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144-20-9

FEDERAL RECORDS CENTER

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CLOSED

Office Memorandum • UNITED STATES GOVERNMENT

RECEIVED

FEB 26 1944

TO : Assistant Attorney General Tom C. Clark

FROM : J. Edgar Hoover - Director, Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

DATE: February 24 1944
CRIMINAL DIVISION

There is transmitted herewith a copy of the report of Special Agent Joseph P. Benson, dated February 1, 1944, at Charlotte, North Carolina, in the captioned case.

Please advise whether you desire this Bureau to take any further action in this matter.

Enclosure ✓

RECORDED

144-20-9^{AK}

DEPARTMENT OF JUSTICE
FEB 25 1944
DIVISION OF RECORDS
CRIM. DIV. - BOTNEM ✓

NEW

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **SAVANNAH, GEORGIA**

FILE NO. **44-39**

dgk

REPORT MADE AT CHARLOTTE, N. C.	DATE WHEN MADE 2-1-44	PERIOD FOR WHICH MADE 12-1,2-43	REPORT MADE BY JOSEPH P. HENSON
TITLE JAMES MITCHELL BOHANNON			CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE

SYNOPSIS OF FACTS: Complaint submitted by Major **SIDNEY L. GILBERT** regarding killing of **WILLIE L. DAVIS**, negro soldier at **Summit, Georgia**, on **July 3, 1943**, by Chief of Police **JAMES MITCHELL BOHANNON**. **BOHANNON** held to be justified by coroner's jury. Army investigation reflected the killing to be unjustifiable. Complainant felt that the results of Army investigation warranted further investigation of the case by the FBI.

- R U C -

DETAILS: At High Point, North Carolina

This report is predicated upon a complaint received from Major **SIDNEY L. GILBERT**, Legal Advisor, Judge Advocate Generals Department, on **December 1, 1943**. Major **GILBERT** advised that he was in receipt of a letter from the mother of **WILLIE DAVIS**, Army Serial Number **34,059,054**, Technical **5th Medical Detachment, New Orleans Army Air Base, New Orleans, Louisiana**, which letter was written to **Mrs. ELEANOR ROOSEVELT**, regarding the killing of **DAVIS** by Chief of Police **JAMES MITCHELL BOHANNON** at **Summit, Georgia**, on **July 3, 1943**. **Mrs. DAVIS** complained of the fact that the killing of her son was to go unpunished.

Details of the killing, the findings of the Army Medical Board, the Army Medical Record, the investigative report of Lieutenant **RALPH WILLIS**, and copies of the statements of witnesses as obtained in the Army record of **DAVIS**, were reviewed by the reporting agent.

The investigative report of First Lieutenant **RALPH WILLIS**, Cavalry, stated that in his opinion **DAVIS** was unjustifiably killed by **BOHANNON**.

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT	AK	<div style="border: 2px solid blue; padding: 10px; display: inline-block;"> <p style="font-size: 2em; color: red; margin: 0;">144-20-9</p> <p style="margin: 5px 0;">DEPARTMENT OF JUSTICE</p> <p style="margin: 5px 0;">FEB 25 1944</p> <p style="margin: 5px 0;">DIVISION OF RECORDS</p> <p style="margin: 5px 0;">COMM. DIV. - PATRIM</p> </div>	
5 - Bureau			
3 - Savannah			
2 - Charlotte			

Charlotte 44-39

This finding was based chiefly on statements of witnesses to the affair, JONATHAN STOKES and JOE ELLIS, who stated that BOHANNON struck DAVIS apparently without reason and when the soldier objected he grabbed at the Chief, but Chief BOHANNON struck him again, at which time the soldier ran and Chief BOHANNON pursued him. Neither of the witnesses actually saw the shooting; however, it was ascertained by Lieutenant WILLIS that DAVIS was unarmed, except for a dull pocket knife which he had in his possession, but which pocket knife he at no time had in his hands during the fray.

A copy of the signed statement taken at Swainsboro, Georgia, on August 7, 1943, by Lieutenant WILLIS from JONATHAN STOKES reads as follows:

"When the trouble started, Mr. BOHANNON walked into the juke and WILLIE LEE went out and leaned his arm up against the banister on the porch and was talking to a girl; then Mr. BOHANNON walked up to him and began to search him. WILLIE LEE says, 'You haven's any business searching me. I'm Uncle Sam's man.' When he said that the Chief slapped WILLIE LEE and WILLIE LEE slapped him back. By that time they were off the porch on the ground tussling. WILLIE LEE broke loose and run and Mr. BOHANNON and his boy threwed the flashlight on him and run behind him, and that is all I know about it. WILLIE LEE had run around by the well. I was standing only a few feet away when Mr. BOHANNON shot WILLIE LEE."

A copy of the statement taken by Lieutenant WILLIS from JAMES MITCHELL BOHANNON on July 6, 1943, at Summit, Georgia, reads as follows:

"I, James Mitchell Bohannon, Chief of Police of Graymount and Summit, Ga. was on duty Saturday night, July 3rd. About mid-night it was reported to me that there was a disturbance in a juke joint in the outskirts of Summit. Upon investigation I arrested a colored civilian and took him to jail, then returned to the juke joint as there was still some disorder. During my investigation of the disorder the colored soldier, Willie Lee Davis interfered by using profane language. His remarks were not addressed directly to me but were mentioned in such a tone of voice it was possible for me to hear him. As I started out of the juke joint, the soldier was standing on the porch. As I passed him, my hand struck his pocket and I noticed he had a knife. When I felt the knife in his pocket, he then struck me on the chin with his fist. I spun around and hit him across the face with the back of my hand. He then reached out and grabbed my arm and attempted to throw me to the ground. I broke loose and we crossed again. He attempted to grab my gun, but

Charlotte 44-39

"I knocked his arm away. He then grabbed me again for the second time to obtain my gun. When this attempt was unsuccessful, he then cursed saying that he was going to get a weapon and ran around the corner of the building. A civilian, Willie Brown and my son, James Mitchell Bohannon Jr. were with me and I instructed them to chase the colored soldier and ran after him myself. I went around the corner of the building by the use of a flashlight, located him by the fence attempting to pull loose one of the boards to use. When I hollered at him, he swung around and approached me barehanded. I told him not to advance any further, that I would kill him if he continued to advance on me. The only reply to my warning was his cursing and he continued to advance. When he got within four or five feet of me, I shot him and he fell. He took about three breaths and died."

In view of the above facts, Major GILBERT felt that the Federal Bureau of Investigation should conduct investigation, since there was a violation of the rights of the negro soldier DAVIS. Further details regarding the killing are available in the Army record of WILLIE DAVIS, Army Serial Number 34,059,054, Technical 5th Medical Detachment, New Orleans Army Air Base, New Orleans, Louisiana.

Copies of this report are being submitted to the Bureau and the Savannah Office for whatever action may be deemed advisable.

- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN -

The Director, Federal Bureau of Investigation

February 28, 1944

Tom C. Clark, Assistant Attorney General

TCC:EB:nl

144-20-9 E. W. C.

James Mitchell Bohannon -
Civil Rights and Domestic Violence

This will acknowledge receipt of your memorandum of
February 24, 1944, in the above matter.

Please make a full investigation of the alleged killing
of the Negro soldier, Willie L. Davis, and expedite as much
as possible.

RECORDED
52

E.B

f

Director, Federal Bureau of Investigation

April 4, 1944

Assistant Attorney General Tom C. Clark

TCC:EB:klj
44-20-9

Jim Bohannon,
Willie Davis, Victim;
CIVIL RIGHTS AND DOMESTIC VIOLENCE.

I enclose a copy of a memorandum in the above matter just referred to us by the National Association for the Advancement of Colored People. This may be helpful to you in the investigation of the killing of Private Davis.

Enclosure No. 191973

26
R



144-20-9
January 18, 1944

Mrs. Ethel Davis came into the office.

Her son Willie Davis was standing on a corner talking to Cleo Cotton

Jim Bohhanon the local policeman came along and was slapping various men (perhaps to determine if they had a gun) When he slapped Willie Davis, Davis turned and told him that was not necessary. The policeman hauled off and struck Davis in the face. Davis hit back and then turned to walk away, whereupon the policeman shot him in the back killing him instantly.

The following are names of persons who actually witnessed the shooting are as follows. These people are all willing to make a statement to the attorney general if necessary.

✓ Walter Sanford,	-	Summit, Ga.
✓ Dave Stoke		Summit, Ga.
✓ Joe Stoke		Summit, Ga.
✓ Joe Ellis		Summit, Ga.
✓ John Williams		Summit, Ga.

76 - 2 B



TCC:EB:klj

144-20-9

April 4, 1944

W. W. W. W.
144-20-9
Thurgood Marshall, Special Counsel,
N.A.A.C.P. Legal Defense and Educational Fund, Inc.,
69 Fifth Avenue,
New York 3, New York.

Dear Mr. Marshall:

Re: Killing of Private Willie Davis

I have looked into the two cases which you discussed with Mr. Rotnem in your interview with him last Thursday. The killing of Private Willie Davis is being investigated, but the investigation is not yet complete.

E.B.
P
We decided that the action of the police officer in the case of the complaint of Mrs. Annie Merritt of Tuscombis, Alabama, was not action under color of law and that therefore there was no Federal jurisdiction over the matter.

Respectfully,

For the Attorney General,

TOM C. CLARK,
Assistant Attorney General.



RECEIVED

Office Memorandum APR 18 1944 UNITED STATES GOVERNMENT

CRIMINAL DIVISION

TO : Assistant Attorney General Tom C. Clark

DATE: April 8 - 1944

FROM : J. Edgar Hoover - Director, Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

Reference is made to your memorandum dated February 24, 1944, in the captioned matter, and to your memorandum dated April 4, 1944, your file reference TCC:EB:klj 144-20-9.

144-20-9	
DEPARTMENT OF JUSTICE	
APR 11 1944	
CRIM. DIV. - ROTNEM	

For your information, there is transmitted herewith a copy of the report of Special Agent William G. Kimbrough, dated April 3, 1944, at Savannah, Georgia, captioned as above.

Your advice would be appreciated as to whether you desire further investigation in this matter and whether you desire all of the individuals mentioned in the enclosure to your memorandum of April 4, 1944, interviewed. It is noted that the attached report sets forth the interview of Dave Stokes, Summit, Georgia.

Enclosure ✓

RECORD

April 8 - 1944

Assistant Attorney General Tom C. Clark

J. Edgar Hoover - Director, Federal Bureau of Investigation

JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

Reference is made to your memorandum dated February 24, 1944, in the captioned matter, and to your memorandum dated April 4, 1944, your file reference TCC:EB:klj 144-20-9.

For your information, there is transmitted herewith a copy of the report of Special Agent William G. Kimbrough, dated April 3, 1944, at Savannah, Georgia, captioned as above.

Your advice would be appreciated as to whether you desire further investigation in this matter and whether you desire all of the individuals mentioned in the enclosure to your memorandum of April 4, 1944, interviewed. It is noted that the attached report sets forth the interview of Dave Stokes, Summit, Georgia.

Enclosure

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **SAVANNAH, GEORGIA**

FILE NO. **44-22 MBH**

REPORT MADE AT SAVANNAH, GEORGIA	DATE WHEN MADE 4-3-44	PERIOD FOR WHICH MADE 3-16-44	REPORT MADE BY WILLIAM G. KIMBROUGH
TITLE JAMES MITCHELL BOHANNON			CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE

SYNOPSIS OF FACTS:

Chief of Police **JAMES MITCHELL BOHANNON** of Graymont and Summit, Ga. advised in signed statement that he shot and killed **W. L. DAVIS**, a negro soldier, on July 3, 1943 in performance of his duty and in order to protect his own life. Killing resulted from an investigation made by subject of a disturbance in a negro juke joint in Summit on night of July 3, 1943. Decision of Coroner's jury was that subject shot in self-defense in performance of his duty. Investigation reveals victim to be of a quarrelsome nature.

-P-

REFERENCE:

Report of SA **JOSEPH P. BENSON**, Charlotte, N. C. dated 2-1-44

Letter from Bureau to Savannah dated March 2, 1944.

