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Evidence Piling Up Against Horry Officers In Federal Court

Florence—(Tuesday)—This tiny Federal Courtroom is the scene of a historic trial that began yesterday morning and when a final decision is reached, that verdict will determine the immediate future of Horry County Sheriff John Henry and eight of his deputies.

Facing charges of having beaten and mistreated four prisoners, three Negro and one white, while acting under the color of South Carolina law enforcement officers, is the basic issue. The final verdict is expected to decide whether they were right or wrong in their alleged manhandling of the four prisoners. The decision at least will be the thinking of the 12-man, all white South Carolina jury.

Specifically the charges facing the Horry officers is a five-count indictment that says they abused Cleo Patrick, Leonard Ford and Vernie Floyd, Negroes, and Bob Spivey, white. Only Deputy Roy Huggins is charged in the Spivey case. The indictment reads and charges that they were held "in violation of their rights and privileges secured to them under the 14th Amendment to the Constitution of the United States." It further charges that the plaintiffs were "deprived of their liberty without due process of law; the right and privilege to be secure in their persons while in the custody of anyone exercising the authority of South Carolina or acting under the color of the laws of South Carolina; the right and privilege to be immune from force and violence by anyone exercising the authority of South Carolina or acting under color of the laws for the purpose of obtaining information about an alleged crime or crime suspect; . . . and not to be subjected to illegal punishment, force and violence by any person acting under color of the laws of this State."

The Horry officers, who have been indicted by three different Federal Grand Jurors, sat with their battery of defense attorneys and Chief Council Henry H. Edens dramatically seated the wives of the defendants in front of the jury Monday afternoon at 3:00.

The jury seating required nearly all of the Monday morning session with some members of the panel excused by the judge for various reasons and the defense and prosecution excusing others.

In addition to Edens, the Horry officers have employed Attorneys Reuben Long, George Keels, of Florence, and Henry Hamer, of Columbia. Long is the 12th district solicitor. Keels has substituted for Long in the Horry County court and represented Ku Klux Klansmen in the trials of a few years ago. Edens was among the defense attorneys for other South Carolina law enforcement officers charged with Federal crimes in recent years.

Witnesses appearing Monday and this morning were called to testify regarding the case of Cleo Patrick, owner and operator of a place of business near Red Bluff that sold beer. The case grew out of an incident that occurred at his place on October 13, 1956, in which Deputy J. D. Stanley was attacked by another Negro Leonard Ford. Ford is now serving a term on the roads for his attack.

Eleven witnesses testified on Monday, three white and eight Negro. Two of the white men were special agents with the U. S. Alcohol and Tobacco Tax Division. The other white man was Junior Hardee.

Only one of the plaintiffs, Cleo Patrick, took the stand Monday. He testified that he was struck in the face by deputies the night of the incident at his place and later subjected to other beatings while being held in the Horry County jail. He could not identify the deputies who alleged abused him.

Patrick told the court today that Deputy Stanley came to his place and instructed him to cut the piccolo down. "I did what he told me to do and went behind the counter to return the screwdriver. I saw Ford talking with Mr. Stanley. Later when I looked around, I saw Mr. Stanley on the floor and Ford kicked him. I ran against Ford and pushed him away from Mr. Stanley. Another man helped me get Ford out of the place and I sent another man after Mr. Stanley's father. He came and took Mr. Stanley away," Patrick said.

Patrick said deputies then came to his house and "sent Jesse Wilson to tell me to come outside. They didn't give me any chance to tell what happened. They struck me in the face and kicked me and on the jail elevator struck me in the stomach."

Wilson, a Negro farmer in the Red Bluff section, identified Chalmers Small, Roy Huggins, James B. Smart and J. D. Stanley as some of the deputies who were at Patrick's place the night of the alleged unprovoked attack.

Raleigh Wilson, who farms with Deputy Stanley's father, said he saw one of the deputies kick Patrick Junior Jefferson and Junior Hardee testified to the same kicking offense and Hardee said he saw Deputy Odell Floyd at Patrick's place. Hardee is a relative of Stanley's.

Joe Richardson, the tenth witness, testified that he saw Small strike Patrick and identified Floyd and Smart as being present. Special ATTD agents Owen Bain and W. L. Hutto said they took statements from Patrick and relayed them to proper authorities. The investigation of these cases was handled from that point by the FBI.

