

Department of Justice

Division of

COMMUNICATIONS AND RECORDS

**MATERIAL MUST NOT BE
REMOVED FROM NOR ADDED
TO THIS FILE**

By order of the Attorney General

144-2-17

**PLEASE USE TRANSFER SLIP
WHEN TRANSFERRING THIS FILE**

See also Nos.

CLOSED

A SWORN STATEMENT OF MRS. MARY LOCKWOOD AS AN ACCOUNT OF THE MURDER OF HER HUSBAND, WILLIE PIM LOCKWOOD BY THE MACON COUNTY, ALABAMA, DEPUTY SHERIFF, WHICH OCCURRED THURSDAY, MAY 2, 1946? ON THE GOVT. AIRPORT HIGHWAY.

The first starting of it my boy came from town. He came on home and I asked him if he was hungry. He went up to Mr. Charlie Fields. While he was there Mr. Curby(a white man) sent his son Ed for some cotton seeds. He told Mr. Fields that his daddy sent him, BO, for cotton seeds to finish planting cotton. Fields told him the seed were in the field and he would have to go up there and get them. Mr. Ed asked Mr. Fields would he mind going up there getting them for him. Fields said he didn't reckon he would mind. Ed turned around to my boy, Elijah, and said "boy this is a fine day to plant cotton" My son said"it sure is". He asked if we had planted much cotton and my boy told him we had planted right sharply. He then asked him why he wasn't helping his daddy. My son said in reply that he was going to get him a job at the Govt. hospital, "you don't call that helping him, do you". Mr. Ed said "yes, I reckon so", but you ought to be in the field behind that plow". By this time he was angry(Mr. Ed) and another statement was made but I didn't hear.

Then he said "God damn Nigger, don't give me none of your flip mouth" and staved and old broken handle shovel at him. My boy got up and went back in the house and said "I aint givin you no flip. I am just answering your question".

The shovel he threw at my boy stuck in the porch post cutting a hole about 1/2 inch deep. If it had hit him it would have knocked his head clean off his shoulders. After cursing him first he then said "God damn it you just stay here till I come back".

Before me and my boy could come from the back side of Mr. Fields's house out in the yard Mr. Ed was back down there with a shot gun. When he come back he asked Charlie Fields, "Where is the God damn son of a bitch?" Charlie said I don't know what you are talking about. Don't you start that mess here. Ed said"if you don't get him out of your house I'm goin to shoot in there. I'M goin to kill him ". He didn't shoot in the house but on the outside right up and down the corner, and like to have shot one of Charlie Fields' little girls. Them my boy shot at him through a little window about four or six inches in diameter.

The gun was his down at Charlie Fields(who is his cousin). He had taken it down there, a German pistol, for Charlie and the girls to see because they hadn't never seen a German Pistol.

When my boy shot at Mr. Ed he left and went toward Chehaw. Me and my boy come on home, about a quarter of a mile across the field to my house. When I got home I sit down because I was up set and nervous. The boy went on and put his little pistol in his suitcase, and come on back in the room where I was and stood in the door. And I told him if I'd had of known all this was going to happen I would have let you go to the hospital when you first wanted to go. He is a World War II veteran.

A little while later by the time the boy ate one or two mouthfuls and come back in the door, the deputy sheriff, little Willie Curby come in the side door and

said "boy, wher that gun?" And my boy says "is you got that other man's gun". The sheriff said no but he could get it and my boy said if you get that other man's gun you can get mine. My boy started after the gun and the deputy sheriff wouldn't let him get it but said he'd get it himself. The boy said, "I ain't going to put my hands on it. I'm just goin to show you where it is". He reached over the head of my bed and got his little suitcase and set it up on the top of the trunk. The sheriff, deputy, took the gun out and looked at it and put it in his pocket and said to my boy "let's go".

Then I asked Mr. Curby, what is the matter. He said "you tell me and I'll tell you. That's what I'm trying to find out." So they walked on out the door, Elijah was in front of Mr. Curby and a second deputy sheriff, Mr. Murphy, (Millard) was walking beside of Mr. Curby and I was behind them. My husband was up in the field barring cotton and I told my knee baby, Bernice, run up in the field and tell your papa I say come here and come quick. And I went on behind them and he got up there in the road against the corner of my garden and said to my boy, "I wish to God damn it you had a shot atta me". And my boy said "What need I have to shoot at you. You haven't bothered me. I don't have no need to shoot at you." And he said, God damn it, you bet not never. This conversation between Mr. Curby and my boy. My boy told him it was natural that he, the sheriff, would have done the same thing, try to defend to save his life. The sheriff lit in then and went to cussing him but my boy didn't open his mouth. When they got to the car he opened the car and said to my boy "get in the damn car". Then he took my boy over to his(the Sheriff's) daddy's house.

My husband come to the house and asked me what has they done with the boy, because he didn't see him and thought something was amiss. I told him he had by carried to Mr. Curby's house over in the quarters. He cut through the field, the shortest cut to Mr. Curby's house and I followed behind him. We got about a quarter of a mile up the field and Charlie Fields whistled to us and signaled that they had gone on towards town. Mr. Curby heard the whistle and turned around and come back to the first bridge and parked his car beside the road, and got out the car and stood there til me and my husband got there.

When we got there my husband walked up to the back of the car where the boy was sitting down and laid his hands up on the car and said "boy, what is the matter?". My boy was so frustrated he was talking and crying and then my husband turned around to the deputy sheriff, Mr. Curby and asked what was they going to do with the boy. The sheriff said "I'M going to put him in jail, God damn it, and don't you say no". Then he said someting else I didn't understand and my husband said "yes". And then the sheriff, Mr. Curby said, "God damn it, don't say yes to me. You say yes sir and no sir." And my husband spoke again and said,more or less as though talking to himself, "yes, yes, yes", shaking his head. And My.Curby then told my husband, "God damn, get in that car". And then my husband said "what I'm going to get in the car for? I haven't did nothing and I haven't said nothing, and by that I'm not going to get in no car".

Then Mr. Curby come out behind me and stood between me and my husband and snatched out his pistol, threw it on my husband and walked up to him and slapped him and said, "God damn it, you aint goin to get in that car". And I jumped

between my husband and the sheriff with the gun. And I begged him don't shot him, all the time I was standing betwixt them. The sheriff (Mr. Curby) said, "God damn it, I'll kill him in a minute". And he raise his hand to slap me and I did move and kept pleading for my husband. Then the sheriff took me by the shoulder and slung me nearly across the highway, and walked back up to me husband and slapped him and said again "you ain't going to get in this car". My husband hadn't raised his hands or opened his mouth to do nothing. Then he caught my husband by the shirt sleeve and tried to pull him to the car and he just rung his arm out his hand. After he did that my husband was standing looking at the sheriff and the sheriff shot my husband. After he shot him my husband just grabbed himself across the chest and started running back toward the house. The sheriff started behind him and grabbed him by the arm and turned him around. My husband fell to the ground. Then Curby spoke and said to the other deputy, Millard Murphy, who was sitting in the car with the boy all the time, "come here and help me put him in the car".

They picked him up and put him in the back seat there beside my son. Took him to Dr. Winter's office. Left me standing there on the highway hollering.

When they took him up to Dr. Winters office he advised the two sheriffs, Mr. Curby and Mr. Murphy that my husband was already dead when they brought him in. They sent for Rev. Burton's undertaker to come and get the body. The body is still at Burton's undertaker. I haven't seen or heard from any of the law since.

Mr. cousin Charlie Fields and his two girls were right there looking at the whole thing, right there when the sheriff shot my husband.

This all happened Thursday evening around two o'clock in the afternoon right on the high way. There were no other by passers at that time.

Mary Lockwood
Mary Lockwood.

I swear upon oath that the above information is true and correct.

Mary Lockwood
Mary Lockwood

Sworn to and subscribed before me this 6th day of May, 1946.

J. H. Q. Dyer
Notary Public
Commission expiring 2/4/47

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Assistant Special Counsel

LONGACRE 3-6890

RECEIVED

May 8 1946

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Hon. Turner L. Smith, Chief
Civil Rights Section
Department of Justice
Washington, D. C.

Dear Mr. Smith:

Please find enclosed original affidavit concerning a case which is clearly within the rule of the Screws case and which needs immediate investigation and vigorous prosecution.

We would appreciate it if you would institute this investigation at once because the body of the deceased is being held in the local Negro undertaking establishment.

I would suggest that the investigating authorities get in touch with Mrs. Betty G. Hodge, Box 477, Tuskegee Institute, Alabama who is the secretary of our branch.

Yours very truly,

Thurgood Marshall
Thurgood Marshall
Special Counsel

TM:amb
uopwa-19-CIO

encl.

NEW



RECORDED
P. E. C.

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A SWORN STATEMENT OF MRS. MARY LOCKWOOD AS AN ACCOUNT OF THE MURDER OF HER HUSBAND, WILLIE PIM LOCKWOOD BY THE MACON COUNTY, ALABAMA, DEPUTY SHERIFF, WHICH OCCURRED THURSDAY, MAY 2, 1946, ON THE GOVT. AIRPORT HIGHWAY.

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Then he said "God damn Nigger, don't give me none of your flip mouth" and staved and old broken handle shovel at him. My boy got up and went back in the house and said "I aint givin you no flip. I am just answering your question".

The shovel he threw at my boy stuck in the porch post cutting a hole about 1/2 inch deep. If it had hit him it would have knocked his head clean off his shoulders. After cursing him first he then said "God damn it you just stay here till I come back".

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A little while later by the time the boy ate one or two mouthfuls and come back in the door, the deputy sheriff, little Willie Curby come in the side door and

said "boy, whar that gun?" And my boy says "is you got that other man's gun". The sheriff said no but he could get it and my boy said if you get that other man's gun you can get mine. My boy started after the gun and the deputy sheriff wouldn't let him get it but said he'd get it himself. The boy said, "I ain't going to put my hands on it. I'm just goin to show you where it is". He reached over the head of my bed and got his little suitcase and set it up on the top of the trunk. The sheriff, deputy, took the gun out and looked at it and put it in his pocket and said to my boy "let's go".

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Mr. cousin Charlie Fields and his two girls were right there looking at the whole thing, right there when the sheriff shot my husband.

This all happened Thursday evening around two o'clock in the afternoon right on the high way. There were no other by passers at that time.

Mary Lockwood
Mary Lockwood.

I swear upon oath that the above information is true and correct.

Mary Lockwood
Mary Lockwood

Sworn to and subscribed before me this 6th day of May, 1946.

John G. Duer
Notary Public
Commission expires 2/4/47

The Director, Federal Bureau of Investigation

May 21, 1946

Theron L. Caudle, Assistant Attorney General

TLC:MLW:esw
144-2-17

Deputy Sheriff Curby, subject
Willie Pin Lockwood, victim
Civil Rights and Domestic Violence

REG'D.
M. J. C.

The Department received a complaint in the nature of a statement, a photostatic copy of which is attached, in connection with the alleged shooting and death of Willie Pin Lockwood at the hands of Deputy Sheriff Curby in Macon County, Alabama, on May 2, 1946. Mrs. Betty G. Hodge, Box 477, Tuskegee Institute, Alabama, is said to have some knowledge of the matter.

It is requested that investigation be made to determine all of the facts surrounding this matter. Written statements should be obtained from the principal witnesses and those of the widow and son of the deceased should be in affidavit form for possible use in connection with the filing of informations.

mfw
Under Section 52 of Title 18, United States Code, a penalty is provided for anyone who, under color of law, statute, ordinance, regulation or custom, subjects or causes to be subjected any inhabitant to the deprivation of certain rights, privileges and immunities secured or protected by the Constitution or laws of the United States among which are the right and privilege not to be deprived of life and liberty without due process of law, the right not to be denied the equal protection of the laws by a person exercising the authority of the State, and the immunity, while in official custody, to be free from illegal assault, battery and punishment.