DETAILS:

1

AT GRAYMONT & SUMMIT, GA.

The files of the Savannah Field Division reveal a letter dated March 2, 1944, from the Bureau, advising that the Criminal Division of the Department of Justice had requested that a full investigation of the alleged killing of **WILLIE L. DAVIS**, a negro soldier, at Graymont and Summit, Georgia, on

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 5 Bureau 1 USA Savannah 2 Savannah		<div style="border: 2px solid blue; padding: 5px; text-align: center;"> 44-20-9 DEPARTMENT OF JUSTICE APR 2 1944 DIVISION OF RECORDS CRIM. DIV. - SAVANNAH </div>	[Blank space for stamps/signatures]

SAV. 44-22

July 3, 1943, be conducted.

WILLIAM G. KIMBROUGH
Special Agent, FBI
Savannah Division

The subject in instant case, JAMES MITCHELL BOHANNON, who is Chief of Police of both Braymont, Georgia, and Summit, Georgia, was interviewed by the writer on March 16, 1944 and gave the following signed statement.

"3-16-44
Swainsboro, Ga.

"I, J. M. Bohanon make the following voluntary signed statement to W. G. Kimbrough knowing him to be a Special Agent of the Federal Bureau of Investigation. No threats or promises of reward have been made to me to induce me to make this statement. I know this statement can be used in court.

"About 11 P.M. on July 3, 1943 an unknown person drove up to my restaurant in Summit, Ga. and asked for me, and on being informed I was inside, this unknown man said 'Tell the Chief there is a disturbance in negro town'.

"I got in my car, together with Willy Brown (white man) and my 15 yr. son and drove straight to Sanford's Juke Joint as I knew this was where the negroes usually hung and I had had trouble with negroes at Sanford's place before, all minor disturbances.

"When I arrived at Sanford's, there was a large crowd of negroes out in the road and there was a negro by name of Arthur Cross in the middle of the circle of negroes, who had a wrench in his hand and cursing in a loud voice. I took this wrench from Cross, placed him under arrest, and carried him to jail. Enroute to jail Cross told me that Eldon Roundtree had a pistol in his possession and had fired it several times that night at Sanford's Juke Joint.

"When I returned to Sanford's I saw Eldon and searched him but could not find a gun on him. While I was searching Roundtree I heard W. L. Davis who was inside the juke joint at this time (I was searching Roundtree on the porch) say, 'What has that Son-A-Bitch come down here for, I am going to run this Juke Joint'.

"After finishing searching Roundtree I started in the door and W. L. Davis brushed up against me as I passed through the door. I continued on inside, looked around for a few minutes and came back out on the porch. I saw Davis on the porch, with his left hand

leaning against the rafter of the porch, and I notice something bulky in his right side pocket. I went up to Davis with intention of searching him and placed my hand on his right side pocket. Davis immediately struck me with his hand, and said 'You Son-A-Bitch you have hit your last negro. I then slap Davis on his right jaw. Davis then ran into me and grabed my left hand and tried to twist it and trip me at the same time. I pushed Davis off and stepped off on to the ground, and Davis immediately jumped off the porch and started for me again. I attempted to grab my gun but missed and caught hole of my hand cuff case. Handcuffs and gun were both strapped on my right side. I pushed Davis off again and he made two more unsuccessful attempts to take my gun from me and then said if I can't get that one I know where I can get one you Son-A-Bitch. Davis then wheeled and ran around behind the house. I did not run after Davis, but hollered to Willy Brown to 'catch that negro'. I walked on up to where my car was parked, and heard a noise down beside the house and flashed my light in the direction of the noise and saw Davis trying to losen a board from the picket fence in rear of the house.

"I then told Davis that he had caused enough trouble for one night and for him to come on out. Davis answered, 'I am coming you son-A-Bitch, and I am going to get you when I come. Davis then left the fence and started towards me with his left hand out straight and swining his right as if he were winding up to hit me. Davis again cursed me for a God Dam Son-A-Bitch.

"I told Davis to stop twice & he kept coming and the third time I told him if he did not stop I was going to kill him. Davis was within about 4 ft. of me when I shot him. I shot him one time. Davis fell, and I searched him, and found a switch blade knife in his right side pocket.

"I then returned to my restaurant and called the Sheriff and told the sheriff to call the undertaker.

"W. L. Davis was wearing a U. S. Army uniform and I was wearing my police uniform.

"A Cormer's inquest was held on July 10, 1943 and I was exonerated of all blame. The Coroner's decision was that I shot in self defense in performance of my duty.

"When I entered the juke joint I saw Dave Stokes standing in the yard. Davis was inside.

"Stokes testified at the Coroner's hearing that he had heard Davis

SAV. 44-22

curse me when I first drove up to the juke joint. Stokes testified that Davis said 'What is that Son-A-Bitch coming down here for, I am going to run this juke joint'.

"I have read the above statement consisting of this and 4 other pages and it is true to the best of my knowledge."

/s/ J. M. Bohannon

Witness

W. G. Kimbrough F.B.I.

Chief BOHANNON further advised he had been on the Police Department of Graymont and Summit, Georgia, for the last four years and this was the first serious trouble he had ever encountered since becoming a member of the Graymont-Summit Police Department. BOHANNON stated that DAVIS was the first man he had ever attempted to shoot. BOHANNON stated he had known DAVIS for the last four years and he had the reputation in Graymont and Summit of being a mean negro who thought he was as good as a white man. BOHANNON stated DAVIS resented any white man reprimanding him for anything.

BOHANNON stated that on the night in question after he had arrested ARTHUR CROSS and had placed him in jail in Summit, he returned to the juke joint with the intention of seeing if everything was quiet and after he returned he noticed something bulky in DAVIS' pocket. He advised he attempted to search DAVIS but DAVIS resisted and he then intended to place him under arrest and put him in jail but he did not intend to shoot DAVIS unless he had to and would not have killed DAVIS unless he had been convinced it was the only way he could protect his own life. BOHANNON advised he was attempting to place DAVIS under arrest and lodge him in jail, after which he intended to notify the Army authorities to come and get DAVIS. BOHANNON further stated he never did tell victim DAVIS that he, DAVIS, was under arrest.

H. V. DURDEN
General Delivery
Summit, Ga.

Mr. H. V. DURDEN of Summit, Georgia, advised the writer that he was a member of the Coroner's jury in instant case and the verdict of the Coroner's jury was that Chief BOHANNON had killed W. L. DAVIS in performance of his duty and in order to protect his, BOHANNON'S, life. Mr. DURDEN stated he was of the opinion that Chief BOHANNON was perfectly justified in shooting DAVIS and he arrived at this opinion by visiting the crime scene and also by listening to testimony given at the Coroner's hearing. DURDEN advised that the inquest revealed that victim was shot one time in the chest but that he, DURDEN, did not remember the exact spot. DURDEN stated he saw victim about

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SAV. 44-22

thirty minutes after the shooting but did not examine him. DURDEN advised there was no written testimony taken at the inquest but that C. A. COLEMAN was the Coroner and was presently residing near Swainsboro, Georgia, but he had only the verdict of the jury in writing and he did not have any of the testimony in writing. He advised that the vote of the Coroner's jury was unanimous and BOHANNON was not guilty.

Mr. DURDEN stated he had been residing in Summit for the past thirty-nine years and he had known Chief BOHANNON for about eight or ten years. He stated he had never known BOHANNON to intimidate or mistreat anyone. He stated he had never heard of Chief BOHANNON shooting anyone else and that he knew BOHANNON treats whites and blacks all the same.

Mr. DURDEN further stated he remembered asking DAVE STOKES, a negro eyewitness who testified at the Coroner's hearing, if victim DAVIS had hit Chief BOHANNON before Chief BOHANNON shot DAVIS, and STOKES testified at the Coroner's hearing that DAVIS had hit Chief BOHANNON and then ran around the corner of the house and tried to pull a picket off the fence in order to strike BOHANNON. DURDEN further stated that STOKES advised he lost sight of DAVIS when DAVIS ran around the house, and when he next saw DAVIS, DAVIS was advancing towards Chief BOHANNON, and Chief BOHANNON told DAVIS to stop three times but DAVIS kept coming towards BOHANNON; that after Chief BOHANNON told DAVIS the third time to stop he shot him.

DURDEN also stated that STOKES testified at the Coroner's hearing that DAVIS had made the statement when he saw Chief BOHANNON walk into Sanford's juke joint on the night of the shooting, "What in the Hell are you doing in here, I am going to run this place". DURDEN stated witnesses testified at the Coroner's hearing that Chief BOHANNON was wearing his police uniform at the time of the shooting and there could have been no doubt in DAVIS' mind as to the identity of Chief BOHANNON.

TOMMY LEE
General Delivery
Swainsboro, Ga.

Mr. LEE, a farmer residing near Summit, Georgia, advised he was a member of the Coroner's jury in instant case and the verdict of the jury was unanimous in that Chief BOHANNON was justified in killing W. L. DAVIS on the night of July 3, 1943. LEE stated he was at Chief BOHANNON'S restaurant in Summit, Georgia, when BOHANNON received a complaint from an unknown person that there was a disturbance in negro town. Mr. LEE stated that after receiving instant complaint, Chief BOHANNON immediately left the restaurant en route to the negro section and BOHANNON returned to the restaurant in approximately twenty minutes and told him LEE, about the shooting. LEE stated BOHANNON was wearing his police uniform when he left the restaurant and also had it on when he returned to the restaurant.

SAV. 44-22

LEE stated he personally had known victim for several years and that he had talked to numerous people in and around Graymont and Summit, Georgia; that all of them had told him DAVIS was a mean negro and liked to cause trouble.

LEE advised Chief BOHANNON was hired by the cities of Graymont and Summit to preserve law and order and not hired to fight negroes with his hands; that in his opinion BOHANNON was justified in shooting DAVIS.

LEE stated that victim's mother works for LEONARD ROUNDTREE, a white man in Summit, Georgia and LEONARD ROUNDTREE always takes up for the negro when there is trouble between a white man and a negro, whether the negro is right or wrong. LEE stated he believed ROUNDTREE was adgitating the case; that he also believed ROUNDTREE suggested to DAVIS' mother that she make a complaint to the FBI.

Mr. LEE stated that DAVE STOKES, a negro eyewitness to the shooting testified at the Coroner's hearing "that DAVIS made fight with Chief BOHANNON and that Chief BOHANNON was right in killing him". LEE also stated that STOKES testified at the Coroner's hearing that he, STOKES, saw DAVIS hit Chief BOHANNON before BOHANNON shot DAVIS. LEE also advised that STOKES testified at the Coroner's hearing that he, STOKES, and DAVIS were standing near each other on the porch of the juke joint when Chief BOHANNON drove up to the juke joint and DAVIS made the following statement. "What the hell is that S--- of a B----- coming down here for, I am going to run this juke joint".

DAVE STOKES
General Delivery
Summit, Ga.

The writer contacted DAVE STOKES who is employed as a laborer on the farm of Mr. LEONARD ROUNDTREE. STOKES advised the writer that he had been an eyewitness to the shooting of W. L. DAVIS at Sanford's juke joint on the night of July 3, 1943. STOKES gave the following signed statement.

"3-16-44
Swainsboro, Ga.

"I, Dave Stokes make the following voluntary statement to W. G. Kimbrough, whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats or promises of reward have been made to me to induce me to make this statement. I know that this statement can be used in court.

"One night last Summer, I do not remember the exact date, I was in Richard Sanford's juke joint in Summit, Ga. and W. L. Davis was with

me. I do not remember whether W. L. was drinking or not, but I had drank two bottles. About 10:30 or 11:00 P.M. W.L. and I were standing out on the front porch of the juke joint and saw Chief of Police Bohanon drive up in his car. Chief got out of his car and came in the juke joint and met Eldon Rountree (negro) on the porch, near where we were standing, and Chief searched Eldon. After searching Eldon, Chief Bohanon came over to where we were standing and started to search W. L. Davis. Chief started to feeling in W.L.'s pockets from the rear and W. L. caught Chief's hand and told him (Bohanon) that he did not have a right to search him as he was not Bohanon's man. I do not know what W.L. meant by this statement. After W.L. caught Chief Bohanon's hand, Chief slapped W.L. and W.L. slapped Chief Bohanon and then they started fighting, and Davis slung Chief Bohanon off of the porch on to the ground. After they hit the ground they continued fighting. After fighting a few minutes on the ground I saw Davis stop fighting and run around the corner of the house. Davis could have gotten away from Chief Bohanon when they were on the porch if he had wanted to, but I don't think he wanted to get away, it looked like to me that he wanted to fight.