Defense Attorney Edens asked the two agents if they had contacted W. Horace Carter, editor of The Loris Sentinel and The Tabor City Tribune before they took statements from Patrick. Agent Bain told Edens that he took the statement from Patrick first. "I talked with Mr. Carter two or three times after then," Bain said.

Agent Hutto told Edens, "I was told by my superiors to see Mr. Carter. I did just that." Carter was the first to charge that some members of the Horry sheriff's department were guilty of misconduct.

The 12 white men selected for the jury were warned by Judge Ashton H. Williams "not to talk with anyone about this case. It is of wide interest in South Carolina. If anyone approaches you to discuss this case, let me know immediately."



Some of the Horry County deputies being tried in Federal Court in Florence leave the court house at Monday's noon recess. Reluctant to have their pictures taken, one deputy threatened the Loris Sentinel Photographer Bob Crawford if he "put that camera in my face." Photographers of daily newspapers were also running into obstacles in their effort to photograph the nine defendants.

Benefit Games Saturday

A triple-header basketball benefit night has been set here for Saturday beginning at 6:15 P. M. in the local school gymnasium. All proceeds from the three-game affair will go to the school athletic fund that needs money for next year's football equipment and baseball materials for this spring.

Admission for the Saturday night program will be 25 cents for students and 50 cents for adults with players and spectators like being charged for the entertainment.

The first game on the program will be between the local Boy Scouts and the Junior Varsity of the school. The second game designed to guarantee laughs aplenty as squeaking joints limber up on the hardwood with the Rotary and Civitanes combining to challenge the Junior Chamber of Commerce segregation.

Third game of the evening will pit a sextet from the Richmond, Va., Recreation Department against the school varsity girls team. The last game is expected to get underway about 9:00.

Fun and frolic is expected for all in attendance during the evening and school patrons all over the area are urged to attend.

Soles Heads Tabor Merchants

Local Heads For Red Cross Drive Chosen

Most community chairmen have been designated in the various sections of Columbus County for the annual Red Cross funds drive that is underway during the month of March. W. Horace Carter and Grever McPherson county co-chairmen, said today.

In Tabor City, with a quota of \$1100, Mrs. J. M. Soles, Jr. and Mrs. Leon Fonville will serve as co-chairmen. Assistance has been offered to them by Mrs. J. A. Herlocker, Howard Fowler and Joe Coleman. The solicitation of funds is expected to get underway early next week.

Hyman Kramer has accepted the chairmanship of the drive in Whiteville that has been given a \$2800 quota. Mr. Kramer expects to get the drive on the way in Whiteville immediately with the hope of reaching the (Continued On Page 12)

Gene Dellinger Seeks Beta Post

A popular young Tabor City High School student will be seeking the state president post for the North Carolina Beta Club when elections are held Saturday in Raleigh during the annual convention.

Gene Dellinger is Columbus County's nominee for the state office. It marks the first time the Tabor City Beta Club has ever had a candidate and the enthusiasm for the reserved but progressive candidate has been remarkable.

Hundreds of work hours have gone into preparing the various banners, posters and favors that are so closely associated with a state election. Delegates from Tabor City High School who will leave Friday morning are Cindy Corbett, Dixie Cox, Martha B. Bell, JoAnn Watts, Betty Muriel Cox, Larry Williams, Peggy Stanley, Ray King, Brenda Eddings, Melvin Nobles, Ronald Wray, and Jessica Gore.

The local candidate has an impressive record in scholastic achievements and extra-curricular activities. Dellinger is the son of Mr. and Mrs. D. F. Dellinger of Tabor City.

GUIDEWAY PRE-SCHOOL. A pre-school clinic will be held at the Guideway School on March 27, Bill Williams, principal, announced today. Parents with children who will become six years old on or before October 16, 1958 are urged to bring their children to the clinic.

CROWDED—SORRY. An unusual amount of news of local interest has crowded the paper unusually this week and made it impossible to get the political announcements all in the newspaper. Many other news items have been held over also but all will appear next week.



Baptist Revival Begins Sunday

Revival services will begin at the Tabor City Baptist Church this Sunday and will continue through Sunday, March 23.

The Rev. P. C. Gant, pastor of the local church, said that guest pastor for the services from Monday through the conclusion would be the Rev. F. B. Haynes, pastor of the First Baptist Church of Loris, S. C.

The Rev. Haynes is a graduate of Eureka College, Eureka, Ill., Texas Christian University and Southwestern Seminary and did graduate work in the field of education at Texas Christian University.