The latest and controlling judicial pronouncement of the effect of this statute is to be found in Screws v. United States, 325 U.S. 91.

Enclosure No. 375689

CC: Records✓
Chron.



TLC:MLW:esw

144-2-17

May 21, 1946

RECORDED

Mr. Thurgood Marshall
Special Counsel, N.A.A.C.P.
20 West 40th Street
New York 18, New York

Dear Mr. Marshall:

I have your recent letter addressed to Mr. Turner L. Smith, of my staff, with which you enclosed the statement of Mary Lockwood, widow of Willie Pim Lockwood, setting forth the events preceding the death of her husband.

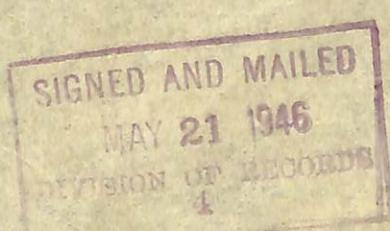
Investigation is being requested in the matter, and it will be given close examination when the reports have been received.

Respectfully,

For the Attorney General

HERON L. CAUDLE
Assistant Attorney General

CC: Records ✓
Chron.



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

TLC:MLW:esw

144-2-17

May 21, 1946

Edward Burns Parker, Esquire
United States Attorney
Montgomery, Alabama

Dear Mr. Parker:

Re: Deputy Sheriff Curby, subject
Willie Pim Lockwood, victim
Civil Rights and Domestic Violence

h & W
Enclosed is a copy of a memorandum sent today to the
Federal Bureau of Investigation, which is self-explanatory.

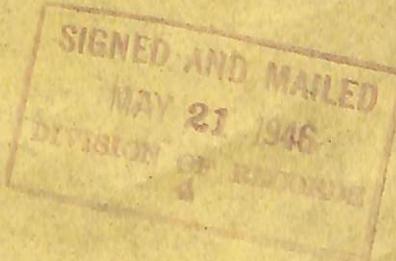
Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

Enclosure No. 375698

CC: Records✓
Chron.



FOR DEFENSE



Office Memorandum • UNITED STATES GOVERNMENT

TO : Assistant Attorney General T. L. Caudle,
Criminal Division

DATE: July 12, 1946

FROM : Director - FBI

SUBJECT: WILLIE FREEMAN KIRBY
CIVIL RIGHTS AND DOMESTIC VIOLENCE

Reference is made to your memorandum dated May 21, 1946, entitled "DEPUTY SHERIFF CURBY; WILLIE PIM LOCKWOOD, Victim; CIVIL RIGHTS AND DOMESTIC VIOLENCE". In accordance with your request, an investigation has been conducted and there is transmitted herewith a copy of the report of Special Agent Henry A. Donahoo dated June 21, 1946, at Birmingham, Alabama.

I shall appreciate your advising me if any further investigation is desired.

Attachment

R.I.R.

144-2-17
44-1-320

DEPARTMENT OF JUSTICE
JUL 13 1946
DIVISION OF RECORDS
WIM - CIVIL RIGHTS SE
LD

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Keel
NEW

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

BIRMINGHAM, ALA.

FILE NO. 44-97 Mc

REPORT MADE AT BIRMINGHAM, ALA.	DATE WHEN MADE 6-21-46	PERIOD FOR WHICH MADE 6/17-20/46	REPORT MADE BY HENRY A. DONAHOO
TITLE WILLIE FREEMAN KIRBY		CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE	

SYNOPSIS OF FACTS: Subject, white, Chief Deputy Sheriff, Macon County, Ala., reported to have shot and killed WILLIE PIM LOCKWOOD, negro, near Tuskegee, Ala., 5-2-46. Negro witnesses to shooting state subject killed victim without cause and that victim was unarmed. Subject and Deputy Sheriff SAM ALO MURPHY, who was with him, stated victim attacked subject with knife and that subject shot in self defense, while victim was attempting to free his son, ELIJAH LOCKWOOD, whom the Deputy Sheriffs had just arrested for assault with intent to kill. Case of instant shooting to be presented to Macon County, Ala., Grand Jury at Tuskegee, Ala., first Monday in October, 1946. No criminal record located on subject or victim in Macon County.

C.

DETAILS: This case was first reported by the Bureau under the caption Deputy Sheriff CURBY; WILLIE PIM LOCKWOOD-VICTIM; CIVIL RIGHTS AND DOMESTIC VIOLENCE.

By letter dated May 28, 1946, the Bureau enclosed a memorandum from Honorable THERON L. CAUDLE, Assistant Attorney General, dated May 21, 1946, requesting an investigation into the alleged shooting of WILLIE PIM LOCKWOOD by the subject in Macon County, Ala., on May 2, 1946. There was attached to the Department's memorandum an affidavit executed by MARY LOCKWOOD, wife of the victim, concerning her knowledge of the shooting.

The Department stated in the memorandum that Mrs. BETTY G. HODGE, Box 477, Tuskegee Institute, Tuskegee, Ala., was said to have had some knowledge of the matter. The Department's memorandum and MARY LOCKWOOD's affidavit failed to reflect what BETTY HODGE was reported to have known about the matter and the Department's memorandum did not give the source of this information.

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE R.I.H.	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT 5 Bureau 4 Birmingham		144-2-17 144-1-30 DEPARTMENT OF JUSTICE JUL 13 1946 DIVISION OF RECORDS CIVIL RIGHTS SEC. ✓ L.P.

The following investigation was conducted by Special Agent WALTON HERBERT OSBORNE and the writer.

AT TUSKEGEE, ALA.:

MARY LEILA LOCKWOOD, negro, wife of the victim, R. F. D., Box 152, executed the following sworn signed statement:

"Tuskegee, Alabama
June 17, 1946

"I, Mary Leila Lockwood, age 49, Route 2, Box 152, Tuskegee, Alabama, wish to make the following voluntary statement to Special Agents H. A. Donahoo and W. Herbert Osborne, relative to the facts surrounding the killing of my husband, Willie Pim Lockwood on May 2, 1946, about 2 p. m., near Tuskegee, Alabama, by Willie Kirby, Deputy Sheriff, Macon County, Alabama. I have been told that I do not have to make any statement and that if I do make a statement that it can be used in a court of law.

"About 1:30 p. m. on May 2, 1946, my son, Elijah Lockwood left our house and stated that he was going up to his cousin's, Charlie Fields and talk for a while. Elijah had only been gone a few minutes when I heard what sounded like a gun shot. A few minutes after I had heard a noise that I thought was a gun shot my son Elijah came on home. I ask Elijah who was shooting up at Charlie Fields and he did not answer me. Immediately after coming home Elijah went on back into the kitchen to get something to eat and in a few minutes Elijah returned to the front bedroom where I was sitting. About that time Mr. Kirby came in the side door of my house and Mr. Murphy came in the front door. Mr. Kirby asked Elijah where the gun was and Elijah went over and got a small suitcase and sat it on top of a trunk and Mr. Kirby reached on the inside and got the small gun out of the suitcase. This gun was one that my son, Elijah had brought home with him from Germany.

"After Mr. Kirby got the gun I ask him what was the matter and he (Mr. Kirby) said "you tell me and I will tell you, that is what I am trying to find out." I then ask Elijah if he had been shooting and he stated, "Yes Mama, and more than me." Mr. Kirby then said, "Lets go, Elijah." Mr. Kirby, Mr. Murphy and Elijah left the house walking in the direction of Charlie Fields house. Elijah was not handcuffed and neither Elijah or I ask them for a warrant. After they left with Elijah/^{I told my} knee baby, Bernice Lockwood, to go out in the field and get her daddy and tell him to come to the house and to come quick. I followed Mr. Kirby, Mr. Murphy and Elijah on up to Charlie Field's house and at that time Mr. Kirby opened the door to his car and told Elijah to get in the car. Elijah then spoke to Mr. Kirby and ask him to go and Mr. Kirby told him that they would get him away in plenty time. Mr. Kirby during the time he left our house and up to the time that Elijah got in the car had been cursing a lot at Elijah. When we

got up to Charlie Field's house I saw Mr. Ed. Kirby, Charlie Fields and his two girls, Lula and Jessie Fields, and Mr. Murphy. These were the only people that I saw there at this time.

" After Mr. Willie Kirby and Mr. Ed Kirby had talked for a few minutes they then got in their cars and left, with Elijah, Mr. Willie Kirby and Mr. Murphy in one car and Mr. Ed. Kirby in the other car. When they left Charlie Field's house they drove in the direction of Mr. Kirby's fathers house. Shortly after they left my husband, Willie Lockwood, came up to Charlie Field's and ask me what they had done with the boy, referring to Elijah. I then told my husband that they had gone over into the quarters with Elijah to the house of Mr. Willie Kirby's father. My husband and I then started across the field to go over to Mr. Kirby's house to find out where they were going to take Elijah. When we were about as far from Charlie Field's house as it is from my house to Charlie Fields house, Charlie Fields whistled to us to let us know that Mr. Kirby had left the quarters and was going back towards Tuskegee. When we looked around we saw Mr. Willie Kirby's car going along the paved road towards Tuskegee. About that time we saw Mr. Kirby's car coming to a stop and it came to a stop near the short bridge just below Charlie Fields house, and towards Tuskegee. Mr. Willie Kirby turned his car around and came back up the road and parked his car across the highway from Charlie Fields house. Mr. Willie Kirby parked his car over on the shoulder of the road and then got out of his car and waited until we walked up to where he was parked.

" When we walked up to the left side of the car Willie Lockwood spoke to Mr. Willie Kirby and said "Good Evening". My husband then spoke to my son, Elijah, and said, "Boy, what in the world is the matter" and due to the fact that Elijah was crying we could not understand what he said. I do not know why Elijah was crying and I did not notice that he had any injuries on him that would have caused him to be crying. My husband then turned to Mr. Kirby and ask him what he was going to do with my son and Mr. Kirby then said, "We are going to put him in jail and G ___ D ___ don't you say Naw." Mr. Willie Kirby then said something to my husband that I did not understand and Willie Lockwood said "Yes". Mr. Willie Kirby then said, "Don't say yes to me, say Yes Sir and No Sir". My husband then stood and looked at Mr. Kirby and said, "Yes, Yes, Yes." Mr. Kirby then walked around me and got between me and my husband and said "G ___ D ___ get your G ___ D ___ ass in that car." Willie Lockwood then said that he had not done anything and that he was not going to get in the car. Mr. Kirby then walked up to Willie Lockwood and slapped him and said you aren't going to get in that car are you and at that time drew his gun out of his holster and threw it on my husband. The only thing that my husband did when Mr. Kirby slapped him was to shake his head and look back at Mr. Kirby. I then got between Mr. Kirby and my husband and ask Mr. Kirby not to kill him. Mr. Kirby then pushed me out of the way and then walked up to my husband and slapped him a second time. Mr. Kirby then said to my husband "You aren't going to get in the damn car" and it was immediately after making this statement that Mr. Kirby slapped

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Will the second time. I then told Will, my husband to go on and get in the car and at the same time Elijah ask my husband to get in the car. My husband then said "I haven't done anything and haven't said anything and by that I ain't getting in no car." Mr. Kirby then grabbed my husband's shirt sleeve and kind of pulled him and the shirt sleeve slipped out of his hand when my husband drew his arm away from Mr. Kirby and it was at that time that Mr. Kirby fired the pistol that he had in his hand. My husband threw both hands up on his chest and gave one grunt and started across the highway and Mr. Kirby caught him and shoved him back towards the car. When Will got up to the car he sort of squatted down and then stretched out in the road. Mr. Kirby then spoke to Mr. Murphy and ask him to get out of the car and help him pick my husband up. They then put Will in the back seat of the car and drove off in the direction of Tuskegee. Mr. Murphy did not get out of the car until after Will Lockwood had been shot and did not have a word to say during the time that Mr. Kirby was talking to my husband and me. I do not feel that Mr. Murphy is in any way responsible for the death of my husband. In so far as I know the only people that saw this shooting were Mr. Murphy, Mr. Will Kirby, Elijah and myself.

