

"Food, Jobs and Justice"



# C.F.M. REPORTS

May, 1964

COMMITTEE FOR MINERS • 1165 Broadway, New York 1, N.Y. • OR 9-7077

## *Gibson And 6 Followers Acquitted On All Charges*

### **Jury Deliberates Hour, 25 Minutes**

#### **Flogging Nonunion Miners Found Baseless Accusation**

By KYLE VANCE

Courier-Journal East Kentucky Bureau

Whitesburgh, Ky.—Picket leader Berman Gibson and six of his followers won acquittal yesterday on charges that they flogged a group of nonunion miners at a mountaintop trap in October, 1962.

The Letcher Circuit Court jury returned its verdict after deliberating an hour and 25 minutes—not guilty on either of two charges, armed robbery and assault with intent to kill.

A conviction on the armed-robbery charge would have carried a penalty of life imprisonment or death in the electric chair. The assault charge carried possible prison sentences of two to 21 years.

#### 'Deep-Laid Plot' Alleged

The Gibson group relied to the end on its argument that wealthy coal operators plotted to stop the roving pickets and their opposition to low mine wages.

"This was a deep-laid plot of the deception," defense attorney Harry M. Caudill, Whitesburg, charged in his argument before the jury. "Witnesses were pressured into coming in here

"The case of the Commonwealth against these men is chock-full of inconsistencies. The Southeast Coal Company had a most vital interest in seeing that the picket movement didn't work."

The pickets were charged with setting up a roadblock near the top of Pine Mountain to stop three cars carrying several Harlan County men to jobs with the Southeast Coal Company in Letcher County.

Some of the men were pistol-whipped, beaten with fists, threatened, and robbed of their own weapons at gunpoint.

Caudill also questioned the returning of indictments more than a year after the incident.

"If this was a sincere effort to right a wrong, these clever lawyers of the Commonwealth had enough time to gather every shred of evidence and prove without a doubt their contentions," he said.

Commonwealth's Attorney Emmett Fields said he was surprised that the defense concocted an alibi to save Gibson and the others.

Five of the defendants insisted that they were in Perry County at the hour of the beatings. Gibson said he and Lowell Sammons were returning to Whitesburg from Perry County

As you can see by the above headline, Berman Gibson and six fellow leaders in the fight for the rights of the unemployed and underemployed miners in Eastern Kentucky were found not guilty in a week long state trial which ended on May 1st in Whitesburg, Kentucky. In this issue of C.F.M. Reports we are featuring a sampling of articles written by Kyle Vance in the Louisville Courier Journal covering the period of the trial. We feel that these articles best tell the story of this trial. The defense was provided by the Committee for Miners. Defense attorneys Harry M. Caudill of Whitesburg, Ky., and author of "Night Comes To The Cumberland - a biography of a depressed area" and Dan Jack Combs of Pikeville, Ky., did an excellent job of exposing the trumped up charges against these men. The 'not guilty' verdict on both counts - 'armed robbery' which carried a maximum sentence of death and 'assault' which carried a maximum sentence of twenty-one years should set a favorable stage for Gibson's forthcoming federal trial on charges of 'conspiracy to dynamite a railroad bridge'. An excellent job of investigation and managing of the trial was done by C.F.M. Field Director, Hamish Sinclair and Field Secretary, Steve Geller. Frankly the prosecution counsel was taken aback by the level of defense provided for what he would usually consider to be defenseless working men. FOR FURTHER CLIPPINGS AND TRIAL INFORMATION SEE PAGES 4 AND 5.

# COMMITTEE FOR MINERS

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## Notes on the Committee for Miners

The Committee for Miners was formed in July, 1963 in response to requests by the leaders of the movement of the unemployed miners in Eastern Kentucky for legal aid. With prominent trade unionists and liberals as sponsors, the Committee early discovered that the circumstances of the miners' arrests were not separate from the issues they protested. It became clear to the Committee that the problems faced by the unemployed and underemployed in Eastern Kentucky could not be divorced from the economic and social problems confronting our nation -- rather, they were symptomatic. We believe that there is a desperate need for the unemployed and underemployed to join together in a common effort to better their condition. We believe that the unions in this country have a responsibility to defend the rights of the unemployed as well as the employed and represent their interests. We further believe that Government programs can only be meaningful if they are sensitive to the real needs of the people. Towards this end, we are providing legal defense for the leaders of the unemployed miners' movement in court cases growing out of attempts by the coal operators to crush their movement. We are servicing their movement by making available, at their request, field secretaries and case workers to provide much needed skills; coordinating food and clothing drives throughout the country to help temporarily alleviate the desperate plight of the unemployed's family; providing skilled researchers to work towards the development of programs for the area and assist in the articulation of the needs of the unemployed at the Nation's Capital.