"I do not know why W.L. Davis ran around the corner of the house. I have known Davis to have been in one other fight before he was killed. I have known W.L. all my life and he and I were good friends.

"Chief Bohanon did not run after W. L. immediately but waited about one minute and when some one told Chief where Davis had gone, he (Chief Bohanon) went around the house and soon after this I heard a pistol shoot. I did not go around to where W. L. was lying on the ground as Chief Bohanon told us not to go.

|| "I do not remember testifying in the Coroner's hearing that I had heard W. L. curse Chief Bohanon.

|| "I do not know what took place after Davis ran around the corner of the house, but I know that Chief Bohanon did not attempt to shoot Davis in my presence. Chief Bohanon did not make an attempt to draw his gun.

"I have read this statement consisting of this and two other pages and it is true to the best of my knowledge."

/s/ David Stokes

Witness
W. G. Kimbrough F.B.I.

DAVE STOKES stated he was twenty-three years old and had been living in Summit, Georgia, all his life. He stated that subject DAVIS' mother had asked him to testify at the Coroner's hearing and Chief BOHANON, so far as he knew, had not asked any one to testify at the Coroner's hearing. STOKES further advised that victim DAVIS had told him on numerous occasions that he, DAVIS, had been trained how to take guns away from people. STOKES stated that two other negroes, JACK WILLIAMS and JOE ELLIS had also testified at the Coroner's hearing and he thought they had testified to practically the same as he had.

11

Mr. W. C. BISHOP, General Delivery, Summit, Georgia, described subject BOHANON as a fine police officer and a gentleman; that he did not think BOHANON would have killed the negro unless he had to in order to protect his own life. BISHOP stated he knew nothing of the details of instant killing but had known victim and his mother ETHYL for a number of years, and both of them were known in an around Graymont and Summit as being mean negroes. BISHOP stated victim DAVIS came to Summit wearing an Army uniform and he wanted to make a big show with the other negroes; that he tried to just take the town apart.

Dr. W. A. ROUNDTREE, Summit, Georgia, advised that he had been living in Summit for the past forty years and that he knew nothing of the details in instant case. He stated he had known Chief BOHANON personally and he knew BOHANON would not kill any one unless it was to protect his own life. Dr. ROUNDTREE stated BOHANON had a fine reputation as a police officer in Summit and the country needed more police officers like BOHANON to protect honest people, both black and white.

Mr. PETER THOMAS, Tax Collector, Summit, Georgia, stated that he had known victim for approximately ten years; that he was known as an impudent, mean negro and one hard to get along with. THOMAS stated he knew nothing of the details of instant case but knowing BOHANON as he did, he knew BOHANON would not have killed the negro except in order to protect his own life. THOMAS stated BOHANON had the reputation in Summit of being as nice to people as they would let him but if they are wrong, he treats both black and white alike.

-PENDING-

Director, Federal Bureau of Investigation

April 13, 1944

Tom C. Clark, Assistant Attorney General

TCG:BB:AEM

144-20-9

James Mitchell Bohannon--CIVIL RIGHTS AND DOMESTIC VIOLENCE

fu
REC'D

E. B. M. H.

This will acknowledge receipt of your memorandum of April 8 in the above matter and enclosing the report of Special Agent William G. Kimbrough.

In view of the fact that this is a case of the killing of a Negro soldier, I feel that we should take special precautions to make sure that we have received all relevant testimony. Accordingly, I am asking you please to interview all the individuals mentioned in the enclosure to my memorandum of April 4, 1944.

E B
R

FILED
BY *A M*
On MAY 1944

DIVISION OF RECORDS
DELIVERED
APR 13 1944
TIME
DEPT. OF JUSTICE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Assistant Attorney General Tom C. Clark DATE: May 16 1944

FROM : J. Edgar Hoover - Director, Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

Reference is made to your memorandum dated April 4, 1944, requesting certain additional investigation in this case.

For your information, there is transmitted herewith a copy of the report of Special Agent Harvey Fenstermacher, dated May 9, 1944, at Savannah, Georgia, in the above entitled matter.

Please advise whether you desire additional inquiries conducted in this matter.

Enclosure ✓

RECEIVED

MAY 18 1944

CRIMINAL DIVISION

144-20-9

DEPART	ICE
MAY 17 1944	M.
FIV	
CRIM. DIV. - ROTNEM	

REC'D
A. G. RO

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

SAVANNAH, GEORGIA

FILE NO.

144-22 M.P.

REPORT MADE AT SAVANNAH, GEORGIA	DATE WHEN MADE 5/9/44	PERIOD FOR WHICH MADE 5/5/44	REPORT MADE BY HARVEY FENSTERMAKER
TITLE JAMES MITCHELL BOHANNON		CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE	

SYNOPSIS OF FACTS:

-P-

WALTER SANFORD advised he did not actually see the instant shooting. Signed statement obtained from JOE STOKES who saw subject fire but could not see victim. Signed statement obtained from JOHN WILLIAMS who saw victim when shot was fired but could not see BOHANNON. JOE ELLIS furnished signed statement to effect he saw both BOHANNON and victim when shot was fired. DAVID STOKES not interviewed as he had previously furnished a signed statement.

REFERENCE:

Report of Special Agent WILLIAM G. KIMBROUGH dated 4/3/44 at Savannah

Memo from Bureau dated 4/20/44

DETAILS:

All the following interviews were conducted in accordance with instructions in enclosure to referenced memorandum.

-I-

WALTER SANFORD
Route # 1
Summit, Georgia:

furnished the following signed statement to the writer:

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT 5 Bureau 1 USA Savannah 2 Savannah		<div style="border: 2px solid red; padding: 5px; display: inline-block;"> <p style="font-size: 1.5em; color: red; margin: 0;">144-20-9</p> <p style="margin: 0;">DEF. JUSTICE</p> <p style="margin: 0;">MAY 17 1944 P.M.</p> <p style="margin: 0;">DIV. OF RECORDS</p> <p style="margin: 0;">CRIM. DIV. - ROTNEM</p> </div>

"Graymont-Summit
May 5, 1944

"I, WALTER SANFORD, make the following statement to HARVEY E. FENSTERMACHER, JR., whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats or promises have been used to induce me to make a statement and I know that any statement I do make may be used in court.

"On the evening of July 3, 1943 I received a message from W. L. DAVIS to meet him at Sanford's Juke Joint. At about 10:30 or 10:45 P.M. I met W. L. and CORINE WILLIAMS. CORINE and I left and went down the road about 200 feet from the juke joint. We were at the point, engaged in sexual intercourse when I heard a shot fired. I didn't know for sure whether it was a gunshot or an automobile backfiring. A few minutes later, at about 11:00PM I went back to my house which is next door to the juke joint and at that time my mother told me that W. L. had been shot and killed by JIM BOHANNON.

"W. L. and I were close friends and to the best of my knowledge had been in trouble only one time prior to this.

"I have read the above statement and have signed it because it is true.

/s/ WALTER SANFORD

Witness:

/s/ HARVEY E. FENSTERMACHER, Special Agent FBI"

JOE STOKES
Route # 1
Summit, Georgia:

furnished the following signed statement to the writer:

"Rt. 1 Summit
May 5, 1944

"I, JOE STOKES, make the following statement to HARVEY E. FENSTERMACHER, JR., whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats, force or violence were used to force me to make this statement and I know that any statement I do make may be used in court.

"On a Saturday night in the first of July 1943, the exact date of which I don't remember, I went to Sanford's Juke Joint at about 8:00 P.M. I remained at the juke joint off and on the entire evening. At about 10:00 PM JIM BOHANNON drove up in his car and sat there a few minutes and then drove off. At about 11:00 PM BOHANNON came back together with his son and some other white man. Between 10:00 PM and 11:00 PM there had been a little fight between ARTHUR CROSS and ENOCH BROOKS and ENOCH ran so the fight was over. BOHANNON walked in the juke joint, looked around and walked back out on the porch. BOHANNON went up behind W. L. DAVIS who was talking to CLEO COTTON, and patted him around the belt and I assumed he wanted to see if W. L. had any weapons. W. L. looked back and slapped BOHANNON's hand away and then BOHANNON slapped W. L. W. L. said "you aint got no right to hit me. I'm not your man - I'm Uncle Sam's man." W. L. either hit or tried to hit BOHANNON and they "tied up". They fought a few minutes on the porch and then stepped down on the ground in front of the porch and continued fighting. W. L. broke away from BOHANNON and ran around the side of Sanford's house which is next door to the juke joint and seemed to be trying to get away. The chief, BOHANNON, yelled to the other white man to head W. L. off and the chief's boy turned a flashlight on W. L. down in the alley. I was in front of the juke joint and couldn't see W. L. but I could see the chief of police, BOHANNON and a few second after W. L. ran around the house I saw BOHANNON then draw his gun and shoot in the direction where W. L. ran. BOHANNON then drew a line on the ground and told everyone present not to go past it and he and his boy and the other white man left. When he had left we went back and saw W. L. lying face down on the ground.

"The above statement has been read to me by Special Agent FENSTERMACHER and I have signed this page and initialed one other page because it is true.

/s/ JOE STOKES

Witnessed:

/s/ HARVEY E. FENSTERMACHER, JR., Special Agent FBI"

JOHN WILLIAMS
Route # 1
Summit, Georgia:

furnished the following signed statement to the writer:

"Rt. 1 Summit
May 5, 1944

"I, JOHN WILLIAMS, make the following statement to HARVEY E. FENSTERMACHER, JR., whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats, force or violence have been used to induce me to make a statement and I realize that any statement I do make may be used in court.

"On the evening of July 3, 1943 at about 9:00 PM I went down to Sanford's Juke Joint to see Chief of Police JIM BOHANNON and to ask him to ride me out to my farm. I thought the chief was at Sanford's because when I was uptown buying groceries I saw him drive in that direction. When I arrived at Sanford's BOHANNON, his son and some white man I do not know were getting in BOHANNON's car and getting ready to leave. BOHANNON told me to wait and he would return and take me home. Chief BOHANNON came back in about 10 or 15 minutes and walked inside of Sanford's Juke Joint. BOHANNON searched ELDON ROUNDTREE and then came up to the side of W. L. DAVIS and reached out both hands and patted his pockets as if to see if he had anything in them. I didn't hear either BOHANNON or W. L. say anything as I was on the ground outside of the juke joint but I saw W. L. push the chief's hands away. The chief and W. L. were scuffling inside of Sanford's and the colored boy, W. L. backed out of the door. They continued scuffling on the porch and then came on the ground in front of the porch and were still scuffling and it looked as though W. L. was trying to get away. W. L. finally broke away and ran around the side of Sanford's house which is next door to the juke joint. BOHANNON yelled to his boy to head W. L. off. The boy was already outside of the car. The chief had a flashlight in one hand and a pistol in the other and he went to the corner of the house around which W. L. had disappeared and shined the light in the direction W. L. had gone and chased W. L. around the corner. At this time I could not see either Chief BOHANNON or W. L. In a few moments W. L. came running out and jut when he got where I could see him I heard a pistol shot and W. L. spun around and fell flat on his back and didn't move again. While this entire thing took place I was standing in front of Sanford's Juke Joint.

"I have known W. L. DAVIS all my life and as far as I know he had never been in any fights or any other trouble.

"I have had the above statement consisting of almost one and one

SV 44-22

half (1 $\frac{1}{2}$) pages read to me by Special Agent FENSTERMACHER and I have signed this page and initialed one other page and all corrections as the above facts are true.