" So far as I know my husband did not have a gun or knife on him at the time that this shooting took place.

" i have red this 4 page state is true.

/s/ MARY LOCKWOOD

(Witness)

/s/ H. A. DONAHOO, Sp. Agt., F.B.I.

State of Alabama
Macon County

"Personally appeared before me, W. Herbert Osborne, a notary public, in and for said State and County Mary Lockwood, who has made known to me and after being duly sworn deposeth and says that she has read the above statement consisting of four typewritten pages and that it is true and correct.

/s/ MARY LOCKWOOD
Mary Lockwood.

"Sworn to and subscribed to before me this the 17th day of June, 1946.

/s/ W. HERBERT OSBORNE,
My Commission expires January 10, 1949. Notary Public.

(SEAL)

"

The LOCKWOOD woman stated that so far as she knows, the only witnesses to the shooting were the subject, Deputy Sheriff SAM MURPHY, ELIJAH

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LOCKWOOD and herself.

CHARLIE FIELDS, negro, R. F. D. 2, Box 152, executed the following signed statement:

" Tuskegee, Alabama
June 17, 1946

" I, Charlie Fields, age 39, Route 2, Box 152, Tuskegee, Alabama, wish to make the following voluntary statement to Special Agents H. A. Donahoo and W. Herbert Osborne, after being advised that I do not have to make any statement and that any statement that I do make can be used in a court of law.

" I recall that something like six weeks ago Mr. Ed, Kirby came to my house and stated that his father, Mr. Will Kirby, had sent over to see about getting some cotton seed. I told Mr. Ed Kirby that the cotton seed were down in the field and that I would have to go down there and get them. By the time that I returned from the field getting the cotton seed Mr. Ed Kirby had left my house and I learned from Elijah Lockwood that he had had some words with Mr. Ed Kirby and that Mr. Kirby had thrown a shovel at Elijah.

" In a few minutes after I returned from the field Mr. Ed Kirby returned to my house and as he got out of his car he brought his shot gun out with him. I would say that this was about 1 or 1:30 p. m. When Mr. Ed Kirby got out of his car he said to me to get him out of the house that he was going to shoot. I ask Mr. Kirby not to be shooting around the house as my children were at the house. I was standing on my porch during this time. Mr. Kirby backed off like he was going to shoot and I then went in the room on the west side of my house. When I got on the inside of my house Elijah Lockwood was standing in the door leading from the west room to the east room of my house. That is the east and west rooms on the front part of the house. Just after I got inside of the house I heard the noise of a gun going off on the outside of the house. About that time Elijah left out of my sight and immediately after that I heard the noise of a pistol being fired. After the shooting stopped, the exact number of shots that were fired I can't make a statement about as I was flustered, I peeped out of the door and saw Mr. Ed Kirby driving off towards Tuskegee.

" In about thirty (30) minutes Mr. Ed Kirby returned with Mr. Willie Kirby and a Mr. Murphy. In the meantime Elijah had left my house to go home. Mr. Willie asked me what the trouble was and I told him that I did not know as I was in the field and he stated that he had learned that I was in the field. Mr. Willie then ask me where Elijah was and I told him that he had gone on down towards his house and Mr. Willie and Mr. Murphy went on down towards Elijah's house. They were gone for a few minutes and came back with Elijah and put him in Mr. Willie's car. Mary Lockwood came

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on up to the house with them when they returned with Elijah. After they put Elijah in the car they drove off in a very short time going in the direction of Mr. Will Kirby's house. (Will Kirby being the father of Willie Kirby and Ed Kirby).

" In a few minutes Will Lockwood came up and along with his wife, Mary, they started out across the field to go over to Mr. Will Kirby's house. When they were out in the field a short distance a man by the name of John who works for Mrs. Lee at the furniture store whistled to Will and Mary and signaled that Mr. Willie Kirby and the others were going back in the direction of Tuskegee. Will and Mary turned around in the field and came back to the road. About the time that Will and Mary got to the road Mr. Willie and those in his car had turned around and came back down the road and stopped near the entrance to my house.

" About the time that Mr. Willie Kirby and Will and Mary met up on the road and turned around and went back into my house. I stayed in my house until I heard another shot and then came out on my front porch and looked down towards the road. About that time I saw Will Lockwood fall to the ground on the edge of the road. I did not see a gun in the hand of Mr. Willie Kirby. I did not see a gun in the hand of anyone at that time. I can not say who shot Will Lockwood as I did not see who did the shooting. I did not hear any conversation between any of the persons on the road before they took Will away in Mr. Willie Kirby's car.

" I can't read or write but this statement has been read to me and it is true and correct to the best of knowledge.

His

x

Mark

Charlie Fields

Witnesses:

/s/ W. HERBERT OSBORNE,
W. Herbert Osborne, Special Agent
F. B. I., Birmingham, Alabama

/s/ H. A. DONAHOO
H. A. Donahoo, Special Agent
F. B. I., Birmingham, Alabama.

The FIELDS negro advised that so far as he knew there were no witnesses to the shooting other than those named by MARY LOCKWOOD.

LULA HARRIS, negro, age 13, advised that she could not read nor write, but stated orally that about a month ago around 3:30 PM, she was on the front porch of CHARLIE FIELDS' home and Mr. ED KIRBY, white, drove up to the house and asked CHARLIE FIELDS to go to the field after some cotton

seed. At the time ELIJAH LOCKWOOD was also at the house and after CHARLIE FIELDS went to the field, she heard Mr. ED KIRBY ask ELIJAH LOCKWOOD if he had a farm and LOCKWOOD replied that he had. KIRBY then asked ELIJAH if he did not help his fatner and ELIJAH said, "Ain't there no way to help him besides plowing." According to LULA HARRIS, Mr. ED KIRBY said he guessed there was and ELIJAH then said, "I work at the school. Don't that sound like helping him." Mr. ED KIRBY then jumped up and said, "Here little boy, you don't have to talk to me like that", and according to LULA HARRIS, Mr. ED KIRBY then picked up a shovel off the ground and threw it at ELIJAH, but missed him. She stated that Mr. KIRBY then got in his car and went home.

LULA HARRIS stated that after Mr. ED KIRBY left the house, CHARLIE FIELDS brought the cotton seed back from the field and was sitting on the porch when Mr. ED KIRBY came back to the house a few minutes later in his car and he jumped out of the car with a shotgun in his hand. She stated that when ELIJAH saw this, he went in the house. She further stated that as soon as Mr. ED KIRBY got out of the car he told CHARLIE FIELDS, "You better get that nigger out of there or I'll shoot in there," and she stated that CHARLIE FIELDS then asked Mr. ED KIRBY not to shoot into the house. She stated that she and her sister, JESSIE HARRIS, age 8, and her uncle, CHARLIE FIELDS, then went into the house and she heard a gun go off and she then saw ELIJAH LOCKWOOD shoot a pistol from the house about five times at Mr. ED KIRBY and that Mr. KIRBY then got in his car and left.

LULA HARRIS stated that after Mr. ED KIRBY left, she then went to the LOCKWOOD home and she had no further information as to the events that took place thereafter.

It should be noted that LULA HARRIS is a typical country negro girl, who is extremely shy and inarticulate.

JESSIE HARRIS, negro, age 8, was interviewed at the home of CHARLIE FIELDS and she gave about the same information as did LULA HARRIS, stating also that she went to the LOCKWOOD home immediately after the shooting between Mr. ED KIRBY and ELIJAH LOCKWOOD and she knew nothing about the events that took place thereafter. Due to the age of this child, it is not believed that she would make a particularly good witness.

VIOLA FIELDS, negro, age 39, R. F. D. 2, Box 152, wife of CHARLIE FIELDS, was interviewed and stated that she was at Fort Davis, Ala., during the entire day of instant shooting and that she knew nothing about it. She stated that ELIJAH LOCKWOOD was an overseas veteran and after his return from the service he had been telling her that he had a German pistol which he got overseas and that he would show it to her sometime. She stated about a week before WILL LOCKWOOD was killed that ELIJAH LOCKWOOD came by her home on Sunday and said he was going to church and asked her to let him leave his gun at the house until he came back. She took the gun and put it

in the chifferobe drawer and she told ELIJAH that he could get it any time that he wanted it, but that he did not come back for the gun that Sunday. She stated that so far as she knows, the gun was still in her chifferobe drawer on the day of the killing when she went to Fort Davis, Alabama.

VIOLA FIELDS knew of no eye witnesses to the shooting of WILLIE PIM LOCKWOOD other than those named by MARY LOCKWOOD.

JOHN EDWARD KIRBY, white, age 23, who resides on R. F. D. #1, Notasulga, Ala., was interviewed and executed the following signed statement:

" Notasulga, Alabama
June 18, 1946

I, John Edward Kirby, white, age 23, Notasulga, Alabama, Route One, wish to make the following voluntary statement to Special Agents H. A. Donahoo and W. Herbert Osborne, relative to a difficulty that I had with a man by the name of Elijah Lockwood about the first part of May, 1946, near the home of Charlie Fields.

" During the war I was a member of the armed forces of the United States, having served at Fort Shelby, Mississippi. During the early part of May, 1946 I was requested by my father, Mr. Will Kirby, to get in the car and go over to Charlie Fields and get some cotton seed. I went over to Charlie Fields and told him that my father wanted some cotton seed and Charlie Fields told me that he would have to go down in the field to get the seed. While Charlie Fields was gone out after the cotton seed there was a negro by the name of Elijah Lockwood standing on Charlie Fields porch.

" While sitting on the steps of Charlie Fields house I remarked to this negro that it certainly was a fine day to plant cotton and he remarked, "Yea, it sure is". In a few minutes I ask this negro if he was helping his Father and he said, "I figure it isn't any of your G_D business and I can help my Father in more ways than plowing a mule." At this time I was sitting on the door steps with my back to this negro and when he made the above remark I slipped off of the steps and picked up a shovel without a handle and threw it at him, but did not hit him. Immediately after this Elijah left the porch and went into the house of Charlie Fields and began looking through the drawers of the dressers and I thought he might be looking for a gun. Just as soon as I saw Elijah going through the dresser drawers, and believing that he was looking for a gun, I got in my car and pulled down on the main highway some fifty (50) yards away and waited there until Charlie Fields came up with the cotton seed. Charlie Fields had not brought all of the cotton seed that I wanted so I put what he had in the car and came on home with them. Before I left Charlie Fields house he understood that I would have to come back to get the rest of the cotton seed.

" After taking the first of the cotton seed home I got a shot gun

and put it in the car and then returned to Charlie Fields to pick up the rest of the cotton seed. When I got back over to Charlie Fields house I parked on the shoulder of the road, the paved highway, headed towards Tuskegee and got out of the left side of the car and started towards the back of the car. At that time I saw Charlie Fields standing on his front porch and saw him leave the porch and go in the house just as soon as he saw me. I did not have my shot gun in my hand at the time that I got out of my car and headed towards the rear of my car. When I was just about even with the left rear fender of my car I heard the report of a pistol and heard something strike my car. At the moment I did not know where this object had struck my car and I got back of my car and reached inside of my car and got my gun. I can't say exactly how many whots were fired at me but it is my best judgment that three (3) shots were fired from Charlie Fields house in my direction. After obtaining my shot gun I stepped out from behind the car and fired one shot into the side of the house. My gun was loaded with bird shot and I knew that they would not do any damage to the house.

" Later on I found a bullet lying on the back seat of my car and a hole in the right wing window of the car. This wing window had a hole in it. I turned this bullet over to the Sheriff of Macon County, Pat Evans. Immediately after firing my gun once I got back into my car and drove into Tuskegee and obtained a warrant for the arrest of Elijah Lockwood. My brother, Ralph Kirby, had the car repaired at some garage in Opelika, Alabama.

