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CRIMINAL DIVISION

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

Department of Justice
Washington

October 29, 1943

MEMORANDUM FOR THE ATTORNEY GENERAL

At your request, I have had prepared a memorandum and a short summary dealing with the trial and conviction of three Georgia peace officers for violating the Civil Rights Statute in arresting and beating to death Robert Hall, a Negro, without justification.

Facts

M. Claud Screws, sheriff of Baker County, Georgia, Frank Edward Jones, a deputy sheriff of Baker County, and Jim Bob Kelly, a policeman of the City of Newton, Georgia, under a pretended warrant charging larceny of an automobile tire, arrested Bob Hall, a Negro, and dragged and beat the Negro to death. The officers claimed justification in that the Negro resisted arrest and they were forced to assault the Negro in order to subdue him.

Background and Locale of Case

This crime occurred in the deep South in Baker County, Georgia. Baker County is considered one of the least progressive counties in the state. The inhabitants boast that it is one of the few counties in which there is no railroad. It is a small community of a population of 700 or 800 people, with Newton the county seat.

The beginning of this case was in December, 1942. Bob Hall, the deceased, possessed a very beautiful pearl-handled automatic .45 pistol. Deputy Sheriff Jones, being anxious to own this gun, forced Bob Hall to go to his automobile, unlock the car and glove compartment, and to deliver Jones the gun. Hall acquiesced to Jones taking his pistol for approximately a month, but finally went to Sheriff Screws and requested his gun, and when refused went before the Baker County Grand Jury, which was in session at the time, and complained to that body. The Grand Jury, after hearing the evidence and being instructed by the Solicitor General of that Circuit that Jones and the sheriff illegally held the gun, ordered Screws to return the gun to Hall. This Screws refused to do.

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On January 28th, Hall employed an attorney to recover his gun from the sheriff, and the attorney addressed and mailed a letter to Sheriff Screws demanding the return of the gun. The sheriff received the letter on the morning of January 29, 1943, and on the evening of January 29th Hall met his death at the hands of the three defendants.

Evidence

The defendants contended, in signed statements to the Federal Bureau of Investigation, that they arrested Hall under a warrant sworn out by George Durham, the warrant had been drawn by Justice of the Peace Riley, and that when they attempted to arrest Hall under the warrant, Hall undertook to shoot them with a shotgun, and that in order to protect themselves he was given several licks with a blackjack, and that no more force was used than was necessary to overcome Hall.

The Government was able to show that the warrant was drawn in the handwriting of Sheriff Screws, that it was entered on Justice of the Peace's docket in the handwriting of Sheriff Screws. However, this was steadfastly denied by the sheriff. The Government showed that all three defendants were drinking and intoxicated for approximately six hours previous to the killing, that they stated that they were going to get a Negro that had lived too long and one who had gotten smart and gone before the Grand Jury and employed a lawyer to recover his gun. The officers drove to Hall's home after visiting several barrooms and shooting a hole in the floor of one barroom, arrested Hall, handcuffed his hands behind his back, brought him to the Court House square in the center of town, and there proceeded to beat the deceased with a heavy blackjack until Hall's head resembled a "ripe tomato," and then dragged Hall by the feet from the Court House square up through the Court House and into the jail, and left him in a dying condition. The evidence showed that all three defendants took turns in beating the Negro, and that the beating continued from fifteen to forty minutes. An ambulance was later called and Hall died a few minutes after reaching the hospital.

Trial and Interesting Incidents Connected Therewith

The Federal Bureau of Investigation agents started their investigation by taking signed statements by all three defendants, and the rest of the investigation dealt with tearing down and disproving the defendants' contentions. Of the thirty-eight witnesses used by the Government, at least thirty-five were considered rebuttal witnesses. However, in order that a strong case might be made out in the beginning, a prima facie case was proven, the Federal Bureau of Investigation agents were put on the witness stand in order to testify as to the contentions

of the defendants, and then approximately thirty-five witnesses were used before the Government rested to prove the untruthfulness of the defendants' contentions.