/s/ JOHN WILLIAMS

Witness:

/s/ HARVEY E. FENSTERMACHER, JR. - Special Agent FBI "

JOHN WILLIAMS was specifically questioned in certain points in his statement which varied from the statement taken from JOE STOKES but he maintained that his statement was true in every detail.

JOE ELLIS
Route 2
Stillmore, Georgia:

furnished the following signed statement to the writer:

"I, JOE ELLIS, make the following statement to HARVEY E. FENSTERMACHER, JR., whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats, force or violence have been used to induce me to make a statement and I know that any statement I do make may be used in court.

"I live at Rt. 2 Summit, Ga. On July 3, 1943 I went to Sanford's Juke Joint just as it was getting dark. About 8:30 or 9:00 PM Chief of Police JIM BOHANNON drove down to Sanford's and sat in his car and looked around and then drove away. About 10:15 or 10:30 BOHANNON again came to Sanford's together with his boy and some other white man whose name I do not know. BOHANNON got out of the car and went in to Sanford's Juke Joint and I didn't see him for a few minutes. In a few minutes BOHANNON and a boy I know as W. L. DAVIS came out of the front door of Sanford's tussling, they tussled a few moments and W. L. appeared to be trying to get away. BOHANNON and W. L. moved to the ground in front of Sanford's still tussling and still on their feet and W. L. got away and ran towards the far side of Sanford's house which is next door to the juke joint. BOHANNON ran after W. L. and yelled to the man with him to head W. L. off. BOHANNON had a flash light in one hand and a gun in the other but he didn't flash the light until after W. L. was shot. BOHANNON shot W. L. when W. L. was running to the side of Sanford's house which is farthest from the juke joint. I saw both BOHANNON and W. L. at the time BOHANNON fired his pistol and W. L. was running away from BOHANNON at the time he was shot. When BOHANNON shot W. L., BOHANNON was in front of Sanford's house on the side towards the juke joint and W. L. was

sv 44-22

a couple of feet past the front of the house on the other side. BOHANNON was about 20 or 25 feet behind W. L. when he shot and BOHANNON was trotting rather slowly. I was leaning on the gate in front of Sanford's house and could see both men the entire time after they came out of the juke joint.

"I have known W. L. most of my life and as far I know he has only been in one other fight and that was not his fault.

"On one other occasion I know of, BOHANNON slapped my daughter and I don't think it was necessary.

"Special Agent FENSTERMACHER has read the above statement consisting of about one and one-third (1 1/3) pages to me and I have placed my mark on this and one other page because it is true and correct.

Joe X Ellis
his mark

Witness:

/s/ HARVEY E. FENSTERMACHER, JR., Special Agent FBI Savannah, Ga."

ELLIS was interviewed relative to certain points in his statement which differed from statements previously taken from other witnesses but he maintained that his statement was true in every detail.

DAVIS STOKES, Route # 1, Summit, Georgia, was not interviewed and no signed statement obtained inasmuch as he had previously furnished a signed statement which is contained in referenced report.

PENDING

Director, Federal Bureau of Investigation

May 31, 1944

Assistant Attorney General Tom C. Clark

TCC:EB:JBT

44-20-9

James Mitchell Bohannon;
CIVIL RIGHTS AND DOMESTIC VIOLENCE.

100

This will acknowledge receipt of your memorandum of May 16, 1944, enclosing a report of Special Agent Harvey Fenstermacher in the above case.

In the original report of Special Agent Joseph P. Benson dated February 1, 1944, reference is made to the findings of the Army Medical Board, the Army medical record, the investigative report of Lieutenant Ralph Willis and copies of the statements of witnesses as obtained in the Army record of Private Willie Davis. Please obtain copies of all the material in the Army records relative to this case.

S B,
P

HOLLIE

DIVISION OF RECORDS
DELIVERED
MAY 31 1944
TIME _____
DEPT. OF JUSTICE

The Director, Federal Bureau of Investigation

June 27, 1944

Tom C. Clark, Assistant Attorney General

TCC:EB:MCM

James Mitchell Bohannon
Civil Rights and Domestic Violence

144-20-9

On May 31, 1944, I wrote asking that you obtain copies of all the material in the Army records relative to this case but so far these records have not been received.

I would appreciate it if you would expedite this matter as much as possible.

EB
R
HOLLIE



File

Office Memorandum

RECEIVED
JUL 15 1944
CRIMINAL DIVISION
UNITED STATES GOVERNMENT

TO : Assistant Attorney General Tom C. Clark DATE: July 14 1944

FROM : J. Edgar Hoover - Director, Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

Please refer to your memoranda of April 4 and April 13, 1944, requesting certain investigation in this matter and to my reply thereto of May 16, 1944.

For your further consideration, I am forwarding a copy of an investigative report prepared by Special Agent Reed W. Thompson, dated July 1, 1944, at Charlotte, North Carolina. You will note that a copy of the report of Special Agent Harvey Fenstermacher, dated May 9, 1944, at Savannah, Georgia, was forwarded to you with my memorandum of May 16, 1944.

No further investigation in this case will be conducted in the absence of your specific instructions.

Enclosure ✓

JUL 15 1944

CRIM.-CIVIL RIGHTS SEC. ✓

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

SAVANNAH

FILE NO.

144-39 hd

REPORT MADE AT CHARLOTTE	DATE WHEN MADE 7-1-44	PERIOD FOR WHICH MADE 6-28-44	REPORT MADE BY NEED W. THOMPSON rd
TITLE JAMES MITCHELL BOHANNON			CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE

SYNOPSIS OF FACTS:

WILLIE L. DAVIS, negro soldier, inducted into U. S. Army by Local Board 2, West Palm Beach, Fla., 11-17-41. Assigned ASN 34,059,054, and attached to the Detachment Medical Department, Air Depot Training Station, New Orleans, La. DAVIS, while on authorized leave, 7-3-43, was shot by Chief of Police **JAMES MITCHELL BOHANNON**, of Summit, Ga., the result of a dispute at a negro juke joint. DAVIS' character and efficiency as soldier recorded as excellent at time of death. The service record, Army Medical Board's report, Army Medical Record, and the investigative report of Lt. **RALPH WILLIS** with signed statements of Subject and witnesses set out. Army investigators report indicated that DAVIS was unjustifiably killed.

- RUC -

REFERENCE:

Bureau File #144-940.
Letters from Bureau, 3-2-44, and 6-10-44.

DETAILS:

AT HIGH POINT, N. C.

II

Miss **MAGNILD SODERBERG**, Supervisor of the Special Service Sub-Section, Demobilized Personnel Records Branch, Adjutant General's Office, War Department, was contacted, and she advised that the records revealed that **WILLIE L. DAVIS** was inducted into the U. S. Army on November 17, 1941, by Local Board 2, West Palm Beach, Florida. DAVIS was sent to Camp Blanding, Florida, on November 18, 1941, where he was assigned Army Serial Number 34,059,054, and

144-20-9

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
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Charlotte 44-39

attached to the Engineers at Fort Leonard Wood, Missouri. On February 18, 1942, DAVIS was transferred to the Detachment Medical Department, Air Depot Training Station, New Orleans Army Air Base, New Orleans, Louisiana. DAVIS, according to his record, was a Technician Fifth Grade.

DAVIS obtained a furlough which was authorized for a period of fourteen days, from July 1, 1943, to July 14, 1943, inclusive. He returned to his home at Summit, Georgia, where his mother is presently residing. On the night of July 3, 1943, at approximately 11:55 p.m., while at a juke joint at Summit, Georgia, DAVIS was shot by Chief of Police JAMES MITCHELL BOHANNON. The Subject made a statement at this time that he was on duty and that about midnight he received a report that there was a disturbance in a juke joint on the outskirts of Summit. Subject proceeded to the negro juke joint where he arrested a colored civilian and took him to jail. Subject then returned to the juke joint, as there was still some disorder, and DAVIS interferred at this time by using profane language. Subject, in a signed statement, claimed that DAVIS struck him on the chin with his fist, and that DAVIS attempted to obtain his gun. DAVIS broke away from Subject and ran around the corner of the juke joint. Subject followed DAVIS, and after a few words, according to Subject, DAVIS attacked him with his bare hands, at which time Subject shot and killed DAVIS.

The following investigative report was submitted by First Lieutenant RALPH B. WILLIS:

"Camp Gordon, Georgia
11 August 1943

SUMMARY OF INFORMATION IN THE CASE OF T/5th Grade Willie L. Davis, 34059054, Detachment, Medical Department, ADTS, New Orleans Army Air Base, New Orleans, Louisiana, (Deceased):

1. Pursuant to verbal instructions from the Post Adjutant a trip was made to Swainsboro, Georgia, on 5 July 1943 to investigate the shooting of a soldier. The State Police were contacted, but knew nothing whatsoever of the accident. The Sheriff of Emanuel County could not be contacted.
2. On 6 July 1943 another trip was made to Swainsboro, Georgia accompanied by a Medical Officer from the Station Hospital and a member of the Post Quartermaster Detachment. The Sheriff was contacted and it was learned that the deceased, T/5th Grade Willie L. Davis, had been shot by the Chief of Police Mr. James Mitchell Bohannon on or about midnight 3 July 1943. The remains were resting at Pughaley's Funeral Home. The Medical Officer performed an autopsy, a copy of which is attached as Inclosure No. 1.

3. The Sheriff was contacted as was Chief Bohannon at the Sheriff's Office in Swainsboro. Chief Bohannon made a statement in the Sheriff's presence on the 6th of July 1943. His statement discloses that he fired one shot which killed T/5th grade Willie Lee Davis. He stated the reason for shooting the man was that he thought that the soldier was going to attack him. His statement further reveals that the soldier was not drunk and not disorderly other than using profane language towards Chief Bohannon. Chief Bohannon states that the soldier attempted to grab his gun and it was then that he struck him across the face and the soldier ran. Chief Bohannon pursued him around the corner of the building where he said the soldier stopped. The Chief stated that when the soldier advanced towards him with no weapon other than his bare hands he shot him, killing him instantly. The Sheriff instructed the Investigating Officer that no inquest had been held nor would one be held unless the soldier's family swore out a warrant against Chief Bohannon. Upon the Investigating Officers repeated request for death certificate one was made out that date, 6 July 1943, copy of which is attached as Inclosure No. 2.

4. As no inquest had been held the only witness that could be located was contacted and his statement is attached as Inclosure No. 3. This witness was Willie Mirl Brown, a white civilian, who was present with the Sheriff on the night of 3 July 1943. His statement reveals that he was not an eye witness at the scene of the shooting. It was dark. That he saw the colored soldier running from the Chief of Police, but did not hear the soldier make any statement or say anything to the Chief nor did he hear the Chief say anything to the soldier. After seeing the soldier run he then heard the shot and when he walked over to the Chief of Police he saw the soldier dead, lying on the ground.

5. After repeated efforts, both long distant calls and written communications to the Sheriff on the date of 19 July 1943, the attached letter of Sheriff P. L. Youmans and the coroners inquest were received at this headquarters. These are attached as Inclosures No. 4 and 5 respectively.

6. Another long distant call and written communication was made to Sheriff Youmans requesting statements made by the witnesses that appeared before the coroners jury. These were received on the date of 9 August 1943 and are attached as Inclosures No. 6 and 7. They were the statements of Jonathan Stokes and Joe Ellis, both of which stated that the Chief of Police, Bohannon, shot the soldier when he ran from him. They both state that the Chief struck the soldier, apparently, without reason and when the soldier objected and grabbed at the Chief that the Chief struck him again at which time the soldier ran, the Chief of Police pursuing him.

Charlotte 44-39

7. In light of the evidence as presented and the apparent indifferent attitude taken by the civil authorities, it is the opinion of the investigating Officer that T/5th Grade Davis was unjustifiably shot and killed. Chief of Police Bohannon's own sworn statement reveals that the man was not disorderly drunk, however, he believes that the soldier had had a drink. The Chief made no attempt to arrest this man as shown by his statement and due to the size of the Chief, in comparison to that of the soldier, it is the opinion of the Investigating Officer that the Chief could have made an arrest if he had so desired without killing the man as he stated the soldier had stopped running when he shot him. As the Chief had a white civilian present with him at the time the Investigating Officer is of the opinion that the soldier could easily have been overpowered had it been necessary. The soldier at no time had any weapon in his hand with which to attack the Chief. A knife with a broken handle and very dull was removed from the pants pocket of the deceased. At no time did the deceased have the knife out nor was it used as a weapon.