I have read this statement of a page and friction it is true and correct.

/s/ JOHN EDWARD KIRBY

Witness:

/s/ H. A. DONAHOO
H. A. Donahoo, Sp. Agt. FBI,

/s/ W. HERBERT OSBORNE
W. Herbert Osborne, Sp. Agt. FBI.

JOHN LLOYD, negro, who works for the Gottleib Furniture Company in Tuskegee, Ala., stated that on the day the victim was killed, he (LLOYD) went to the house of CHARLIE FIELDS some time in the afternoon and he noticed the Sheriff's car parked in the yard. A few minutes later, Mr. WILLIE KIRBY and another white man brought ELIJAH LOCKWOOD up to the car, put him in the car and drove off. After they carried ELIJAH LOCKWOOD off, WILLIE LOCKWOOD and his wife came up and they started out across the field towards Mr. KIRBY's farm. About that time WILLIE KIRBY and the white man with him came by the house in the car with ELIJAH LOCKWOOD headed towards Tuskegee. LLOYD then got into his truck and started towards Tuskegee and he met WILLIE KIRBY and the others in the car at the small bridge on the Tuskegee Highway below CHARLIE FIELDS' home. KIRBY's car was headed North and when LLOYD crossed

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the long bridge several hundred yards from the FIELDS home, he looked in his rear view mirror and saw WILLIE LOCKWOOD fall on the ground. He stated he saw no weapons of any kind in anyones hands and that he has no idea who killed WILLIE LOCKWOOD or how he was killed.

Records at the Circuit and County Court Clerks office and at the Police Department failed to reveal any criminal record on either the subject or the victim.

Records at the County Health office reflected a death record on WILLIE PIM LOCKWOOD showing that he died of a gunshot wound in the chest on May 2, 1946. His address was given as Beat 1, Macon County, Ala., and his age was given as 58. The information concerning the death of this man was filed June 6, 1946.

H. D. RAYMON, County Solicitor of Macon County, Ala., furnished a copy of an investigative report made by J. V. KITCHENS, a criminal investigator for the Bureau of Investigation and Identification of the Alabama Department of Public Safety dated May 20, 1946. Mr. RAYMON advised that this investigation was conducted by himself and by Mr. KITCHENS and that KITCHENS had been sent to Tuskegee to make this investigation at his, RAYMON's, request.

The following is being quoted from the above-mentioned report:

" The writer met Mr. HARRY D. RAMON at his office in Tuskegee, Alabama where Mr. RAYMON advised the writer that he wished the writer to assist him in making the investigation where WILLIE PIM LOCKWOOD was shot on April 30, 1946 by Mr. WILLIE KIRBY, Chief Deputy Sheriff, Macon County, Alabama and LOCKWOOD was pronounced dead upon his arrival at the doctor's office. Mr. RAYMON told the writer that he had already secured a signed statement from ELIJAH LOCKWOOD and he handed this statement to the writer so that he might familiarize himself with this case. The original signed statement is being retained by Mr. HARRY D. RAYMON at his office at Tuskegee, Alabama and below is a copy of this statement:

" My name is ELIJAH LOCKWOOD. I am the son of WILLIE PIM LOCKWOOD.

" On May 2, 1946 after I was arrested by Mr. KIRBY I was taken to Mr. KIRBY's house. Nothing was done to me there. Then we came back by my house going to town. Mr. KIRBY turned the car around and stopped, and then I saw my father coming from the direction of Mr. KIRBY's house. Mr. KIRBY asked me if that was my father. My father came to the car.

" My father asked Mr. KIRBY what was the matter. Mr. KIRBY told him they got me for shooting.

" My father asked me if I was shooting, and I told him I was. He

then asked me what business you had shooting.

" At the time I drove up with Mr. KIRBY I was not crying and I did not start crying until after my father was shot. After he was shot I started crying.

" I didn't answer my father when he asked me what business I had shooting. He then said, "You had no business shooting on their place."

" He then asked Mr. KIRBY what he was going to do with me. Mr. KIRBY said he was going to take me to jail.

" My father then asked me why I was shooting. I started explaining the reason. I said about 2 words and Mr. KIRBY got out.

" My father was standing against the car and when Mr. KIRBY got out he stepped back a few steps. Mr. KIRBY then told him to get in the car.

" My mother was with my father all of the time and came to the car with him.

" After Mr. KIRBY told my father to get in the car, my father said, 'I haven't done anything. I have no right to get in.'

" Mr. KIRBY said, 'You will get in' and hit my father with his left hand. My father stepped back and he caught my father by the right arm. He caught my father's right arm with his left hand.

" At that time Mr. MURPHY was standing on the other side of the car.

" My mother said, "Mr. KIRBY, don't shoot! Don't shoot! Mr. KIRBY said, 'You better shut up.'

" Then Mr. KIRBY told my father to get in the car. My father said, 'I have no right to get in. I haven't done nothing. What am I going to get in for?'

" Mr. KIRBY SAID, 'I said get in'. Then I started calling my father but he never answered me.

" Then he went to turn and Mr. KIRBY shot him. My father never said a word after he was shot.

" After he was shot my mother ran towards the house.

" When he first hit my father Mr. KIRBY pulled his gun out. He held the gun on him during the entire conversation after my father was first hit.

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" My mother came to see me while I was in jail last Wednesday, May 8. She was here before that a few days after I was put in jail. I think it was the Saturday following the Thursday I was placed in jail.

" We did not discuss the shooting while she visited me.

" This statement was made of my own free will and accord, no threats of any kind being made against me and was made in the presence of Mr. MERRILL GREATHOUSE, Mr. L. A. REYNOLDS and HARRY D. RAYMON and consists of three pages and a portion of the 4th page of paper.

ELIJAH LOCKWOOD

"Sworn to and subscribed before me this May 11, 1946.

HARRY D. RAYMON
Notary Public,
Macon County, Alabama

" The writer went to the County Jail where he talked to ELIJAH LOCKWOOD (CM), born September 14, 1922, 5' 5" tall, weight 135 pounds. ELIJAH stated to the writer that he had been in the army and had been discharged only about two months. He then gave the writer another signed statement. The original was turned over to Mr. HARRY D. RAYMON and is being retained in his office at Tuskegee, Alabama. Below is a copy of this statement:

" Macon County Jail
3 P. M.
5/13/46

" I, ELIJAH LOCKWOOD make the following statement to J. V. KITCHENS, Criminal Investigator for the Department of Public Safety who has made himself known to me as such. I make this statement of my own free will and accord after I have been told that I did not have to make a statement but if I did it might be used in a Court of Law.

" On Thursday May 2nd, 1946 about 1:30 or 2:00 P. M. Mr. KIRBY came to my house to get me. He left his car in the yard of CHARLIE FIELDS. He arrested me at my house and walked me back to his car and put me in the car.

" Mr. KIRBY then drove up to his father's house and his father, mother and two of his brothers came out in the yard. Mr. KIRBY told them that he had the boy who had been doing the shooting. One of the brothers said where is he and Mr. KIRBY said 'Here he is in the car'. Then Mr. KIRBY drove off.

" Before Mr. KIRBY ever arrested me he called me by name and I was in the house eating dinner. I walked to the door and he asked me where the gun was that I had been doing the shooting with. I said, 'Here it is over here'. I had it in a suitcase over behind the bed. I reached for it and he said, 'That is all right. I'll get it.' So I handed him the suitcase and he opened it and got the gun out. The pistol was a 32 semi-automatic, a German made gun, that I brought back from Germany with me.

" After we left Mr. KIRBY's daddy's house we came back down the highway toward town and came by CHARLIE FIELDS house and Mr. KIRBY stopped and asked me if that was my daddy coming across the field from Mr. KIRBY's daddy's house and I said, 'Yes sir'. We just sat there for two or three minutes until my daddy and other _ walked up to the car. They walked up to the left side of the car and my daddy said, 'What is the trouble?' Mr. KIRBY said he had me for shooting. Then my father turned to me and asked me what business have you got up here shooting? Before I answered he asked Mr. KIRBY 'What are you going to do with him?' Mr. KIRBY Said, 'I'm going to put him in jail'. Then my father said to me again, 'You had no business shooting'. 'You are up here on their place'. Then he asked me again what was you doing up here shooting and I started to tell him and about this time Mr. KIRBY got out. My father stepped back to let Mr. KIRBY get out. Then Mr. KIRBY said to my father, 'You get in' and my father said, 'I have no right to get in. I haven't did nothing'. Then Mr. KIRBY said, 'You will get in' and he slapped my father. My father started to turn away to the right and Mr. KIRBY caught my father by his right arm with his (Mr. KIRBY's) left hand and pulled his pistol out. My mother said, 'Mr. KIRBY, don't shoot, don't shoot!' Then Mr. KIRBY told Mama, 'You better shut up'. Then he told my father to get in and my father said, 'I have no right to get in. I haven't did nothing' and I called, "Pop! Pop!" but he didn't answer me. My father was turning back away and to his right. Mr. KIRBY said, 'You will get in' and about this time he shot. Then Mr. KIRBY turned my father a loose and he then took a few steps, turned around, took a step or two and fell. My father never did say a word after he was shot.

" I have read this statement consisting of three pages and it is true. I made this statement without being beat, abused, threatened or promised any reward to get me to make it.

(ELIJAH LOCKWOOD)

Witnesses:

J. V. KITCHENS

"

" We then went to a neighbors house, CHARLIE FIELDS (CM), and there we saw VIOLA FIELDS and asked her if she could tell us where MARY LOCKWOOD was. She stated that she had just left her in Tuskegee and that she

left her at Mr. BRANTLEY's store but that MARY told her that she would be home on the 4:00 bus. The writer looked at his watch and informed her that it was almost 4:15 at this time and VIOLA stated that she must have missed the 4:00 bus and would be home on the 5:00 bus. The writer then asked VIOLA where CHARLIE was and she stated that he was in the field working but that she would call her two children and send for him. She called LULA HARRISON and JESSIE HARRISON to the car and the writer asked LULA HARRISON, a colored girl of about ten to twelve years of age, if she saw any of the difficulty when PIM LOCKWOOD was killed and she stated that she and JESSIE (her sister), (approximately 6 years of age) had both gone with children of MARY and WILLIE LOCKWOOD down the path and were below the gap almost in the LOCKWOOD yard when they heard the pistol fire. She stated that she knew nothing and saw nothing that happened on the highway. The writer then asked JESSIE if what LULA had said was true and also the same thing that she knew and she said, 'Yes sir'.

" The writer then asked VIOLA FIELDS if she saw this difficulty and she said, No sir, thank goodness, I wasn't at home. I left here about 10:00 that morning, spent the rest of that day and that night with my husband's cousin, GEORGE STINSON."

" CHARLIE FIELDS came walking up from the field and the writer and Mr. HARRY D. RAYMON identified themselves and he made the following oral statement:

" I was standing on my front porch and I knewed that a car was parked out by the side of the road. I knewed Mr. WILLIE KIRBY was driving it and I knewed that it was the same car that had come down here and got ELIJAH. The first thing was that PIM came through my yard and went on over towards Mr. KIRBY's, then Mr. WILLIE come on back by and went across the bridge and turned around and came back. JOHN, a boy who works with Mr. NORRIS GOTTLIEB, was in my yard and he whistled to PIM to let PIM know that Mr. WILLIE had done come from over at the KIRBY quarters and was going towards town. Mr. KIRBY must have heard JOHN whistle for he turned around and came back. Mr. WILLIE and PIM met at the road and had been there for about ten minutes when I heard the gun fire. I walked out to the edge of my porch toward the road and I saw PIM falling on his face. Mr. WILLIE was standing by the side of him. MARY LOCKWOOD was about 6' from PIM and she started hollering and running toward her house. She came by my house through my yard and went on toward home. The other deputy sheriff was sitting in the car. I didn't see ELIJAH at all. I didn't hear anyone say anything at all. All I heard was MARY LOCKWOOD hollering and squealing. The other deputy sheriff didn't get out of the car and Mr. WILLIE asked him out to help him put PIM in the back of the car. Mr. KIRBY and the other deputy sheriff picked him up and put him in the back of the car and drove off toward town. JOHN had already drove off in the truck and he was down by the bridge when the shooting took place. There were three negro boys, DOUGLAS SANDS, JOE SANDS and DOWELL SANDS who were plowing in the field across the creek.