An interesting feature of the case was the testimony of the handwriting expert from the Technical Laboratory of the Federal Bureau of Investigation. He was able to testify, in a very convincing manner and with very effective exhibits, that the defendant Screws wrote the warrant and the docket entry of the warrant. The warrant and docket entry showed the word "Bob" as always being spelled "Bowb." He showed that the warrant and docket also spelled the word "stealing", "steeling" and in all samples of handwriting given to the Bureau by Screws, it appeared that Screws would spell "Bob" as "Bowb" and "stealing" as "steeling," in each instance.

It was believed by Government's counsel that the defense intended to rely on photographs showing that the Government's witnesses could not possibly have seen the crime committed from their homes and other places, where they were supposed to have been when the crime occurred. This was discovered about midnight, the second night of the trial. A photographer was engaged to be in the City of Newton at daylight the next morning to set up his camera at every location where a witness said he was standing, and the camera was focused on the spot where the crime occurred. The photographer was able to make the pictures, develop them, and have them in the hands of counsel at 9:20 the next morning, and these were introduced ahead of defendants' photographs, which were made to appear that the witnesses could not have seen from the vantage point which they claimed to occupy.

It is felt that the defendants intended to rely principally upon their photographs and it was a surprise to the defendants when the Government's exhibits were offered.

The arguments of the defense counsel were very inflammatory, and they undertook to inject the racial issue and to appeal to the prejudices of the jurors.

Judge Bascom S. Deaver, in a very splendid charge, called attention to various points of argument made by the defendants, and instructed the jury that such issues should not have been injected into the trial of the case and were not to be considered by the jury in arriving at their verdict. Judge Deaver charged the jury that they were not to consider any abusive language or profanity which might have been used by the deceased, as claimed by the defendants, for that would not justify the officers in assaulting a prisoner, and he read to the Court

a Georgia Supreme Court case in which the Court had specifically passed on that question. He further instructed the jury that they were not under a duty to back up and support their officers, as contended by the defendants in their argument, when the defendants themselves had stepped out of the protection of the law and were acting in an illegal manner. Judge Deaver also, in very carefully guarded language, called attention to incorrect argument on the part of the defense.

Verdict and Judgment

The jury deliberated for approximately three hours and returned a verdict of guilty against all three defendants for violating both counts of the indictment. The indictment was drawn under Section 52 and 88, Title 18, U. S. Code. The defendants were sentenced to the maximum penalty under the law, which was three years each, and a fine of $1,000 for each of the defendants. Notice of appeal was given by the defendants, and the Judge declined supersedeas bail, and the defendants were remanded to jail.

Significance of the Conviction

It is felt that this conviction will have very significant results. It is the first conviction of its kind in Georgia, and one of the few throughout the whole United States. The theory that state law enforcement officers, while acting under color of law, deprived another of his rights guaranteed under the Constitution of the United States, is a rather new application of the statute, although it has been affirmed in several cases. The Supreme Court sanctioned the theory in the case of United States v. Classic, 313 U. S. 299 (1941, and the Eighth Circuit Court in the case of Culp v. United States, 131 F.(2d) 93 (1942), and the Fourth Circuit Court in the case of Cablette v. United States, 132 F.(2d) 902.

The conviction is also significant in that the Grand Jury, the Judge, the jury, the Federal Bureau of Investigation agents, the District Attorney and all of his staff, and the Special Assistant to the Attorney General, were all native Georgians.

Public Reaction by way of the Press and Otherwise

The conviction prompted many people to express their appreciation for the manner in which the Department of Justice had investigated and prosecuted this case and it can safely be said that the unfavorable reaction was practically nil.

The conviction prompted the Atlanta Journal, in an editorial two days later, to say

"It is to be assumed their (the jury's) verdict was a just finding in the light of the evidence and testimony presented. On that assumption the Journal expresses its gratification at the outcome of the case.

"Georgia justice must become a synonym for equal justice to all, colored or white, humble or mighty. This, we believe, is the opinion and the determination of all good citizens."

The Atlanta Daily World, in an editorial, stated:

"We are encouraged by the action of the jury, as well as the important roles taken by the more than 38 Government witnesses. The convictions are bound to have a wholesome and deterring effect upon others who might, in the future, undertake to deprive citizens of their lives."

The editorial further stated:

"The determination of Baker County's most distinguished white citizens * * * lends a new and encouraging stand against mob violence and brutality in the South."

Respectfully,

TOM C. CLARK,
Assistant Attorney General.