4) allow plaintiffs their costs herein, including reasonable attorneys' fees and such other, additional relief as may appear to the Court to be equitable and just.

Respectfully submitted,

Carsie A. Hall
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115½ North Parish Street
Jackson Mississippi

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