" Just as we were concluding our conversation with CHARLIE FIELDS the 5:00 Airport bus ran and MARY LOCKWOOD got off this bus and came walking through CHARLIE FIELDS' yard. VIOLA FIELDS met MARY and took part of her packages and told MARY that these two men wanted to talk to her. MARY came to the car and the writer and Mr. HARRY D. RAYMON identified themselves and asked MARY if she would make a statement to us as to the death of her husband, WILLIE PIM LOCKWOOD, to which she stated that she certainly would and that she would make the same statement if it was a thousand years from now. This statement was then written and MARY LOCKWOOD signed the statement. The original statement is being retained in the office of Mr. HARRY D. RAYMON, Tuskegee, Alabama and below is a copy of this statement:

"My name is MARY LOCKWOOD. My maiden name was YOUNG.

"My husband's death occurred on May 2, 1946 on the highway leading to the Tuskegee Army Airfield. It happened about 2 o'clock in the afternoon.

"After the officers got the boy I followed them to the highway and sent my smallest girl for my husband.

"When my husband came to where I was, I told him they took ELIJAH to Mr. KIRBY's house.

"After we crossed field, CHARLIE FIELDS whistled to us and we came back. The officer's car turned around and came back and stopped by the highway.

"Before we got to the car, Mr. KIRBY was standing outside of the car, twirling his keys in his hand.

"WILL (my husband) walked up to the car and put his hand on the car and said, 'Boy, what is the trouble'? The boy was crying and we couldn't understand what he said.

"My husband turned around and asked Mr. KIRBY, 'What are you going to do with him?'

"Mr. MURPHY was sitting in the car and didn't say or do anything.

"Mr. KIRBY said, 'I am going to put him in jail and God damn it, don't you say no'.

"My husband didn't say anything. Mr. KIRBY then said something else and my husband said 'Yes'.

"Mr. KIRBY said, 'God dam it, don't say yes to me, say yes-sir and no-sir'.

"My husband looked at Mr. KIRBY and said, 'Yes, Yes, Yes'.

"Mr. Kirby walked around me and walked up to my husband and said, 'God damn it, get in the car'.

"Then my husband said, 'I haven't did anything and I haven't said anything and I don't have any right to get in the car. Then Mr. KIRBY walked up and slapped him and said, 'You not going to get in the car?'

"Then Mr. KIRBY pulled his gun and I jumped between my husband and Mr. KIRBY. I said, 'Please Mr. KIRBY, don't shoot him. Please don't kill him'.

"Mr. KIRBY said, I'll kill him in a God damn minute'. I stood between Mr. KIRBY and my husband and continued to beg and plead with him not to kill my husband.

"Mr. KIRBY grabbed me by the right shoulder with his left hand and pushed me out of the way.

"Mr. KIRBY then walked up to my husband and slapped him again and told him, 'You ain't going to get in this car?'

"I then said, 'WILL, just go ahead and get in the car'. ELIJAH said, 'Poppa, come get in the car'.

"Will said, 'I am not going to get in a car because I haven't did nothing'.

"Mr. KIRBY caught my husband by the arm to put him in the car. My husband snatched his arm loose and Mr. KIRBY then shot him.

"When he shot him my husband grabbed his chest, turned around started running back toward CHARLIE FIELDS' house and Mr. KIRBY ran up behind him, grabbed his arm, and snatched him around and gave him a shove and he squatted down and stretched out on his stomach about 3 feet from the car.

"Mr. MURPHY didn't move or say anything and was still sitting in the front seat of the car.

"Then Mr. KIRBY told Mr. MURPHY to get out and help him put my husband in the car. They put him in the back seat with ELIJAH.

"I started screaming and came home yelling as loud as I could."

MARY LOCKWOOD

Signed this May 13, 1946, before us:

HARRY D. RAYMON

J. V. KITCHENS

Mr. RAYMON advised that he did not care to give a complete statement as to what Chief Deputy Sheriff WILLIE KIRBY had told him, but that Deputy Sheriff KIRBY had told him generally that the victim had attempted to keep him from taking ELIJAH LOCKWOOD to town after he had arrested him and further that the victim had attacked Deputy KIRBY and had attempted to cut him with a knife and that Deputy KIRBY had advised him that he had shot WILLIE PIM LOCKWOOD in self-defense. He stated that the gun used by ELIJAH LOCKWOOD in his attempts to shoot ED KIRBY and the knife which Deputy KIRBY stated WILLIE PIM LOCKWOOD used in his attack upon him were in the possession of the Macon County Circuit Court Clerk, H. N. WATSON.

Mr. RAYMON further stated that he was presenting the case of the shooting by Deputy KIRBY to the Macon County grand jury the first Monday of October, 1946, provided the Federal Government does not take affirmative prosecutive action before that time. He indicated that he felt sure Deputy KIRBY shot the victim in self defense, but that he was presenting the case to the Grand Jury in order to fulfill his duties as County Solicitor.

H. N. WATSON, Clerk of Circuit Court, Macon County, Ala., produced a warrant which was filed in his office and which upon examination revealed that on May 2, 1946, JOHN E. KIRBY had appeared before JOHN SLATON, Justice of the Peace, and swore out a warrant charging ELIJAH LOCKWOOD with unlawfully and with malice aforethought assaulted JOHN E. KIRBY with intent to murder him. This warrant showed that it had been executed by arresting ELIJAH LOCKWOOD on May 2, 1946, by S. M. MURPHY, Deputy Sheriff. The only witness listed on the warrant was JOHN E. KIRBY.

WATSON also produced for examination what appeared to be a 32 calibre automatic type pistol which had serial number 502991 and was equipped with transparent plastic grips. Under the grips on either side of the pistol were the pictures of some unknown negro women. This gun was apparently of German origin, but did not have the name of a manufacturer on the outside. It, however, was noted that there was the usual sign of a German spread eagle imprinted on the side of the gun. WATSON also permitted the examination of one pocket knife which is generally known as a "switch blade" knife which had some grey material on the sides. The blade on this knife was something over 3" in length. There was also a small envelope which WATSON stated contained a slug which allegedly had been fired into Mr. KIRBY's automobile from the above-mentioned gun by ELIJAH LOCKWOOD.

ELIJAH LOCKWOOD, colored, age 23, was interviewed in the Macon County jail at Tuskegee, Ala., where he was being held on a local charge of assault with intent to murder and the following sworn statement was obtained from him:

Tuskegee, Alabama
June 18, 1946

I, Elijah Lockwood, age 23, residence Route 2, Box 152, Tuskegee,

Alabama, wish to make the following statement to Special Agents H. A. Donahoo and W. Herbert Osborne, after being advised that I do not have to make any statement and that if I do make a statement that the same can be used in a court of law.

" I was in the armed services during the recent war for a total of 34 months and overseas for 23 months. I returned to my home at Tuskegee on March 12, 1946.

" On May 2, 1946, about 1 or 1:30 p. m. I was at the home of my cousin Charlie Fields, which is about 200 yards from my home, when Mr. Ed. Kirby came up and ask Charlie Fields about getting some cotton seed. Charlie Fields told Mr. Ed. Kirby that the seeds were in the field and that he would have to go after them. Charlie Fields left to go get the seed and Mr. Ed Kirby sat down on the edge of the porch and I was standing on the porch. I ask Mr. Ed Kirby if he had finished planting his cotton and he stated that they had not finished planting. I then remarked that my Father, Willie Pim Lockwood, had to replant some of his cotton. Mr. Ed Kirby ask me who was my Father and I told him. Mr. Ed Kirby then ask me if I helped my Father and I stated that I did. Then Mr. Kirby stated that you state you help your father, but I don't see you doing anything now. I then told him that you can help without plowing. Mr. Ed Kirby then ask me where I worked and I told him that I was working at the Hospital. However, I was not actually working at the hospital when I made this statement. Mr. Ed Kirby then apparently got angry with me and stated that I did not need to get smart with him and got down and picked up a shovel and threw it at me. I ducked the shovel and then walked into the house.

" After I went into the house Mr. Ed Kirby got into his car and drove off in the direction of Notasulga. In about 5 or 10 minutes Mr. Ed Kirby returned and drove up into the yard to Charlie Fields and stopped there for about 30 seconds. After stopping in the yard for a few seconds Mr. Ed Kirby then backed his car down to the main highway and headed towards Tuskegee and parked. Charlie Fields was in the house at this time. After Mr. Ed Kirby got back down on the road I walked out on the porch and stood there and at that time Mr. Kirby got out of his car with a shot gun in his hand and fired one shot at me. Before he could fire I had stepped back inside the door of the house. I was not hit by any of the shot from Mr. Kirby's gun. I then took a 32 cal. automatic pistol out of my pocket and fired four shots at Mr. Kirby. I had this gun in my pocket during the time that Mr. Kirby was at the house of Charlie Fields the first time, but I did not put a shall in the chamber until after Mr. Kirby fired a shot at me. I fired through a small opening in the side of the house. I can't say whether or not any of the shots I fired struck Mr. Kirby's car. After I had fired at Mr. Kirby he got in his car and drove off in the direction of Tuskegee.

" After Mr. Kirby left I went on home and in about 5 or 10 minutes Mr. Willie Kirby and Mr. Murphy returned to my house and arrested me. There was no trouble at this time. Mr. Willie Kirby and Mr. Murphy took me on back up to

Charlie Fields house and put me in the back of their car. When I first got home I had put my gun in a small suitcase and put it behind the bed. When the officers ask me for the gun I told them where it was and Mr. Willie Kirby got it. After I was put in the car we drove over to Mr. Willie Kirby's fathers house and at that time Mr. Willie talked with his father and brother and we then left there and started into Tuskegee. Nothing other than what I have stated took place at Mr. Kirby's place.

" After we got just below the long bridge below Charlie Fields house Mr. Kirby turned around and started back up towards Charlie Fields house. I think that the reason he turned around was due to the fact that Mr. Kirby had seen my Mother and Father coming across the field from the direction of Mr. Kirby's fathers house. We came up on the main road to a point just below Charlie Fields house and parked and waited for my Mother and Father to come out of the field.

" When my Father walked up to the left side of the car he ask Mr. Kirby what was the trouble and Mr. Kirby told him that he had me arrested for shooting. My Father then ask me if I had been shooting and I told him that I had and my Father then ask me what business I had shooting. Before I could answer my Father turned to Mr. Kirby and ask him what they were going to do with me and Mr. Kirby told him that he was going to take me to jail. Before Mr. Kirby answered that he was going to take me to jail he said "What am I going to do with him", and my Father said "Yes". Mr. Kirby then told my Father not to be saying Yes to him. Mr. Kirby had gotten out of the car about this time and then told my Father to get in the car. Mr. Kirby was not doing any cursing while this talk was going on. My Father then told Mr. Kirby that he had not done anything and that he did not have any right to get into the car. Mr. Kirby then slapped my Father. My Father then backed off and Mr. Kirby caught him by the right arm and told my Father that he would get in the car. It was at this time that Mr. Kirby drew his gun. At that time my Mother began asking Mr. Kirby not to shoot and Mr. Kirby told her to shut up. Mr. Kirby then told my Father to get in and he ask me what he had done and about that time I called to my Father, saying "Pop, Pop", and about that time the gun went off. I had not seen a gun, knife or any other weapon in my Father's hand at this time or at any time during the entire conversation.