## Report on:

### Movement in Hazard

With the formation of the Appalachian Committee For Full Employment (ACFE) late last year, the struggle of the unemployed miners in Eastern Kentucky evolved into what promises to be a highly effective movement. Growing out of the roving pickets, who demonstrated valiantly for months against the non-union coal operators and the wage slavery which they enforced, the ACFE benefits from experienced leadership. This leadership realises that the fight is not only against the coal operators, but also against elements in our society who have chosen to ignore the needs of an entire segment of our population. In the words of their officers: "The Appalachian Committee for Full Employment was formed in order to fill the need for an organized voice of the unemployed in the Appalachian region. The Committee will work to develop a movement for full employment for miners and other workers in our community. The Committee will develop a political movement to help elect representatives who will be responsive to the needs of the unemployed. The Committee will attempt to represent the unemployed in the administration of federal and state programs in and for our area. The Committee will endeavor to build a better life so that we may earn a decent living by the sweat of our brow, to eradicate the 'dole' as a way of life".

The Committee meets regularly every Saturday in what was previously an unused United Mine Workers local meeting hall. The meetings are regularly attended by well over two hundred people. An office in Hazard has been opened this month to help accomodate the heavy work load growing out of the effective efforts of their field workers. The Committee has and is doing a tremendous job of distributing food and clothing to the many who are in desperate need.

### CFM/SDS Summer Project

The level of development of the Miners' movement in Hazard has led the leaders of that movement to ask the Committee for Miners to provide additional staff workers in the area. Responding to that request the CFM in conjunction with the Students for a Democratic Society has planned a Summer work project. The SDS/CFM Appalachian Project will be directed in Hazard by CFM Field Director Hamish Sinclair. The summer Appalachian project will undertake to work with the local committee of the unemployed in several fields. Among the planned staff assignments will be: Case work, including documentation of discriminatory practices in the administration of relief programs; Work with federal programs and their utilization by those to whom they are directed, i.e. job retraining; Organization among high school students and high school drop outs; Research; Providing clerical skills for the Appalachian Committee for Full Employment's ongoing office.

With the understanding that a local movement cannot be built and sustained by those who are not from the area, staff people will be under the final direction of the ACFE. Those working with the project will work and live with members of ACFE in the Hazard area. It is felt that the Appalachian Project will serve to aid the ACFE to accelerate work which they have already begun. Applications are still being taken for work on this project, since only ten additional staff workers will be taken on for the summer, applicants should contact the CFM National Office now.

# 6 Ex-Pickets Deny Role In Beating Gibson And 5 Others Blame 2 Who Testified For The Prosecution

By KYLE VANCE

Courier-Journal East Kentucky Bureau

Apr. 29

Whitesburg, Ky.—Berman Gibson and five of his former roving coal-mine pickets denied from the witness stand yesterday that they had a part in the beating of nonunion miners on Pine Mountain in October, 1962.

They pointed the finger of blame at Sherman Neace and Darrell Turner, also members of the wide-ranging picket bands who were also indicted but who appeared as witnesses for the prosecution.

### Will Go To Jury Today

The taking of proof on charges of armed robbery and assault with intent to kill against Gibson and six of his men was completed late yesterday. The case will be given to the Letcher Circuit Court jury after arguments today.

The defense rested its case after hearing a Baptist minister Jason Combs, testify that Neace offered to keep his silence for \$10,000.

Combs said he met Neace through a third man and that Neace "said he would guarantee there won't be a case" if Combs would get from Gibson and attorney Dan Jack Combs the \$10,000.

### Denies Making Offer

Neace, who testified yesterday that Gibson directed the beatings of several Harlan County men working at the struck South-East Coal Company in Letcher, denied making the offer.

He said that the minister himself was present at the roadblock beatings. Combs said he never participated in any way in the activities of the roving pickets.

Combs, the attorney, is co-counsel with Harry M. Caudill, Whitesburg, in defense of the Gibson group.

Caudill told the jury before the defense presented its witnesses that he expected to prove that Gibson and his men were victims of "a frame" by coal operators who wanted Gibson and his opposition to low mine wages "put out of the way."

### Meet By Chance

Gibson testified that his involvement resulted from a chance meeting with Neace as Neace and others were leaving the mountain above Whitesburg on the night of the assault.

Earlier, he said, Neace, Turner, and others had accompanied him from Hazard to Whitesburg, where they had planned a meeting with other picket interests from Floyd County.

When the Floyd men failed to appear, he said he returned with Lowell Sammons to Hazard for a conference with Charles Moore. He identified Sammons and Moore as fellow picket leaders.

Upon returning to Whitesburg, Gibson said, he went to the miners hospital to pick up Neace and Turner as prearranged but was told by "a man at the hospital" that the two had gone to Pine Mountain "with some men from South-East."

Berman Gibson and 6 Followers Acquitted  
(Continued from page one)

### CARD OF THANKS

We, Sherman Neace and Darrell Turner, want to thank the people of Perry and Letcher County, for standing behind us through the long and bitter trial in which we were involved. We were the only two that tried to stop the violence.