*Where
is the
knife?*

S/s Ralph B. Willis
1st Lt., Cavalry
Investigating Officer

7 Incls.

- 1 - Autopsy Protocol Report.
- 2 - Statement of Chief of Police Bohannon.
- 3 - Statement of Willie Murl Brown.
- 4 - Ltr. fr. Sheriff P. L. Youmans.
- 5 - Coroners inquest.
- 6 - Statement of Jonathan Stokes.
- 7 - Statement of Joe Ellis."

INCLOSURE Number 1

"STATION HOSPITAL
CAMP GORDON, GEORGIA

A U T O P S Y P R O T O C O L

NAME: Davis, Willie L ASN: 34059054 STATUS: T/5th Gr.
AGE: 26 SEX: Male RACE: Colored NATIVITY: Georgia
DIED: July 3, 1943 at approximately 11:55 P. M. ACC NO: A-43-29
AUTOPSIED: July 6, 1943 1:00 P. M. at Pughsley Funeral Home, Swainsboro, Ga.

Charlotte 44-39

CLINICAL DIAGNOSIS

Wound, penetrating, from pistol bullet, of the left chest.

PATHOLOGICAL DIAGNOSIS

- RESPIRATORY SYSTEM:
1. HEMOTHORAX, LEFT, SEVERE.
 2. WOUND, WITH COMPLETE PENETRATION OF THE UPPER LOBE OF THE LEFT LUNG.
 3. RUPTURE, TRAUMATIC, LEFT MAIN STEM BRONCHUS.

VASCULAR SYSTEM: RUPTURE, TRAUMATIC, LEFT, PULMONARY ARTERY.

MISCELLANEOUS: WOUND, PENETRATING, FROM PISTOL BULLET, POINT OF ENTRANCE THIRD LEFT INTERCOSTAL SPACE ANTERIOR AXILLARY LINE; WOUND DIRECTED DOWNWARD, MEDIANLY AND POSTERIORLY PASSING THROUGH THE UPPER LOBE OF LEFT LUNG, LEFT LUNG HILAR REGION AND LODGING IN BODY OF FIFTH DORSAL VERTEBRA.

NOTE: Due to the fact that there was only one wound, only the chest and its contents were examined.

CLINICAL ABSTRACT:

This previously healthy soldier was killed instantly when shot in the chest by a law-enforcement officer at Summit-Graymont, Georgia. He was a member of the Medical Detachment, Air Depot Training Station, New Orleans Army Air Base, New Orleans, Louisiana.

PROTOCOL

GENERAL:

The body is that of a well developed and well nourished colored male measuring approximately 68 inches in length, weighing approximately 160 pounds, and appearing to be about 25 years of age. Pupils are equal and round. Dark hair covers the head. In the fourth left intercostal space anterior axillary line there is a ragged 1.5 cm penetrating wound which has no evidence of gunpowder. There is no

Charlotte 44-39

point of exit. The tissues are firm and fixed, the soldier having been embalmed approximately 48 hours before examination was performed.

PRIMARY INCISION:

A straight midline incision is made from the suprasternal notch to a point 1 inch below the Xiphoid process. The subcutaneous fat is average in amount and the muscles are well developed.

The pericardial cavity appeared normal and had not been entered by the penetrating object.

The left pleural cavity contained approximately 200 cc. of bloody fluid and small clots. There is a 2 cm. hiatus in the parietal pleura in the third left intercostal space in the anterior axillary line. The right pleural space is not entered by the penetrating object.

LUNGS:

The upper lobe of the left lung is completely traversed by the penetrating object from its lateral surface to its exit near the hilus. The tract is stem bronchus is struck and torn about 4 cm. from the bifurcation of the trachea. The right lung is not involved in the injury and grossly appears normal although the examination is rendered difficult by the fixation of the tissues by the embalming solution.

HEART:

The estimated weight of the heart is 300 grams. The left ventricle is approximately 1.5 cm. in thickness and the right 0.5 cm. There is no evidence of disease process of the epicardium, myocardium or endocardium. The circumferences of the valvular orifices appear normal. The coronary vessels are patent.

AORTA AND VESSELS:

The left pulmonary artery is struck and torn in the left hilar regions. No rent can be found in the aorta which shows no evidence of disease.

Charlotte 44-39

SKELETAL:

The third left intercostal space presents a 1.5 cm. penetrating wound. The penetrating object is lodged in the body of the sixth dorsal vertebrae causing a shattering of bony tissue at its point of entry to the bone. There is no point of exit from the bone.

NOTE:

Due to the fact that there was only one wound only the chest and its contents are examined.

NOTE:

This previously healthy soldier was killed instantly when struck with a pistol bullet in the left chest. Autopsy revealed a penetrating wound passing through the upper lobe of the left lung, the left hilar region striking the left main stem bronchus and pulmonary artery, and the penetrating object lodged in the body of the sixth dorsal vertebra.

S/s James B. Witherington,
Captain, Med. Corps. A.U.S."

The following signed statement made under oath by Chief of Police James Mitchel Bohannon, was obtained from the Service Records:

"AFFIDAVIT:

"Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared:

Chief of Police JAMES MITCHEL BOHANNAN

Resident of Summit, Georgia, address P.O. Box 94

This 6th day of July, 1943 who being duly sworn deposes as follows:

I, James Mitchel Bohanna, Chief of Police of Graymont and Summit, Ga. was on duty on Saturday night, July 3rd. About midnight it was reported to me that there was a disturbance in a juke joint in the outskirts of Summit. Upon investigation I arrested a colored civilian and took him to jail, then returned to the juke joint as there was still some disorder. During my investigation of the disorder the colored soldier, Willie

Lee Davis interfered by using profane language. His remarks were not addressed directly to me but were mentioned in such a tone of voice it was possible for me to hear him. As I started out of the juke joint, the soldier was standing on the porch. As I passed him, my hand struck his pocket and I noticed he had a knife. When I felt the knife in his pocket he then struck me on the chin with his fist. I spun around and hit him across the face with the back of my hand. He then reached out and grabbed my arm and attempted to twist it around my back and attempted to throw me to the ground. I broke loose and we crossed again. He attempted to grasp my gun, but I knocked his arm away. He then grabbed me again for the second time to obtain my gun. When this attempt was unsuccessful, he then cursed saying that he was going to get a weapon and ran around the corner of the building. A civilian, Willie Brown and my son, James Mitchel Bohannon, Jr. were with me and I instructed them to chase the colored soldier and ran after him myself. I went around the corner of the building by the use of a flashlight, located him by the fence attempting to pull loose one of the boards to use. When I hollered at him he swung around and approached me barehanded. I told him not to advance any further, that I would kill him if he continued to advance on me. The only reply to my warning was his cursing and he continued to advance. When he got within 4 or 5 feet of me, I shot him and he fell. He took about 3 breaths and died.

Sworn and subscribed to me,
this 6th day of July, 1943.

S/s James Mitchel Bohannon
Chief of Police

RALPH B. WILLIS
1st Lt. Cavalry
SUMMARY COURT OFFICER
SD 184 PAR 15 22 AUG. 42"

"The following questions were asked Mr. Bohannon by the Investigating Officer in connection with his statement:

Q. Chief, was Mr. Brown with you when you shot this boy?

A. I cannot say whether he was an eye witness or not. He was about ten or fifteen feet from us. My son stated that he saw the whole thing.

Charlotte 44-39

- Q. Chief, was this colored soldier advancing on you full faced?
- A. Not exactley. He was advancing on me left arm outstretched and his right arm drawn back.
- Q. Chief, was the soldier in a crouching position or was he standing upright.
- A. I could not answer. I could not recall exactley.
- Q. Chief, did you have your flashlight at the time the man was shot?
- A. No, I put it in my pocket.
- Q. Was there any artificial light?
- A. Yes, there was an outside light running between the two buildings. Although the shooting took place around the corner of the building, the reflection was such that I could see clearly.
- Q. Chief, when you noticed that this man was dead, what did you then do?
- A. The first thing I did was to tell my son to call the Mayor and tell him to call the Sheriff and tell him what I did. However, my son stated that he was scared and as he could not drive, I went along to the Mayor and told him what had happened. The Mayor then stated that since I knew more about it than he did, for me to notify the Sheriff and the State Patrol. I told him that I would take care of matters and he came down to Summit himself about 2 o'clock arriving there on or about that time. After reporting to the Mayor, I then went to this boy's house and told his uncle that he had been shot and was dead. His uncle said to turn the body over to Pughsney's Funeral Home in Swainsboro. They came and got the body.
- Q. Chief, do you have the names of any other witnesses other than your son and Mr. Brown?
- A. No, Sir.
- Q. How old is your son?
- A. He will be fifteen in September.

Charlotte 44-39

Q. What does Mr. Brown do?

A. He works with the Home Products Company in Graymont. He is just a civilian who offered to accompany me when I heard this disturbance.

Q. Chief, was any doctor called in on this case?

A. No sir, there was no doctor available.

Q. Chief, was this soldier drunk.

A. He had been drinking but he was not disorderly drunk.

Q. Chief, did you attempt to arrest this soldier?

A. No sir, I did not have time. When I found him between the fence attempting to pull off the board, I told him to come out but I did not tell him that he was under arrest or that I would arrest him.

S/s James Mitchell Bohanan
Chief of Police

Sworn and subscribed to me, this
6th day of July, 1943.

RALPH B. WILLIS
1st Lt. Cavalry
SUMMARY COURT OFFICER
SD 184 PAR 15 22 AUG. 42"

Enclosure No. 3 in the investigative report was the statement of WILLIE MURL BROWN, and is quoted as follows:

"STATEMENT

"I, Willie Murl Brown, Civilian, residing in Graymont, Ga. was in the company of Chief Bohanan on the night of July 3rd when Willie Davis, a colored soldier was killed. I was in the car with the Chief when we heard a disturbance and I told the chief I would ride with him to see what the trouble was. When we arrived at the juke joint, the Chief got out of the car and

Charlotte 44-39

went in. I did not see him come out of the building and the next thing I knew I heard a shot. It came from around the corner of the building and I saw a colored soldier fall to the ground. I then got out of the car and went over to the soldier. The Chief was standing there with a flashlight in his hand with the light on the soldier. The soldier looked like he was dead and the Chief and I got in the car and came back to his place and he called the Sheriff.

Q. Mr. Brown, when was the first time you got out of the car?

A. After I heard the pistol shot.

Q. Was the car parked so that you could see when the Chief shot?

A. No sir.

Q. Did you see the flash of the gun?

A. No, sir.

Q. Approximately what time of day was this?

A. I imagine it was about 11:30.

Q. Was there any artificial light on the scene?

A. No, sir.

Q. Mr. Brown, did you see the soldier come out of the building.

A. No, I did not.

Q. When was the first time you saw the soldier?

A. When the soldier ran around the Chief's car.

Q. Was the soldier scared and running?

A. Yes, he was running.

Q. Did you hear the soldier say anything?

A. No, sir.

Charlotte 44-39

Q. Did you hear the Chief address the soldier at anytime?

A. No, Sir.

Q. Was your car parked so that you could see the porch of the juke joint?

A. I could see the outline of the porch but I could not see the people standing on it.

Q. Did you see the Chief and this soldier hit each other?

A. No, sir.

Q. When you saw the soldier lying on the ground what did you say?

A. I did not say anything.

Q. Was the soldier facing the Chief when he fell?

A. He was.

Q. When he passed the car did he go around the corner of the building?

A. Yes.

Q. Where was the soldier when you saw him fall?

A. Coming from around the corner of the building towards the car.

S/s Willie Murl Brown

A CERTIFIED TRUE COPY
RALPH B. WILLIS
1st Lt. Cavalry
SUMMARY COURT OFFICER"

The following letter from Sheriff P. L. YOUNG was listed as Enclosure No. 4 in the investigative report:

Charlotte 44-39

"Lt. Ralph B. Willis
Post Headquarter
Camp Gordon Ga.