" After the gun went off my Father made about three steps around in a circle and fell into the road. When the gun went off my Father grabbed his chest and just before he fell I noticed that he had been shot in the chest. My Father was then put in the back part of the car where I was and we came on into town. I was taken to the jail first and then they left with my Father. My Father appeared to be dead when we got to the jail. The gun that I had was one that I had obtained while in Germany.

I have read this statement and is true.

/s/ ELIJAH LOCKWOOD

Witnesses:

/s/ H. A. DONAHOO

H. A. Donahoo, Sp. Agt., F.B.I., B'ham, Ala

BH 44-97

/s/ W. HERBERT OSBORNE
W. Herbert Osborne, Sp. Agt., F.B.I., B'ham, Ala.

STATE OF ALABAMA }
MACON COUNTY }
[]

Personally appeared before me, W. Herbert Osborne, a notary public, in and for said State and County Elijah Lockwood, who was made known to me, and who after being duly sworn, deposeth and says that he has read the above statement of two type-written pages and that the same is true and correct.

/s/ ELIJAH LOCKWOOD

Sworn to and Subscribed to before me this the 18th day of June, 1946.

/s/ W. HERBERT OSBORNE
W. Herbert Osborne, Notary Public
My Commission expires January 10, 1949 "

ELIJAH LOCKWOOD stated that so far as he knew, the only witnesses to the shooting of his father, WILLIE PIM LOCKWOOD, were himself, his mother, MARY LOCKWOOD, and Deputy Sheriffs WILLIE KIRBY and SAM MURPHY.

The originals of the above signed statements are being retained in the files of the Birmingham office.

Sheriff E. E. EVANS of Macon County, Ala., advised that he did not care to make a written statement, but stated that Chief Deputy Sheriff WILLIE KIRBY had killed the victim in self defense when the victim pulled a knife on him at the time Deputies KIRBY and MURPHY were trying to take ELIJAH LOCKWOOD to jail on a charge of assault with intent to murder and further that when he interviewed MARY LOCKWOOD, wife of the victim, she told him that she had run away when the trouble between Deputy KIRBY and WILLIE LOCKWOOD started and that she did not see Deputy KIRBY shoot her husband. He declined to go any further into detail, but stated that he understood that LEONARD YOUNGBLOOD, CLINE CARMACK, E. K. KELLY and W. H. HORNSBY had had some slight trouble with WILLIE LOCKWOOD in the past.

LEONARD YOUNGBLOOD, Jr., white, RFD 1, Tuskegee, Ala., stated that about four years ago this negro had an argument with his (LEONARD's) father, which he (LEONARD YOUNGBLOOD) heard and that the LOCKWOOD negro called the elder YOUNGBLOOD a liar. He knew nothing further concerning WILLIE LOCKWOOD.

CLINE CARMACK, white, who runs a store on RFD 2, Notasulga, Ala., was interviewed, but could not recall WILLIE LOCKWOOD or any trouble that he might have had with him.

E. K. KELLY, white, Box 1, Tuskegee, Ala., stated that in 1939 he had some slight trouble with WILLIE LOCKWOOD over some grapes which he had sold him

and that after LOCKWOOD accused him of cheating him, he had to run LOCKWOOD out of the store with an axe handle when it appeared that the LOCKWOOD negro was going to pull something out of his pocket. He stated he considered WILLIE LOCKWOOD to be a very quarrelsome negro who was very difficult to get along with.

W. H. HORNSBY, white, RFD 2, Tuskegee, Ala., stated that he knew WILLIE LOCKWOOD for seven or eight years and that he had the reputation of being hard to get along with and for that reason he had never had any dealings with the negro, although LOCKWOOD had tried to buy some mules from him.

It should be noted that the Department's memorandum stated that Mrs. BETTY G. HODGE, Box 477, Tuskegee Institute, was said to have some information on this matter. The memorandum did not give the source of this information or any indication as to what she might know. All of the above persons were questioned concerning the identity of BETTY G. HODGE and none of them, including the victim's wife, and son, knew her. In view of this fact she was contacted by telephone at the U. S. Veterans' Hospital in Tuskegee, Ala., at which time she advised that she knew absolutely nothing about the case. She stated, however, that President MARSHALL of the NAACP, had told her that the FBI at Montgomery, Ala., would investigate the case and that she would be furnished with a full report. She was not questioned as to whether she was a local representative of the NAACP inasmuch as this did not appear to be pertinent to the investigation of instant case.

Deputy Sheriff WILLIE FREEMAN KIRBY and Deputy Sheriff SAM ALO MURPHY were interviewed separately and each declined to make any statement, either oral or written, until they had discussed the matter with their Attorney, RICHARD POWELL. POWELL later contacted the writer and Agent OSBORNE and stated that he had no objection to Deputies KIRBY and MURPHY making an oral statement, but that he had advised them not to make a written statement.

The following oral statement was made by Deputy Sheriff WILLIE KIRBY and concurred in by Deputy SAM ALO MURPHY. This statement was made in the presence of KIRBY and MURPHY's attorney, RICHARD POWELL, and Sheriff E. E. EVANS, who appeared at the request of RICHARD POWELL:

KIRBY stated that on May 2, 1946, about 1 to 2 PM, ED KIRBY came to the Court House and called him out of the office of H. N. WATSON, Clerk of Court, Macon County, and informed him that he had sworn out a warrant for ELIJAH LOCKWOOD, charging him with assault with intent to kill. KIRBY stated that ED KIRBY had informed him that he had had some trouble with ELIJAH LOCKWOOD and that ELIJAH LOCKWOOD had shot at him. WILLIE KIRBY stated that he received the warrant for the arrest of ELIJAH LOCKWOOD from Justice of the Peace SLATON and that along with Deputy Sheriff MURPHY, he proceeded to the home of CHARLIE FIELDS and upon inquiry found that ELIJAH LOCKWOOD was at his home which was located some 200 yards from CHARLIE FIELDS' home. KIRBY stated that when they approached ELIJAH LOCKWOOD's home, that he went to the front door and that

MURPHY went to the rear door and that he, KIRBY, called for ELIJAH LOCKWOOD and that LOCKWOOD answered him and that he then informed him that he had a warrant for him and was arresting him for shooting at Mr. ED KIRBY. Upon asking ELIJAH LOCKWOOD where the gun was that he had used in the shooting, LOCKWOOD informed him that it was behind the bed and thereafter produced a small suitcase which he, KIRBY, examined and removed a gun from.

Thereafter KIRBY stated he removed ELIJAH LOCKWOOD from his residence and proceeded with him to his car which was parked at the home of CHARLIE FIELDS. KIRBY stated that ELIJAH LOCKWOOD was not handcuffed upon being arrested and that he did not protest or resist arrest in any manner. KIRBY stated that after returning to CHARLIE FIELDS' home, they placed ELIJAH LOCKWOOD in the back seat of the car and that Mr. MURPHY got into the back seat with ELIJAH LOCKWOOD and that he, Mr. KIRBY, got in the driver's seat and proceeded to KIRBY's father's home where ED KIRBY identified ELIJAH LOCKWOOD. After LOCKWOOD had been identified, KIRBY and MURPHY, along with their prisoner, ELIJAH LOCKWOOD, started to Tuskegee, Ala. KIRBY stated that just after crossing a small bridge below CHARLIE FIELDS' house, that ELIJAH LOCKWOOD stated he had seen his father crossing a nearby field and requested to be taken back and allowed to talk with his father. In order to accommodate ELIJAH LOCKWOOD, KIRBY turned his car around and proceeded back up the highway to a point where a path led out of the field and at that point met WILLIE PIM LOCKWOOD and his wife, MARY LOCKWOOD.

KIRBY stated that WILLIE PIM LOCKWOOD came up to the left side of his car and that he, KIRBY, informed WILLIE PIM LOCKWOOD that he had a warrant for ELIJAH's arrest and informed him that he, WILLIE PIM LOCKWOOD, could come down town and make bond for his son. KIRBY stated that at this time WILLIE PIM LOCKWOOD walked to the back door of his, KIRBY's car, on the left side and informed ELIJAH LOCKWOOD that he was not going anywhere and to get out of the car. MURPHY stated that at this time ELIJAH LOCKWOOD started to get out of the car and that he restrained him. WILLIE KIRBY stated that he then got out of the left front door of his car and that WILLIE PIM LOCKWOOD again stated that ELIJAH LOCKWOOD was not going anywhere. KIRBY stated that WILLIE PIM LOCKWOOD had opened the rear door of his car when he, WILLIE PIM LOCKWOOD, had first instructed ELIJAH LOCKWOOD to get out of the car and that when WILLIE PIM LOCKWOOD had instructed ELIJAH LOCKWOOD to get out of the car the second time, he had taken WILLIE PIM LOCKWOOD by the arm and endeavored to pull him away from the car. KIRBY stated that WILLIE PIM LOCKWOOD then struck at him with his fist, striking him above the left shoulder, and that he, KIRBY, then hit WILLIE PIM LOCKHART in the mouth with his fist. KIRBY stated that thereafter WILLIE PIM LOCKHART struck him on two other occasions and that he also struck WILLIE PIM LOCKWOOD two more times with his fist and that the last time he struck him WILLIE PIM LOCKWOOD was knocked down. KIRBY stated that as WILLIE PIM LOCKWOOD was getting up off the ground that he, KIRBY, observed WILLIE PIM LOCKWOOD obtain a knife from his pocket and opened it and that after getting to his feet, LOCKWOOD came in his, KIRBY's, direction with the knife open and in his right hand. KIRBY stated that he then backed away from WILLIE PIM LOCKWOOD to a point near the left rear part of his car and that when WILLIE

PIM LOCKWOOD was approximately an arms length away from him and at a time when he appeared to be raising his arm as if to use the knife on him, KIRBY, he drew his gun and fired one shot.

KIRBY stated that after his gun was fired, WILLIE PIM LOCKWOOD started falling and that he caught him in his arms and placed him in the back seat of his car and immediately left for Tuskegee. KIRBY stated that at the time he placed WILLIE PIM LOCKWOOD in his car he was alive and that upon arrival in Tuskegee, he was pronounced dead by Dr. H. H. WINTERS.

KIRBY also stated that MARY LOCKWOOD had left the vicinity of his automobile immediately after WILLIE PIM LOCKWOOD struck him the first time and that at the time of the shooting she was up near the corner of CHARLIE FIELDS' house and traveling in the direction of CHARLIE FIELDS' home. KIRBY stated that she was traveling away from the direction of the car at the time he fired a shot at WILLIE PIM LOCKWOOD.

Deputy SAM ALO MURPHY stated that there had been no effort on the part of KIRBY to put WILLIE PIM LOCKWOOD into the car until after he was shot and that he, MURPHY, had remained on the inside of the car until he saw WILLIE PIM LOCKWOOD with a knife in his hand and that he then got out and walked around to the point where KIRBY was standing.

Both Deputy KIRBY and Deputy MURPHY stated that KIRBY did not do any cursing at the LOCKWOOD home at the time ELIJAH LOCKWOOD was arrested or at any other time.

The following description of the subject was obtained by observation and questioning:

Born	Elmore County, Ala., 8-13-14.
Height	5' 6"
Weight	159 lbs.
Build	Medium
Hair	Dark brown, curly
Eyes	Brown
Complexion	Medium
Peculiarities	Small cleft in chin; small ears.
Occupation	Chief Deputy Sheriff, Macon County, Ala.
Residence	Auburn Road, Tuskegee, Ala.
Marital status	Married, has 3 boys, ages 1, 3 and 5.
Arrest record	Claims none
Relatives	Mr. and Mrs. WILL KIRBY, Sr., parents, RFD 1, Notasulga, Ala. ED KIRBY, brother, RFD 1, Notasulga, Ala.