Sherman Neace and Darrell Turner

Sherman Neace and Darrell Turner were the State's key witnesses. They had been charged with the same alleged crimes as Berman Gibson. Their cash bail was provided for by the Southeast Coal Co. This "Card of Thanks" was printed in the Hazard Herald "For Sale" column, May 4, 1964.

4/28

ROVING PICKETS TESTIFY: Two former Eastern Kentucky roving pickets testified yesterday in Whitesburg that their leader, Berman Gibson, "barked the orders" during the mountaintop flogging of several hundred nonunion miners in October, 1962. Gibson and six others are on trial in Letcher Circuit Court in connection with the beatings. Gibson is expected to testify today.

Remember: Berman Gibson's Federal trial is set to start July 14, 1964

# Letter from Appalachian Committee

Mr. Arthur Gorson  
Executive Director  
Committee for Miners  
1165 Broadway  
New York, N.Y.

Dear Arthur: May 4th 1964.

The Appalachian Committee for Full Employment wishes for you to convey to each member of the Committee for Miners our thanks and appreciation for the financial assistance you have rendered this committee on behalf of our members who were falsely charged with armed robbery and assault with intent to kill.

We are thankful for the verdict of acquittal we received from the jury and realize that such a verdict was impossible without the aid and assistance of the Committee for Miners.

We shall continue the fight against our oppressors as long as we receive aid and assistance from our dedicated friends who live so far away and provide us with such able and capable friends as Hamish Sinclair, Steve Geller, George Goss, and the young and dedicated lady, Kay Moller.

Very Truly Yours,

(Signed) Jason Combs, Vice President  
Everette Tharp, Rec. Sec.



**Pockets of Poverty!**

# Miners Now Face Federal Trial

On July 14th, Berman Gibson and several other leaders of the unemployed miners' movement face a federal trial in Lexington, Kentucky, charged on two counts of conspiring and attempting to dynamite an L & N railroad bridge. This second attempt to decapitate the miners' movement by 'legal' actions aimed at draining their resources and energies, must not succeed.

The jury of mountain people which acquitted in the Whitesburg Armed Robbery and Assault case, went far in vindicating the efforts of the miners' movement. In the face of doctored evidence, coached witnesses and prosecution invective of the lowest sort, the jury saw the issue clearly. The combine of coal operators, politicians and law enforcement agents had gone to great lengths to frame and jail men whose real crime was a dogged determination to fight, as Gibson put it on the witness stand, "for the poor people".

The victory at Whitesburg has done much to encourage the movement in Eastern Kentucky. A victory at Lexington will remove the last vestiges of the legal cloud under which the miners have been laboring. But the movement knows well that the forces ranged against them will now redouble their efforts to railroad them. Under the notorious 'conspiracy' statutes, the conjuring of prosecution 'evidence' will be unrestrained. Federal law enforcement agents, railroad detectives and private investigators will be diligent in their service to the cause of the coal operators. Costs for a successful defense, transportation of defendants to the distant city of Lexington and lodgings there will mount considerably higher than those of the previous case.

# Committee Reports

## NEW YORK STUDENT COMMITTEE

The New York Student Committee for Miners has been engaged in various activities aimed at raising funds and communicating with other students on the nature of the Kentucky situation. On April 29th, the Columbia Student Committee sponsored a discussion by Michael Harrington on the nature of poverty in the U.S., and the significance of the President's War on Poverty. Arthur Gorson was also present to relate Harrington's discussion to the conditions and activities in Kentucky.

On May 13th, the Columbia Student Committee is organizing a film show. Two films - "People of the Cumberland" and "High Lonesome Sound" will be shown.

## PHILADELPHIA COMMITTEE

A folksong concert was held on April 19th at the University of Pennsylvania. Those taking part included Jack Elliot, Dave Van Ronk, Carolyn Hester, Gil Turner and Phil Ochs. Stanley Aronowitz spoke on the history of the unemployed miners' movement in Eastern Kentucky. A substantial sum was raised.

As part of our efforts to further publicize the situation in Eastern Kentucky, the Philadelphia Committee has spoken at various meetings. These include several High Schools (at which we have raised approx. \$400.00), Church and Synagogue groups, young people's organizations etc. We are negotiating with a number of unions to have shop gate collections at their plants. Two have already been arranged. We are also conducting an area-wide food and clothing drive.

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## What You Can Do

FOOD and CLOTHING are desperately needed -- all the time. FUNDS for the preparation and legal defense of the picket leaders in the forthcoming federal trial are also sorely needed. You can help by contacting your local C.F.M. office for information about organizing food and clothing collections and fund-raising activities in your community. Speakers are available upon request. Also, if you have a specific skill, i.e. research, economics, and/or office skills, please let us know.

## ACT NOW ...

Support the Committee For Miners, 1165 Broadway, New York 1, N.Y.

I will: Give a donation of \$.....  
Pledge a monthly contribution of \$.....  
Collect food and clothing for starving miners' families ( )  
In addition I feel that I can help in the following ways:

Name.....Address.....  
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