7/10/43
Swainsboro, Ga.

Dear Sir:

Find enclosed a true and correct copy of inquest held for the murder of William L. Davis (colored) at Graymont Summit, Ga. and signed by coroner C. A. Coleman.

Hope this is satisfactory.

Yours truly,

S/s P. L. Youmans Sheriff"

The following is the report of the coroners jury dated July 10, 1943 at Swainsboro, Georgia:

"We the Jury find that William L. Davis came to his death from pistol shot wound inflicted by Chief J. M. Bohannan of Graymont Summit, Ga. who was justifiable in his act.

This July 10th, 1943

Signed by the coroners jury consisting of the following:

Hope Durden - Foreman
Edward Wiggins
Walter Lee
Cecil Rainey
Curtis Mincey
Buck Brown

This report was also signed by C. A. Coleman, Coroner for Emanuel County, Swainsboro, Georgia."

Enclosure No. 6 was the statement made by JONATHAN STOKES at Swainsboro, Georgia, on August 7, 1943. It is quoted as follows:

Charlotte 44-39

"State of Georgia
County of Emanuel

When the trouble started Mr. Bohannon walked in the juke and W. L. went out and lent his arm up against the bannister on the porch and was talking to a girl. Then Mr. Bohannon walked up to him and began to search him. W. L. says "You haven't any business searching me, I'm Uncle Sam's Man". When he said that the chief slapped W. L. and W. L. slapped him back. By that time they were off the porch on the ground tussling. W. L. broke loose and run and Mr. Bohannon and his boy threw the flash light on him and run behind him. And that is all I know about it. W. L. had run a around by the well. I was standing only a few feet away when Mr. Bohannon shot W. L.

S/s Jonathan Stokes

Sworn to and subscribed before me at Swainsboro, Ga., this, the 7th day of August, 1943.

S/s Mrs. Howard Robert".

At the end of this statement Sheriff YOUNG had written:

"Dear Sir:

These are the only 2 witness that I have been able to contact, as they are scattered every where. But at hearing they all testified about the same as these two.

S/s P. L. Youmans Shf."

The following signed statement was obtained by Sheriff YOUNG and was listed as Enclosure No. 7 in the investigative report of First Lieutenant RALPH B. WILLIS:

"Georgia Emanuel County

"8/6/43 Swainsboro, Ga.

"I, Joe Ellis did see the trouble between W. L. Davis & Chief Police J. M. Bohannon at Summitt, Ga. The first thing I saw was a lick passed between W. L. & Chief don't no which hit first.

Charlotte 44-39

But they hit each other on porch. Then they both went off porch on ground to gather. W. L. Davis tore loose from Chief & run around house & Chief shouted. Head his off & boy flashed light on him (W.L.) & Chief followed him around house & was not a word passed between them when a pistol shot was fired. & W. L. was shot. I was where I could have heard everything that was done or said.

his
Joe X Ellis
mark

Witness by P. L. Youmans Sheriff"

The investigative report reflected that the soldier WILLIE LEE DAVIS was absent with authority; that his furlough started at 5:00 p.m., June 30, 1943, and was to terminate at midnight July 15, 1943. At the time of his death he was within the territorial limits indicated by the authorization to be absent. At the time of death the soldier was not under the influence of intoxicants, and the use of intoxicants was not the proximate cause. The soldier was not under the influence of drugs, and drugs was not the proximate cause of death. DAVIS, according to the investigative report was exercising reasonable care for his own safety. He was not violating a civil, moral, or military law, nor military orders or instructions, written or verbal and that a violation was not the proximate cause. The soldier's death was not due to gross carelessness or negligence and that he was mentally sound at the time of death. The following remarks were made by the investigating officer, First Lieutenant RALPH B. WILLIS:

No blood analysis was made substantiating as to whether drugs or alcohol was present in the blood as the autopsy was held three days after the death. The deceased had been embalmed when this autopsy was performed. Chief Bohannon in his sworn statement testified that Private DAVIS was not drunk. It is the opinion of the Investigating Officer that Private Davis was unjustifiably killed. This report was approved by Colonel HERBERT W. SCHMID, Commanding Officer.

The following letter addressed to Mrs. FRANKLIN D. ROOSEVELT was written by Private WILLIE LEE DAVIS' mother, and was on record with the soldier's service record:

Charlotte 44-39

"Pond Lane L. I.
Woodmere N. Y.

"My Dearst Mrs. Roosevelt.

I am a poor old heart broken mother I am asking your for help. as you are in power. to help me out. I had a son in the army. and he was on his furlow home to see me. as I am a widdow. and the mother of two sons. and this one was in camp in New Orleans La. Army Air Base Med Dept and I no you have heard how The white people are in the south he was shot in the back by a civilian policeman because he would n t let him surch him Cpl Davis runs from him and he shot him in the back. Now Mrs. Roosevelt you have sons. in camp. to I am willing for my only two boys to die for our cuntry but not be killedy. By a man he is fighting for now the other son is in camp to. for Robert Davis. and I am glad for him to go. But the one that got killed the War Department has promes to help me put him a way. I have got Bereal letters from the. and have not got any help they have not send me ery flag. he had insurance. and they promes to send me so much a month and have not done Erything now Mrs. Roosevelt Last. summer IWO War infamation ask me to make a speach on the Radio after the Presedent maid his talk and I did and had some Record recded I was praising the United States. the Presedent have one of them. So if this is the way wee are treated what are wee fighting for wee treated like dogs. Mr. Marvin Cox of Atlanta ga. I did itfor him so please help me out I have had work sick or well to pay for his burial and they have not done erything yet I will thank you for any help you can give me oblige Mrs. Ethel Davis. ps the killing was in Summit ga, and the mans name was J M Bahanon sumit ga he beat our women to"

The service record disclosed that Private WILLIE L. DAVIS, was born November 25, 1918, at Canoches, Georgia. His mother was listed as ETHEL DAVIS, Summit, Georgia, and his uncle was listed as DAN MCCLAIN, 500 6th Street, West Palm Beach, Florida.

The following description of DAVIS was obtained from his service record:

Race	Colored
Height	5'10"
Weight	159

Charlotte 44-39

Eyes	Brown
Hair	Black
Complexion	Colored
Marital Status	Single
Occupation	Cook

-- REFERRED UPON COMPLETION TO OFFICE OF ORIGIN --

TCC:EB:AEM

144-20-9

September 29, 1944

B.P.

J. Saxton Daniel, Esquire
United States Attorney
Savannah, Georgia

Dear Mr. Daniel:

Re: James Mitchell Bohannon -
CIVIL RIGHTS AND DOMESTIC VIOLENCE

The case of the shooting of the soldier, Willie L. Davis, was referred to the Department for further investigation by the War Department, who felt that the Chief of Police, Bohannon, who shot and killed the soldier, should, if possible, be prosecuted. The reports to date seem to indicate that the shooting was unjustified, and after very careful consideration, we have been instructed by the Attorney General to file an information charging Bohannon with the denial of civil rights in violation of Section 52 of Title 18 of the United States Code.

I enclose a suggested form of information and a proposed press release to be issued when the information is filed. Since the argument in this case would be identical with that in the Section 52 count of the Screws case, I enclose the memorandum of law used in the District Court in that case, and also the Government's Brief in the Circuit Court. Please notify us at once when the information is filed.

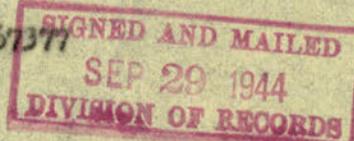
The procedure as to the release of the news item is as follows: Upon filing the information, with the approval of the Judge, telephone the Department, asking for Mr. Rotnem or one of his assistants. You and the Department will then each issue the release one hour after we receive the message from you.

Respectfully,

For the Attorney General,

TOM C. CLARK,
Assistant Attorney General

Enclosure No. 267377



FOR IMMEDIATE RELEASE
(Date)

DEPARTMENT OF JUSTICE

The Department of Justice announces the filing today in the U. S. District Court at Dublin, Georgia, of an information charging James Mitchell Bohannon, Chief of Police for the town of Summit, Georgia, with a violation of the Civil Rights Statutes in the killing of Willie L. Davis, a Negro soldier.

The information, filed on behalf of the government by U.S. Attorney J. Saxton Daniel, alleges that Bohannon, "acting under the color of law", shot Davis without provocation on the night of July 3, 1943. The police official had been called to a Negro roadhouse on the outskirts of Summit to restore order, the information states. After order had been restored, but while still acting as Chief of Police, Bohannon "wilfully, unlawfully and without provocation" shot and killed Davis with a pistol.

A coroner's inquest was held following the shooting, but no prosecutive action was taken by State authorities. The case was then referred to the Department of Justice by the War Department. The Federal government assumes jurisdiction on the theory that the slain man was deprived of his life without due process of law in violation of the Fourteenth Amendment, and charges the defendant, Bohannon, under Section 52, Title 18, U. S. Code.

Today's action was authorized by Assistant Attorney General Tom C. Clark in charge of the Criminal Division, following investigation by the FBI and Army authorities.

Director, Federal Bureau of Investigation

September 29, 1944

Tom C. Clark, Assistant Attorney General

TCG:EB:AEM

James Mitchell Bohannon -
CIVIL RIGHTS AND DOMESTIC VIOLENCE.

144-20-9

The Criminal Division is now contemplating prosecution in the above case. I note that the report of Special Agent Reed W. Thompson dated July 1, 1944, does not appear to have been sent to the United States Attorney at Savannah. Please furnish him with a copy of this report as promptly as possible.



ZB

V.R.
AT
Fee

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF GEORGIA

_____ Term, 194_

UNITED STATES OF AMERICA, :
 :
 Plaintiff :
 :
 v. : No. _____
 :
 JAMES MITCHELL BOHANNON, : Criminal Information
 :
 Defendant :

INFORMATION

Comes now J. Saxton Daniel, United States Attorney for the Southern District of Georgia, leave of Court having been first had and obtained, and respectfully informs the Court for and in behalf of the United States of America: That on or about the 3rd night of July, 1943, at Summit, in Emanuel County, State of Georgia, in the Southern District of Georgia, and within the jurisdiction of this Court, JAMES MITCHELL BOHANNON, who was then and there duly appointed Chief of Police, employed by the County of Emanuel, acting under color of the laws and statutes of the State of Georgia, and the ordinances and regulations of the County of Emanuel, creating the office of Chief of Police, and prescribing the duties of said office, did wilfully, unlawfully and wrongfully, under color of the laws, statutes, ordinances, regulations and customs of the State of Georgia and of the County of Emanuel, creating the office of Chief of Police, and prescribing the duties of said office, subject Willie L. Davis, a Negro citizen and inhabitant of the State of Georgia and of the United States, and a member of the armed forces, to the deprivation of rights, privileges, and immunities secured and protected to the said Willie L. Davis by the Constitution and

S.B.
YJA
R

laws of the United States, to wit, the right to be secure in his person and to be immune from illegal assault and battery; the right and privilege not to be deprived of liberty and life without due process of law; the right and privilege not to be denied equal protection of the law; the right and privilege not to be subjected to different punishments, pains and penalties by reason of his race and color than are prescribed for the punishment of citizens, all of said rights, privileges, and immunities, being secured to the said Willie L. Davis by the Fourteenth Amendment to the Constitution of the United States as against any person vested with and acting under the authority of the State of Georgia; that is to say, that on the night of July 3, 1943, at approximately 11:00 p.m., the defendant was summoned to restore order at a Negro roadhouse on the outskirts of Summit, that after order had been restored, but while acting as Chief of Police, said defendant willfully, unlawfully, and wrongfully and without provocation, shot and killed Willie L. Davis with a pistol; contrary to the form of the statute in such case made and provided against the peace and dignity of the United States (18 U.S.C. §52).

J. SAXTON DANIEL,
United States Attorney
Southern District of Georgia

DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF GEORGIA
SAVANNAH, GEORGIA

October 2, 1944

CRIMINAL DIVISION
OCT 4 1944
RECEIVED

The Attorney General
Department of Justice
Washington, D. C.