The Bureau is being requested to furnish any known criminal record concerning this subject.

Director, Federal Bureau of Investigation

July 29, 1946

Theron L. Caudle, Assistant Attorney General

TLC:MLW:cp

Willie Freeman Kirby
Civil Rights and Domestic Violence

144-2-17 V.M.

HOLLIE

Reference is made to your memorandum of July 12, 1946, with which you forwarded the report of Special Agent Henry A. Donahoo, dated June 21, 1946, at Birmingham, Alabama, in the captioned matter.

No further investigation is required at this time.

Further investigation may be requested in the near future.

cc: Records ←
Chrono
Walters



TLC:MLW:BC

144-2-17

July 30, 1946.

Edward Burns Parker, Esquire
United States Attorney
Montgomery, Alabama.

HOLLIE

Dear Mr. Parker:

Re: Willie Freeman Kirby
Civil Rights and Domestic Violence

Reference is made to the report of Special Agent Henry A. Donahoo, dated June 21, 1946, in the indicated matter.

It will be appreciated if you will carefully consider the report and advise me of your views as to the desirability or need for any further investigation. I would also appreciate an expression from you as to whether you deem it more advisable to proceed with a prosecution by Information rather than indictment in the event we conclude to go forward in the case.

The reported facts show a sharp conflict in the testimony of the officers and the widow and son of the deceased. While it is impossible to reconcile the testimony of the two opposing groups, that of the Negroes seems more probable under the circumstances, as they appear from the report.

Your advice in the premises will be appreciated.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

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LONGACRE 3-6890

August 26
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WILMINGTON, DEL.

Louis L. Redding

Hon. Theron L. Caudle
Assistant Attorney General
United States Department of Justice
Washington, 25, D. C.

Dear Sir:

On May 8th Mr. Marshall sent to Mr. Turner Smith's office an affidavit of Mary Lockwood, widow of Willie Pim Lockwood, in which she set forth the events preceding the death of her husband.

In a letter of May 8th it was indicated that it was our belief that this case was clearly within the rules established by the Screws case and indicated an immediate investigation should be made. Although you indicated to us that an investigation had been requested, we have heard nothing further and would at this time like to be informed of any decision the Department of Justice has made regarding the prosecution of the guilty parties connected with this incident.

Yours very truly,

Robert L. Carter

Robert L. Carter
Assistant Special Counsel

RECORD

RLC:amb
uopwa-19-CIO

144-2-17

DEPARTMENT OF JUSTICE
AUG 27 1946
DIVISION OF RECORDS
CRIM. - CIVIL RIGHTS SEC
V. M.

TLC:MLW:bfp

144-2-17

September 5, 1946

Robert L. Carter, Esquire
Assistant Special Counsel
N.A.A.C.P. Legal Defense and
Educational Fund, Inc.
20 West 40th Street
New York 18, New York.

Dear Mr. Carter:

This acknowledges your letter of August 26, 1946, in which you inquire whether any decision has made regarding prosecution of the parties involved in the shooting and death of Willie Pim Lockwood.

This matter is presently under consideration and it is expected that a decision will be reached in the near future. Your continued interest is appreciated.

Respectfully,

For the Attorney General

NY
7.9.7
WD
THERON L. CAUDLE
Assistant Attorney General

CC Records ✓

Chron.



TLC:MLW:BC

144-2-17

L. J. R.

September 13, 1946.

HOLLIE

Edward Burns Parker, Esquire
United States Attorney
Montgomery, Alabama.

Dear Mr. Parker:

Re: Willie Freeman Kirby
Civil Rights and Domestic Violence

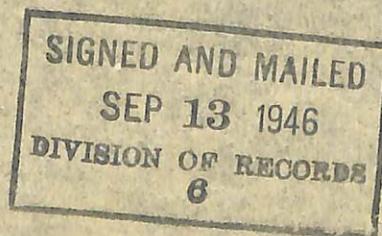
Reference is made to my letter of July 30, 1946,
in the indicated matter.

Will you please give me a reply at your convenience.

Respectfully,

For the Attorney General

MSW
7/27
THERON L. CAUDLE
Assistant Attorney General



CC Records

Chron.

TLC:MLW:LAK

144-2-17

October 10, 1946

Edward Burns Parker, Esquire
United States Attorney
Montgomery, Alabama

Dear Mr. Parker:

Re: Willie Freeman Kirby
Civil Rights and Domestic Violence

Reference is made to my letters of July 30,
and September 13, 1946, in the indicated matter.

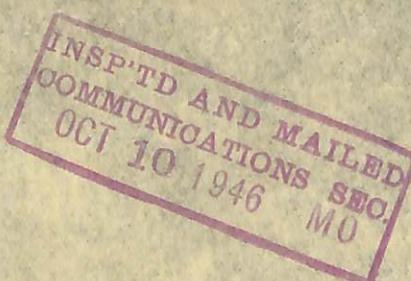
I await a reply at your convenience.

Respectfully,

For the Attorney General

7/17.
J
THERON L. CAUDLE
Assistant Attorney General

cc -Records
Chrono.



DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY

MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALABAMA

October 14, 1946



~~HOLLY~~

Hon. Theron L. Caudle,
Assistant Attorney General,
Department of Justice,
Washington 25, D. C.

Re: Willie Freeman Kirby,
Civil Rights and Domestic Violence.
Dept. Refs: RLC:MLW:LAK 144-2-17

Dear Sir:

This will acknowledge receipt of your letters dated September 13th and October 10th, 1946.

In your letter of July 30, 1946, you refer to report of Special Agent Henry A. Donahoo, dated June 21, 1946. A copy of this report has never reached me. On October 6, 1946, I requested the Special Agent in Charge, Federal Bureau of Investigation, Birmingham, Alabama, to have a copy of this report forwarded to me, and as soon as I receive it, I will write you further in regard to this matter.

Yours very truly,

E. Burns Parker

E. Burns Parker,
United States Attorney

EBP/ac

F. M. P.

144-2-17
DEPARTMENT OF JUSTICE
OCT 16 1946
DIVISION OF RECORDS
CRIM. - CIVIL RIGHTS SEC.

LDM

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALABAMA

October 17, 1946

Hon. Theron L. Caudle,
Assistant Attorney General,
Department of Justice,
Washington 25, D. C.



Re: Willie Freeman Kirby (Curby)
Civil Rights and Domestic Violence,
Dept. Ref. RLC:MLW:LAK 144-2-17

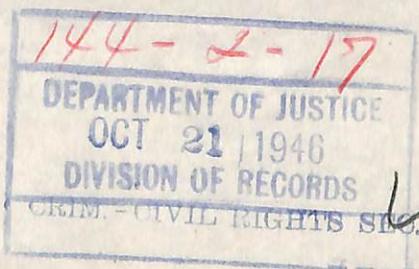
Dear Sir:

With further reference to your letters of September 13th and October 10th, 1946, I beg to advise that I am now in receipt of the report of Special Agent Henry A. Donahoo, dated June 21st, 1946 in regard to the above matter, and after reading and carefully considering the facts set out in this report, I am of the opinion that this matter should be closed.

Yours very truly,

E. Burns Parker,
United States Attorney.

EBP/ac



To *Mr. Walters* Date *NOV 7 1927*
Room No. *3524*

- Approval
- Comment
- Necessary action
- Note and return
- Note and file
- Signature
- See me
- As requested
- For your information
- Per telephone conversation

REMARKS

(Fold here for return)

From *Folsom* Room No. *2120*
Division *Crim* Room No. *2120*

memo to FBI

no further enq-

lts to USA

feel - I think
this one should
be peeled - what do
you think? ^{go}
Panter will meet
on anything.

~~OK~~
~~Better~~
~~nicer~~
~~and~~
~~closer!~~

TLC:MLW:BC

144-2-17

November 15, 1946.

E. Burns Parker, Esquire
United States Attorney
Montgomery, Alabama.

HOLLIE

Dear Mr. Parker:

Re: Willie Freeman Kirby (Curby)
Civil Rights and Domestic Violence

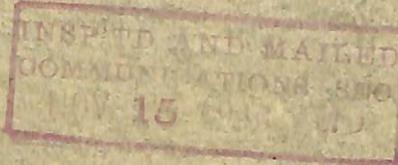
This acknowledges your recent letter in which you advise that after careful consideration of the facts set forth in the report of Special Agent Henry A. Donahoo, you are of the opinion that this matter should be closed.

We concur in your opinion and are, accordingly, closing our files in this matter.

Respectfully,

For the Attorney General

HERON L. GAUDLE
Assistant Attorney General



CC Records ✓

Chron.

File opened 6/16/47

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20 WEST 40TH STREET, NEW YORK 18, N. Y.

LONGACRE 3-6890

June 5, 1947

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EDWARD R. DUDLEY (on leave)	Assistant Special Counsel

REC'D

JUN 6 1947

CRIMINAL DIVISION

*Make a record sheet
of this file and
the file
will be
closed*

Hon. Theron L. Caudle
Assistant Attorney General
United States Department of Justice
Washington 25, D. C.

In re: TLC:MLW:bfs, 144-2-17

Dear Mr. Caudle:

On May 8, 1946, there was sent to Mr. Turner Smith's office, by Mr. Thurgood Marshall, an affidavit by the widow of Willow Pim Lockwood setting forth the manner in which he met his death at the hands of police officers in Tuskegee, Alabama. Receipt of this affidavit was acknowledged, and on September 5, 1946, you wrote us that the matter was being considered and that a decision would be reached in the near future.

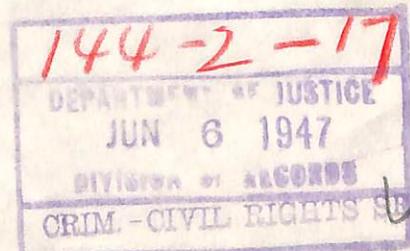
Since that time we have heard nothing from you. May we ask that we be furnished with a report of the investigation and the decision based thereon.

Sincerely yours,

Robert L. Carter

Robert L. Carter
Assistant Special Counsel

RLC:plh



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Leon A. Ransom

Ruth Weyand

WILMINGTON, DEL.
Louis L. Redding

TLC:MMH:cfr

144-2-17

June 24, 1947

Mr. Robert L. Carter
Assistant Special Counsel
National Association for the
Advancement of Colored People
20 West Fortieth Street
New York 18, New York

HOLLIE

Dear Mr. Carter:

I have your letter of June 5, 1947, inquiring as to the disposition made of a complaint set forth in an affidavit of Mrs. Mary Lockwood and forwarded to the Department by Mr. Thurgood Marshall under date of May 8, 1946.

Our investigation reveals that, on May 8, 1946, one Elijah Lockwood, son of Willie Pim Lockwood, was arrested by Deputies Sheriff Willie Kirby and Sam Alo Murphy of Macon County, Alabama. It appears that, en route to jail, the Deputies stopped for a conversation with Mr. Willie Pim Lockwood and his wife, Mary, and that Deputy Willie Kirby and Willie Pim Lockwood became engaged in an altercation which ended with Lockwood's being shot and killed by Kirby. No one was found who would admit to having witnessed the shooting, except Mrs. Mary Lockwood, Elijah Lockwood, and the two Deputies. Mrs. Lockwood and Elijah furnished information radically different from that given by the two Deputies. According to the Lockwoods, Deputy Kirby became angered because Willie Pim Lockwood refused to say "Yes, sir" and "No, sir" in reply to questions. On the other hand, the story of the officers is that Willie Pim Lockwood attempted to take Elijah Lockwood from their custody and that, after blows passed between Kirby and Lockwood, the latter drew a knife and advanced upon the former, whereupon Kirby, in self-defense, drew his gun and fired one shot, resulting in Lockwood's death.