The Rev. Haynes has been pastor of the First Baptist Church in Loris for the past five years. There have been 352 additions to the church, and increased interest in Missions and in the Cooperative Program manifested. Standard Sunday (Continued On Page 12)

Final Results Of Year's Investigation Of Horry Officers Still Hangs In Balance

Editor's Note: As Sheriff John Henry and eight of his deputies face Federal charges in Florence in cases involving Civil Rights of prisoners, we are completing this series of three articles summarizing what has happened during the first year of the investigation of law enforcement officers and others in Horry County. This is the last of the series.

In May, Nichols Police Chief LeGrand Odum swore out a warrant against Deputy Roy Huggins charging him with reckless driving in the town of Nichols. Magistrate Kern Gerald tried to get the warrant served by the Horry sheriff's department without success for several days but it was finally served on May 18.

Following serving of the warrant, several members of the Horry sheriff's department tried to get Odum to "take up" the

warrant. He refused although subjected to numerous pressures. Huggins was eventually tried in Marion and acquitted when cronies testified Huggins was with them at a fish fry on the night of the alleged incident. Odum said some of the persons who testified to being with Huggins at the fish fry had tried to get him to take up the warrant originally and at that time intimidated that Huggins was in Nichols but emotionally upset.

On May 25, Federal officers grabbed two cars and 93 gallons of white whiskey on the Tabor City-Pireway road. Wade C. Fowler and Willie F. Tyler were arrested at the time. A third car stopped by a road block that night was eventually confiscated and cases made against Dud Grainger and Charlie Holmes for escorting the load of liquor. Grainger, Holmes and Fowler were subsequently tried in Federal court in Wilmington and

convicted. The biggest single step of success occurred on June 3, when a Federal Grand Jury in Columbia returned true bills of indictments against John Henry and eight deputies charging them with violating the rights of prisoners Leonard Ford and Cleo Patrick. These cases had been investigated by the FBI and the indictments charged a variety of brutal and cruel acts alleged perpetrated on the prisoners by the members of the sheriff's department. The indictments marked for the editor to "put up or shut up."

Following on the heels of the Federal indictments, the Horry County Grand Jury heard a smattering of the witnesses against the sheriff's force and returned a no bill to the court. The newspaper pointed out that the action was expected and followed the trend of the Charleston County Grand Jury that did

the same thing prior to Federal convictions of law enforcement officers there in a whiskey conspiracy.

An editorial in the June 12, issue said this about the indictment of the officers by the Federal Grand Jury on charges of beating prisoners. "We think it is important for the people of Horry County to realize that these indictments were made by fellow South Carolinians based on the evidence presented. We think they should have full realization that these indictments were not made by some foreign body of people but Southerners obviously interested in justice and freedom."

In the same issue was the story in which Bob Spivey told the Horry County court that his troubles started with the law when he stopped paying a \$75 a week payoff. He said that he paid \$75 a week to Loris liquor store operator Frank Boyd for protec-

tion of his illegal business and that Deputy Roy Huggins had been in on the racket a warrant charging Spivey with perjury was subsequently sworn out and the case is still pending. But on a variety of other charges brought against Spivey, he received stiff road sentences. The convictions have all been appealed to the State Supreme Court.

The June 19, issue carried the headline, "It's who you are, where you are, that decides fate." An editorial said, "It is rapidly becoming increasingly clear that when local governmental units become the prey of unscrupulous men, the only recourse left to eliminate this use of public office for private—and usually illegal—profit is our Federal government." It went on to say, "Unless we can erase some of the record of the past and write one in the future that is unsullied and beyond criti-

cism, then we can have no one to blame for further saddling of Federal authority on the South by ourselves."

On the last day of June, Sunday, South Carolina Tax Commission agent cracked down on six Horry establishments and caught them red handed selling beer on Sunday. Four were in the Loris area. There were 140 cases of beer confiscated and 30 pints of whiskey. The confiscated alcohol was later advertised and sold at auction, a novelty in Horry county.

Saturday following the raids that caught the illegal beer-sellers, Norman Smith an informant who assisted the S. C. Tax agents, was severely beaten by Clyde Soles, one of the beer operators caught, on the streets of Loris. Soles was later acquitted of the beating although the action was on the public streets and witnessed by dozens. On July 12, S. C. Law En-

forcement Division Chief J. P. Strom led raids on Myrtle Beach clubs that netted \$50,000 worth of gambling machines and illegal whiskey. The machines were reported destroyed but an element of mystery has hung over their disposition ever since.

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