Sir:

Re: James Mitchell Bohannon,
Civil Rights and Domestic Violence
Dept. of J. file: 144-20-9

B.H.

Receipt is acknowledged of your letter of September 29, 1944, in the above stated matter, enclosing form of information to be signed and filed, together with briefs and memoranda of decisions.

This matter is being handled by Assistant United States Attorney Henry H. Durrence, and frankly, I am not familiar with the facts. Mr. Durrence was of the opinion that the facts as shown by the report of Federal Bureau of Investigation are insufficient to warrant prosecution.

Owing to the fact that I am leaving tomorrow for Atlanta to be there two or three days, and the further fact that we are overrun with work, being short an assistant, I find it impossible to review the file and study same in view of the memoranda, etc. that you forwarded to me. Therefore, I ask that you be patient until we have had time to fully consider the matter of filing the accusation. In this kind of case it is most difficult to secure a conviction and I would not like to sign the accusation and proceed in this case without knowing what I am doing, and I know the Attorney General would not like me to do so. As soon as I have carefully analyzed the case, you will hear from me further as to my opinion in the matter.

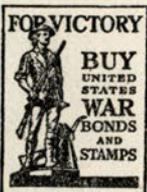
Respectfully

Jaxton Daniel He - SB

J. Saxton Daniel
United States Attorney

144-20-9
OCT 4 1944
CRIM. - CIVIL RIGHTS

ans. by phone



~~144-20-9~~

October 2, 1944

144-20-9

REC'D

The Attorney General
Department of Justice
Washington, D. C.

Sir:

Re: James Mitchell Bohannon,
Civil Rights and Domestic Violence
Dept. of J. file: 144-20-9

FILE
BY [initials]
OCT 16 1944

Receipt is acknowledged of your letter of September 29, 1944, in the above stated matter, enclosing form of information to be signed and filed, together with briefs and memoranda of decisions.

This matter is being handled by Assistant United States Attorney Henry H. Durrence, and frankly, I am not familiar with the facts. Mr. Durrence was of the opinion that the facts as shown by the report of Federal Bureau of Investigation are insufficient to warrant prosecution.

Owing to the fact that I am leaving tomorrow for Atlanta to be there two or three days, and the further fact that we are overrun with work, being short an assistant, I find it impossible to review the file and study same in view of the memoranda, etc. that you forwarded to me. Therefore, I ask that you be patient until we have had time to fully consider the matter of filing the accusation. In this kind of case it is most difficult to secure a conviction and I would not like to sign the accusation and proceed in this case without knowing what I am doing, and I know the Attorney General would not like me to do so. As soon as I have carefully analyzed the case, you will hear from me further as to my opinion in the matter.

Respectfully

J. Saxton Daniel
United States Attorney

[Handwritten signature]
SB

Director, Federal Bureau of Investigation

Tom C. Clark, Assistant Attorney General

James Mitchell Bohannon - CIVIL RIGHTS AND DOMESTIC VIOLENCE

October 12, 1944

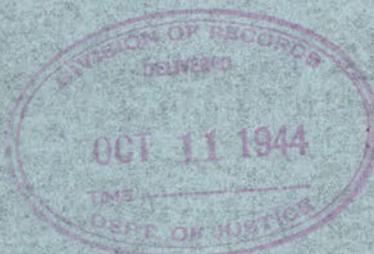
TCC:EB:AEM

144-20-9

ATTENTION: Mr. Strickland

Confirming the telephone conversation of yesterday, I am writing to request that you obtain the exact description of the knife which was found in the pocket of the Negro soldier, Willie Davis, when he was shot by Chief of Police Bohannon, and that, if possible, you obtain possession of this knife for use at the trial if necessary.

144-20-9



E.A.

R

Office Memorandum • UNITED STATES GOVERNMENT

CRIMINAL DIVISION
OCT 21 1944
RECEIVED

Just

TO : Assistant Attorney General, Tom C. Clark

DATE: October 20 1944

FROM : John Edgar Hoover, Director - Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

Reference is made to your memorandum dated October 12, 1944, in the captioned matter wherein you requested advice as to the type of knife which was found on victim Davis, and also information as to the location of this knife.

For your information it has now been ascertained that the knife found on victim Davis was a switch blade type with a blade about five and one-half inches long. It had a smooth pearl handle with about one and one-half inches of nickel at each end. The knife was also stated to be very pointed. Subject Bohannon has stated that he gave this knife to Sheriff Peyton Youmans, Swainsboro, Georgia. Youmans states, however, that he no longer has this knife and is not certain what he did with it. He believes that he surrendered this knife to the Army authorities who investigated this case.

The United States Army Authorities, Demobilized Personnel Branch, Adjutant General's Office, High Point, North Carolina, have advised that the investigating officer in the case of the death of victim Davis was First Lieutenant Ralph B. Willis who now holds the rank of Captain in Cavalry, ASN O-339581, Service Command Unit, 1456, Headquarters Company, Camp Gordon, Georgia.

Efforts are being conducted to locate this knife in order that it may be secured for possible use at the trial in this matter.

RL *EB* **MJC**
RECORD

144-20-9
DEPARTMENT OF JUSTICE
OCT 21 1944 P.M.
DIVISION OF RECORDS
CRIM.-CIVIL RIGHTS SEC.

R.C.T.

TCC:SPM:MCM

144-20-9

November 23, 1944

J. Saxton Daniel, Esquire
United States Attorney
Savannah, Georgia

Dear Mr. Daniel:

Re: United States v. James Mitchell Bohannon

Will you kindly advise us of the approximate trial
date in the above captioned matter?

Respectfully,

For the Attorney General

TOM C. CLARK
Assistant Attorney General

SIGNED AND MAILED
NOV 29 1944
DIVISION OF RECORDS
2

Bohannon

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF GEORGIA

Savannah, Georgia
December 1, 1944

Honorable Tom C. Clark
Assistant Attorney General
Department of Justice
Washington D C

Dear Mr. Clark: *Tom;*

Re: United States versus
James Mitchell Bohannon.

Receipt is acknowledged of your letter of November 28, 1944, your file 144-20-9, in the above stated matter.

This case will be tried during the week beginning January 15, 1945, at Dublin, Georgia. The exact date is not known at this time.

Respectfully

Jaxton Daniel
J. Saxton Daniel
United States Attorney

Tom;

See notifying you further later
Jaxton Daniel

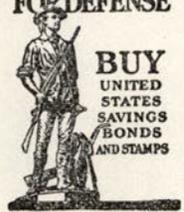
144-20-9
DEPT. OF JUSTICE
DEC 6 1944
CIVIL RIGHTS DIVISION

144-20-9

144-20-9

File V. M. B.

FOR DEFENSE



BUY
UNITED STATES
SAVINGS
BONDS
AND STAMPS

Savannah, Georgia
December 1, 1944

Honorable Tom C. Clark
Assistant Attorney General
Department of Justice
Washington D C

Dear Mr. Clark:

Re: United States versus
James Mitchell Bohannon.

Receipt is acknowledged of your letter of November
28, 1944, your file 144-20-9, in the above stated matter.

This case will be tried during the week beginning
January 15, 1945, at Dublin, Georgia. The exact date is
not known at this time.

Respectfully

J. Saxton Daniel
United States Attorney

Records div.

This copy for files.

Original delivered
by hand 12-11-44

JH

Director, Federal Bureau of Investigation

Tom C. Clark, Assistant Attorney General

United States v. Bohannon

December 9, 1944

TCC:EB:AEM

144-20-9

The above case has been set for trial on January 15. It is essential that the knife which was in the possession of the Negro, Willie Davis, be obtained before this date. Please expedite this matter.

EB
R

by hand
2:45
12-11-44

FILED
BY
A. M.
DEC 13 1944

Director, Federal Bureau of Investigation

Tom C. Clark, Assistant Attorney General

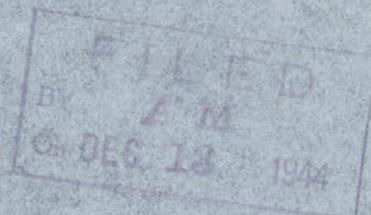
United States v. Bohannon

December 9, 1944

TCC:EB:AEM

144-20-9

The above case has been set for trial on January 15. It is essential that the knife which was in the possession of the Negro, Willie Davis, be obtained before this date. Please expedite this matter.



Office Memorandum • UNITED STATES GOVERNMENT

TO : Assistant Attorney General, Tom C. Clark DATE: December 16 1944

FROM : John Edgar Hoover, Director - Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

File T. W. R.

Reference is made to our prior correspondence in the captioned matter, your file reference TCC:EB:AEM, 144-20-9, and particularly to your memorandum of December 9, 1944, advising that the trial in this case has been set for January 15, 1945, and requesting advice as to the location of the victim's knife.

For your information there is transmitted herewith a copy of the report of Special Agent Harvey E. Fenstermacher dated on December 12, 1944, at Savannah, Georgia, in the captioned matter. You will note that this report indicates that the knife in question is believed to be in possession of the victim's mother, Ethel Davis, 19 Alvin Place, Inwood, Long Island, New York.

An immediate attempt will be made to contact victim's mother and secure possession of this knife.

Attachment

RECEIVED CRIMINAL DIVISION	144-20-9 DEPARTMENT OF JUSTICE DEC 18 1944 CIVIL RIGHTS
FILED BY DE On DEC 22 1944	Civil Rights

File 144-20-9

Office Memorandum • UNITED STATES GOVERNMENT

for

TO : Assistant Attorney General, Tom C. Clark DATE: December 21, 1944

FROM : John Edgar Hoover, Director - Federal Bureau of Investigation

SUBJECT: JAMES MITCHELL BOHANNON
CIVIL RIGHTS AND DOMESTIC VIOLENCE

RECEIVED
DEC 26 1944
CRIMINAL DIVISION

Reference is made to our prior correspondence in the captioned matter and, in particular, to your memorandum dated December 9, 1944, your file reference TCC:EB: AEM, 144-20-9, wherein you advised that the trial in this case was set for January 15, 1945, and requested that a knife, which was allegedly in the victim's possession at the time of the shooting in this case, be located in order that it might be used in the trial of this case.

Information concerning this knife was set forth in the report of Special Agent Harvey E. Fenstermacher dated on December 12, 1944, at Savannah, Georgia, in the above matter which was recently transmitted to you. For your further information a knife believed to be the knife in question has been obtained from Mrs. Ethel Davis, Inwood, New York, which she states is the only knife turned over to her by the Sheriff of Emanuel County, Georgia. This knife is described as five and one-half inches long with a three and one-half inch blade, one and one-half inch nickel at the end and possessing a broken handle. This knife has been forwarded to the Savannah Office of this Bureau for possible use in the trial of this case.

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

SAVANNAH, GEORGIA

FILE NO.

44-22

REPORT MADE AT Savannah, Georgia	DATE WHEN MADE 12/12/44	PERIOD FOR WHICH MADE 10/7, 10, 11, 19, 23 11/30; 12/2/44	REPORT MADE BY HARVEY E. FENSTERMAKER
TITLE JAMES MITCHELL BOHANNON		CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE	

SYNOPSIS OF FACTS:

Criminal Information filed Dublin, Georgia, October 9, 1944, under Section 52, Title 18, U.S. Code. Warrant issued and subject appeared before United States Commissioner, Dublin, and placed under \$500.00 bond, returnable Dublin January 15, 1945. BOHANNON chief of twin cities Graymont and Summit, Georgia, and controlled exclusively by city ordinances. Knife carried by victim at time of death believed in possession of victim's mother, ETHEL DAVIS, 19 Alvin Place, Inwood, L.I., New York.

-P-

REFERENCE:

Bureau File 44-940.
Teletype to Bureau dated October 10, 1944.
Teletype from Bureau dated October 10, 1944.
Teletype to Bureau dated October 11, 1944.
Teletype from Bureau dated October 12, 1944.
Teletype from Bureau dated October 14, 1944.
Teletype from Charlotte dated October 16, 1944.

