

April 3, 1940

Dear Sir:

On March 24, in Chadbourn, North Carolina, Officer Pete Kelliham of the Chadbourn Police Force shot and killed Mr. Frank Manning, a Negro.

It seems that Officer Kelliham was called to stop a disturbance in the Negro section of Chadbourn. Eye-witnesses testified at the coroner's inquest that they saw Officer Kelliham step from his automobile and shoot into the crowd of Negroes as they ran, killing Mr. Manning.

Mr. Wallace Powell told the Coroner that he did not see the actual slaying but was present immediately thereafter and saw Officer Kelliham turn the dead man over on his back and then on his face again before the Coroner arrived. Mr. Powell, however, was not allowed to testify at the coroner's inquest. This particular testimony was very important in view of the fact that Officer Kelliham testified that a knife was found under the body of the dead man after he had been shot. This gave Officer Kelliham a clear alibi but it certainly should have been challenged in view of the fact that he, Officer Kelliham, was seen to have turned the deceased over and then back on his face.

We have a letter from our branch in Chadbourn, North Carolina, with the personal signatures of twenty-two Negro citizens who state that because of this killing and because of the fact that the coroner's jury released the officer without an adequate hearing, that they are in fear of their lives if this murder goes unpunished and Officer Kelliham remains in the police force.

Officer Kelliham was recently appointed to the Chadbourn Police Force after having served on the forces of Whiteville and Fair Bluff, North Carolina. It is generally reported in Chadbourn that the Officer was released from duty at his other two positions because of his brutality.

Because of the fact that there is much evidence tending to establish the fact that this killing was unjustified we urge an investigation by the Attorney-General of North Carolina to the end that if these facts are substantiated, that charges will be preferred against Officer Kelliham leading to his prosecution and removal from the police force.

If an investigation is to be made by the Attorney General's office we will be happy to submit the names of the witnesses. We cannot submit these names to an investigation by the local authorities for obvious reasons.

Sincerely yours,

Governor Clyde R. Hoey
State Capitol
Raleigh, N. C.

Thurgood Marshall
Special Counsel