Since there are no other witnesses, it is apparent that the question is which of these parties gave

7.6.7
cc: Records
Chron.



Mr. R. L. Carter

- 2 -

June 24, 1947

the correct version of the affair. Therefore, it is not believed that successful prosecution could be maintained and the case has, accordingly, been closed.

Respectfully,

For the Attorney General

THIRION L. GAUDIN
Assistant Attorney General

N. A. A. C. P. LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

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EDWARD R. DUDLEY (on leave)

Assistant Special Counsel

LONGACRE 3-6890

July 3, 1947

RECEIVED

JUL 7 1947

Hon. Theron L. Caudle
Assistant Attorney General
United States Department of Justice
Washington, 25, D.C.

Criminal Division

In re: TLC:MH:efr--144-2-17 and
TLC:MH:efr--144-40-17

Dear Mr. Caudle:

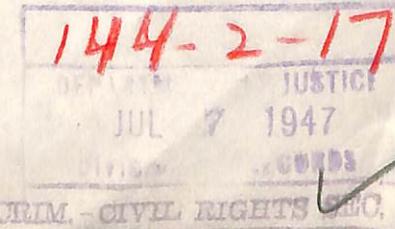
This will reply to your letter of June 24, 1947 informing us of the result of your investigation into the killing of William Pim Lockwood by Deputy Sheriff Willie Kirby in Macon County, Alabama.

In your letter you state that Kirby claimed that he shot Lockwood in self defense after being attacked by Lockwood with a knife. On the other hand you state that Mrs. Lockwood and her son claim that Lockwood was killed because he refused to say "Yes, sir" and "No, sir," in reply to questions. You state in your letter that since there are no other witnesses and the issue will be which of the two statements is a correct version of the affair, it is not believed that a successful prosecution could be maintained and the case has accordingly been closed.

I assume that it is also your conclusion that under the decision in the Screws case the facts would not warrant an attempt to prosecute even were Mrs. Lockwood's statements to be undisputed.

In reviewing this case, I am reminded of the case of Casey Lee Pointer in Cleveland, Mississippi where the cold blooded killing of an unarmed Negro by two police officers was likewise found by your office to be one in which no prosecution could be successfully maintained.

It seems to me that these two cases are the type which should be brought to the attention of the President's Committee on Civil Rights to point out to them the need for adequate legislation to empower



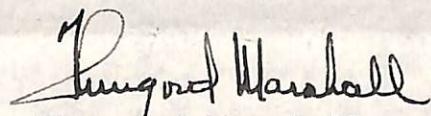
Hon. Theron L. Caudle

-2-

July 3, 1947

you to protect the ordinary Negro citizen in the South from wanton killing by police officers. May I suggest that the investigations of your office in these two cases be forwarded to the President's Committee as illustrative of the violations of fundamental human rights by police officers in the South which must be the subject of legislation enabling you to enter the cases.

Yours very truly,


Thurgood Marshall
Special Counsel

TM:abs
uopwa-19CIO

TVQ:MMH:efr

144-2-17

July 25, 1947

Mr. Thurgood Marshall
Special Counsel
National Association for the
Advancement of Colored People
20 West Fortieth Street
New York 18, New York

HOLLIE

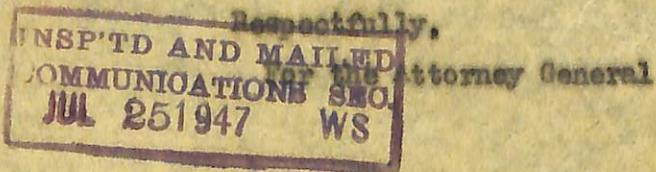
Dear Mr. Marshall:

This letter refers to yours of July 3, 1947, involving the alleged killing of William Pin Lockwood in Macon County, Alabama, and of Casey Lee Pointer in Cleveland, Mississippi.

Regarding the effect of the Sorenson decision upon these cases, it was not felt that that decision precluded successful prosecution in the Lockwood matter. It was believed that there was little or no likelihood that the issues of fact would have been resolved in favor of the Government had prosecution been instituted. As to the case involving the killing of Mr. Pointer, it is believed that the Sorenson decision would effectively prevent successful prosecution. Our investigation showed what amounted to an attack upon an officer by Pointer and a struggle with him for possession of the officer's gun. According to the investigation, the most that the Government could hope to show would be that the officers used more force than might have been necessary to subdue Pointer. However, as you know, under the Sorenson decision, this would not be sufficient to sustain conviction.

Regarding your suggestion that these two matters be submitted to the Committee on Civil Rights, you are advised that the problems involved, with ample illustration, have already been submitted to that Committee by the Department. We have no doubt, therefore, that the Committee is fully aware of the situation.

*MMH
T.L.T.*



T. VINCENT QUINN
Assistant Attorney General

cc: Records
Chron.

Alexander M. Campbell, Assistant Attorney
General, Criminal Division
Civil Rights Section

November 30, 1948

AMC:ISM:evf

Little Benjamin Meadows, Cecil Orris
Thrash, Otis H. Ward - Subjects;
Amos Starr - Victim
Civil Rights and Domestic Violence
144-2-29

144-2-17 ✓ *filed*
144-2-29
144-2-30

Horace Akin, et al.; Johnnie Mae
Greathouse, et al. - Victims;
Involuntary Servitude and Slavery
144-2-30

HOLLIE

HOLLIE

The Civil Rights Section, for reasons indicated in this memorandum, feels compelled to refer to you for instructions in the above captioned matters. The Section firmly believes that these cases necessitate further action. However, Edward Burns Parker, United States Attorney for the Middle District of Alabama, entertains opinions to the contrary.

1. The first of these matters is Department File 144-2-29. The investigation thus far has revealed that the victim was fatally shot by the subject, a police officer of Tallahassee, Alabama, as the victim was attempting to escape arrest for the commission of a misdemeanor. Although the subject claims that he killed the victim in self-defense, the investigation indicates that the victim was shot as he was running away from the subject. The Civil Rights Section, therefore, feels that an autopsy is necessary in order to resolve conflicting stories as to the manner in which the victim was killed.

*MMF
Jew
Jew*

More specifically, the investigation has revealed that, on the one hand, the subject's claim of self-defense is corroborated by local officials who examined the victim's body after the shooting. On the other hand, however, there is a substantial amount of evidence refuting the subject's contention and indicating that the victim was shot in the back as he was running away. A witness who viewed the victim's body and the undertaker who prepared the body for burial maintain that the victim was shot in the back. Moreover, one of the three doctors who examined the victim's body has conclusively determined that the victim was shot from behind. The other two state that, due to the fact that the body had been prepared for burial, they could not, in the absence of an autopsy determine the point of entry of the fatal shot. In addition, the driver for the aforementioned undertaker and a photographer, who took pictures of the victim's body, state that it was not possible to determine whether the victim was shot in self-defense or in the back as he was running away from the subject.

cc: Records✓
Chrono
Sec. File
Miss Micrountsicos
Extra Copy

The Civil Rights Section, feeling that, if an autopsy of the victim's body conclusively determined that the victim was shot in the back, the evidence disclosed by the investigation would warrant prosecution, solicited Mr. Parker's opinion on July 21, 1948*, as to the advisability of having this autopsy. On July 26, 1948*, Mr. Parker advised that an autopsy should not be performed for the reason that the State Circuit Solicitor would have prosecuted the subject had he believed that the subject was guilty. After a discussion of this matter with Mr. Whearty, it was concluded that, despite Mr. Parker's objections, no definite decision relative to prosecution or to the closing of the case could be made without the results of the autopsy. Accordingly, on September 23, 1948*, we requested Mr. Parker to make all the necessary arrangements for the autopsy. Having received no communication from Mr. Parker regarding this matter, on October 15, 1948*, we again wrote to him asking that he advise us as to the status of the same. Finally, eight weeks after we requested the autopsy, we received a letter, under date of November 16, 1948, in which Mr. Parker indicated that he had made no arrangements for the autopsy. Mr. Parker advised that he is of the opinion that, inasmuch as the local officials believe that the victim was killed in self-defense, the Federal Government should not require an autopsy of the victim's body. It is obvious that Mr. Parker completely ignores the aforementioned medical testimony and other evidence indicating that the victim was shot in the back as he was running away from the subject.

2. The second matter, to which your attention is directed, is Department File 144-2-30. The original complaint in this case was made to an Assistant in Mr. Parker's office who referred the complainant to the Federal Bureau of Investigation inasmuch as violations of the Civil Rights Statutes appeared to be indicated. Briefly, it appears that the victims are being compelled against their will to work at a certain inn near Dadeville, Alabama. The investigation has revealed that, when the victims left the inn to work elsewhere, they were arrested on spurious charges; that the victims' new employer was not permitted to post bond for them, although the innkeepers were permitted to do so over the victims' objections; that the local deputy sheriff compelled the victims to return to the inn and threatened them with arrest if they again left; and, that the cases against the victims were continued at the request of the innkeepers until such time as certain debts were worked out by the victims.

* A copy of this letter and each letter hereafter referred to, which is marked with an asterisk, is attached herewith.

On September 9, 1948, pursuant to our request that we be informed as to Mr. Parker's opinion relative to prosecution, Mr. Parker advised us that "this matter should be closed without further investigation." Mr. Parker, however, failed to state any reason for this conclusion. Inasmuch as the facts in this case clearly indicated a strong case for prosecution, we wrote to Mr. Parker on October 29, 1948*, outlining the available evidence and pointing out the specific violations of Federal law. Under date of November 16, 1948*, Mr. Parker advised us that, since he knows the local officials and some of the persons mentioned in the investigative reports, this matter should be closed without prosecution.

The Civil Rights Section now appears to be confronted with an impasse in connection with the enforcement of the Civil Rights Statutes in the Middle District of Alabama. The United States Attorney, Mr. Parker, is seemingly determined not to prosecute or otherwise cooperate with the Department in cases involving violations of these statutes.

The Civil Rights Section has for a long time been aware of Mr. Parker's attitude towards Civil Rights violations. In 1946, Department File 144-2-17, was closed by the Section because of Mr. Parker's refusal to cooperate. The manner in which Mr. Parker handled this case so impressed the President's Committee on Civil Rights that it was cited in the report of that Committee as an example of the "serious shortcomings in the work of some of the United States Attorneys." The President's Committee stated:

In another case involving the killing of a Negro by a deputy sheriff, the Civil Rights Section sought the advice of the United States Attorney on July 30, and referred him to the FBI report of its investigation in the case. On September 13, the Section again asked for the advice of the United States Attorney. On October 10, it repeated its request for the third time. On October 14, the United States Attorney wrote that he had not received the FBI report, but would express his views to the Section as soon as he obtained it. On October 17, he advised that he had received the report and he thought the matter should be closed. He gave no reason for his opinion. The Civil Rights Section closed the case, apparently because the Civil Rights Section attorney in charge reported, according to a note in the file, that "X -- [Parker] will not go on anything." (The Report Of The President's Committee On Civil Rights, To Secure These Rights, p. 122)

Over a period of years there have been many other cases involving Civil Rights violations and requiring further action or prosecution which have been closed as a result of Mr. Parker's unwillingness to take any action.

At present the Civil Rights Section has several cases pending in Mr. Parker's District which will demand action if current investigations substantiate the preliminary information received by the Department. If Mr. Parker has to be depended upon, it is difficult to imagine any action being taken other than closing these cases.

The situation, therefore, is that the Department is unable to proceed with the enforcement of the Civil Rights Statutes in the Middle District of Alabama. Since investigations alone have no salutary effect when it is generally known that violations will not be prosecuted, it seems questionable whether under the circumstances indicated above it is worth while proceeding with them.

We, therefore, request that you advise us, at your earliest convenience, as to what action to take in the above captioned matters. Instruction is also urgently needed regarding other cases, investigations and complaints now pending or which may arise in Mr. Parker's District.

Attachment