DETAILS:

I

CARL C. DURDENMayorGraymont and Summit, Georgia

Mr. DURDEN advised that Graymont and Summit have separate post offices; however, they are governed by one mayor and one city council. Mr. DURDEN advised that JAMES MITCHELL BOHANNON was appointed Chief of Police at Graymont and Summit, Georgia, in March 1940 by the Mayor

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT		<p>44-20-9</p> <p>DEPARTMENT OF JUSTICE DEC 18 1944 DIVISION OF RECEPTION</p> <p>CRIM. - CIVIL RIGHTS SEC.</p>
<p>5-Bureau 2-New York 1-USA, Savannah 2-Savannah</p>		

Savannah File 44-22

at that time, MAX L. KINGHY, and the appointment was approved by the city council. He has been appointed in January of every year since by the successive Mayors and approved by the council each year. In 1943, the year in question, he was appointed by W. C. BISHOP, who was Mayor that year. Emanuel County, in which Graymont and Summit are located, has no jurisdiction or control over BOHANNON as Chief of Police, has no ordinances or regulations governing him, and he is controlled exclusively by the ordinances of the twin towns of Graymont and Summit. BOHANNON is also Constable of the district in which Graymont and Summit are located, and was appointed in 1940 in the customary manner by C. J. WOODELL, Justice of the Peace. BOHANNON has the power of arrest in that district. This district is called the 1560 District, and comprises about one fifteenth of the area of the county.

PEYTON YOUNG, Sheriff
Emanuel County
Swainsboro, Georgia

Sheriff YOUNG advised that there were no ordinances by which the county had control over any city police in the county.

All of the above information was obtained at the specific request of GREEN B. EVERITT, Assistant United States Attorney, Savannah.

PROSPECTIVE STEPS

Criminal Information No. 969 was filed in Dublin, Georgia, on October 9, 1944, by J. SAKTON DANIEL, United States Attorney, Savannah, under Section 52, Title 18, U.S. Code, charging BOHANNON with depriving citizen of civil rights. A warrant was issued and BOHANNON voluntarily appeared before United States Commissioner Miss JESSE BALDWIN, Dublin, Georgia, on October 11, 1944, and was placed under \$500.00 bond, returnable at Dublin, Georgia, January 15, 1945.

II

AT SUMMIT, GEORGIA

JAMES MITCHELL BOHANNON advised that he had given the knife taken from WILLIE DAVIS to Sheriff PEYTON YOUNG, Swainsboro, Georgia. He described the knife as a switch blade type with a blade from 4½ to 5½ inches long, smooth pearl handle, and with about 1½ inches of nickel at each end

Savannah File 44-22

and very pointed. He stated that he had not measured the knife and that this was an approximate description.

AT SWAINSBORO, GEORGIA

PEYTON YOUNG, Sheriff, Emanuel County, advised that he believed he had given instant knife to the United States Army investigator handling the case, but had no receipt. He did not remember the knife very well, but stated that it was a switch blade type.

AT AUGUSTA, GEORGIA

The following investigation was conducted by Special Agent J. CARLTON GARTNER:

RALPH B. WILLIS, Captain, Cavalry, ASN O-339581, Post Adjutant, Post Headquarters, Camp Gordon, produced from his files on instant matter a receipt as follows: "The following is a list of the personal effects of Corporal WILLIE L. DAVIS, 34059054, deceased, which were turned over to me by Sheriff YOUNG of Emanuel County, State of Georgia:

- 1 Bill fold with photographs and identification cards
- 1 Train ticket and bus ticket from Graymont, Georgia, to Montgomery, Alabama
- 1 Switch blade knife
- 1 Champion fountain pen
- 1 Eversharp pencil
- 1 WDAGO Form #28, Soldiers Individual Pay Record
- 1 Copy of memo #35-4, Headquarters Air Depot Training Station, New Orleans Army Air Base, New Orleans, Louisiana
- 1 Furlough paper
- 1 Set dog tags
- 1 Wrist watch
- 1 Money waist belt containing \$16.00
- 1 Dollar bill in billfold

/s/ ETHEL DAVIS
Mother of Deceased"

"Received from ETHEL DAVIS, mother of the deceased, WILLIE L. DAVIS, 34059054, furlough papers."

The investigative report prepared by Captain WILLIS (then First Lieutenant) contains the following statement in the conclusion: ".....A knife with a broken handle and very dull was removed from the pants pocket of the deceased....."

Savannah File 44-22

It was further noted that in a signed statement given to Captain WILLIS by JAMES MITCHELL BOHANNON, that he claimed to have felt the knife in WILLIE L. DAVIS' pocket, but that DAVIS did not draw the knife or threaten him with it at any time.

The files further reflect that ETHEL DAVIS lived at Summit, Georgia, at the time of the investigation, and could possibly be contacted there.

AT SUMMIT, GEORGIA

The following investigation was conducted by the writer:

BEN McCLAIN, brother of ETHEL DAVIS, advised that ETHEL now lives at 19 Alvin Place, Inwood, L.I., New York.

For the information of the New York Field Division, WILLIE DAVIS, negro, was killed by subject when subject was investigating a disturbance at a juke joint in Graymont, Georgia, and DAVIS at the time had a knife in his pants pocket.

- P E N D I N G -

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH, GA.

CRIMINAL DIVISION
RECEIVED

DEC 27 10 50 AM '44

December 23, 1944

File WOR

144-20-9
DEC 27 1944
CRIM - CIVIL RIGHTS SEC.

AIR MAIL

Hon. Tom C. Clark
Assistant Attorney General
Department of Justice
Washington D C

Dear Mr. Clark:

Re: US v. JAMES MITCHELL BOHANNON
Vio. Sec. 52, Title 18 USC

HOLLIE

On Monday of this week my assistants, Mr. Everitt and Mr. Durrence, went with me to Graymont-Summit for the purpose of visiting the scene of the crime and for the purpose of interviewing all of the available witnesses which we expect to use in this case. After the completion of our investigation we came to the conclusion that the government can not hope to secure a conviction of the defendant and that it will be a mistake on the part of the government to insist on prosecution.

The trouble between the policeman, Bohannon, and the deceased, Willie Davis, commenced at a negro juke joint in the town of Summit at about 11 PM, the juke joint being operated by one Richard Sanford in a small negro shanty adjoining the home of Sanford. The policeman went to this juke joint when informed that a row was taking place at the dance there and that someone there had fired a pistol several times. Upon the arrival of the policeman at the joint he found immediately in front of the place a number of negroes surrounding a negro who had hit another with a wrench. He arrested this negro, put him in jail and returned to the juke joint for the purpose of quelling any further disturbance and to find out, if possible, who had been doing the shooting. He was advised by the negro whom he had arrested that a negro by the name of Elton Rountree was doing the shooting. The policeman went into the juke joint where the dance was in progress and found Elton Rountree and searched him by putting his hands on his outside coat and hip pockets. Elton Rountree told me and now insists that there

FOR DEFENSE



BUY
UNITED STATES
SAVINGS
BONDS
AND STAMPS

was nothing offensive in the search or investigation that the policeman made. He says the policeman felt his pockets and told him to go ahead.

The policeman then saw the soldier on the porch and followed the same procedure in searching him, which was resented by the soldier and he snatched the policeman's hand away and a fight or tussle occurred between the policeman and the soldier. This happened on the porch of the juke joint and continued out into the yard in front of the house. From my investigation, it appeared that the soldier was probably the best man physically and succeeded in getting away from the policeman and ran around the house, some thirty steps away, to a picket fence, where, the policeman says, he was undertaking to pull a picket off with which to strike him. The policeman says that when he came around the corner of the building he was trying to remove the picket and he ordered the soldier to come out to him. The policeman in his statement says the soldier immediately started towards him, that he ordered him to stop and he shot him when he refused to stop. No one saw the soldier when he was between these houses except the policeman, therefore, we have no way of disproving the policeman's statement that the deceased was coming on to him. The physical facts, however, show beyond question that the soldier was three or four steps from the fence towards where the policeman was standing when the shot was fired and that the pistol ball entered the left chest and lodged in the back bone. The wound and the location of the soldier on the ground confirms exactly the statement of the policeman that the soldier was coming towards him. Our doctor witness, an Army officer, shows in his statement that the pistol ball entered the left chest, ranged ^{upward} and lodged in the back.
down

In addition to this, there was a gate in the picket fence through which the soldier could have passed and escaped, if he had wanted to.

Our witnesses, all of whom are negroes, take the position that the soldier was shot in the back as he ran away from the policeman. Their statements in this respect are untrue. He could not have been shot in the back while he was running away because the pistol ball entered from the front left chest, or rather slightly from the left side.

If we are to use the Army doctor, and we must use him in case of a trial, his testimony would confirm the contention of the policeman.

If we use the negro witnesses, who will testify that the officer shot the soldier while he was running away, their testimony will be

disproved by our own doctor witness and by all the physical facts. It just did not happen as the negro witnesses say it did.

Under the law the policeman had the right, and in fact it was his duty, to go to this juke joint and undertake to stop any disorderly conduct, and he had the right to arrest for the offense of disorderly conduct and he also would have had the right to arrest the soldier if he was using profanity, which the policeman says he was doing. Some of our witnesses say he did and some say he did not.

The strongest witness we have as to the search, etc., is Dave Stokes. He stated to the F.B.I. Agent, "Davis could have gotten away from Chief Bohannon when he was on the porch if he had wanted to, but I do not think he wanted to get away. It looks like to me that he wanted to fight. I do not know why W. L. Davis ran around the corner of the house. I have known Davis to have been in one other fight before he was killed. I have known Davis all my life and he and I were good friends. Chief Bohannon did not run after Davis immediately but waited about a minute and when someone told Chief where Davis had gone, he went around the house and soon after I heard a pistol shot. I do not know what took place after Davis ran around the corner of the house, but I know that Chief did not attempt to shoot Davis in my presence. Chief Bohannon did not make any attempt to draw his gun".

I found that the members of the coroner's jury who held the inquest are going to testify that Dave Stokes, the above named government witness, testified at the inquest that the soldier Davis cursed Chief Bohannon. This witness also told me that the policeman shot Davis in the back while he was running away. This is not true.

We will be confronted at the trial with a number of witnesses who will testify to the policeman's good character and his fair treatment of prisoners in making arrests. Naturally the policeman will have as witnesses the Mayor and Aldermen, and the Sheriff of the County will testify as to his good character, etc. The Coroner's jury will be used to impeach two of our best witnesses as to statements made by them at the inquest.

While making this investigation I heard from the Sheriff that the mother of the deceased soldier at the October term of the grand jury of Emanuel County went to see the Solicitor General, Hon. Hudson Lanier, for the purpose of indicting the police-

man in the State court. I then talked with Judge Lanier, who is one of our high type lawyers, and he stated to me that Davis mother came to see him for the purpose of presenting the case to the grand jury; that he took the names of her witnesses and drew an indictment against Bohannon to be presented to the grand jury but that later on during the same day she came back to him and requested that no action be taken in the matter and that he did nothing further towards the prosecution of the policeman. This happened the same day that our information was filed, I believe.

If this case is tried it will be necessary for us to secure the presence of one of our witnesses now stationed at Camp Dix, N. J. We will undertake also to secure the presence of the Army doctor who made the examination. He was at that time located at Camp Wheeler, near Macon.

All of these things must be accomplished between now and the date of the trial, which I assume, will be January 15, 1945.

I have gone into this matter somewhat in detail in order that you may understand my position, which is, that we can not get a conviction and the trial will probably appear to be a waste of the government's money.

I believe that this information should be not pressed and the prosecution terminated.

Will you please call me on the telephone, advising me in the premises as this must be done promptly so that we will know if we shall proceed with the summoning of witnesses, etc.

Respectfully

Jaxton Daniel
J. Saxton Daniel
United States Attorney

*1/19/44 As requested by Mr. Daniel - telephonic
reply was made to the effect that the above
entitled matter should proceed to trial as
earlier requested by the Attorney General. J.W.R.*

December 23, 1944

Hon. Tom C. Clark
Assistant Attorney General
Department of Justice
Washington D C

Dear Mr. Clark:

Re: US v. JAMES MITCHELL BOHANNON
Vio. Sec. 52, Title 16 USC

On Monday of this week my assistants, Mr. Everitt and Mr. Durrence, went with me to Graymont-Summit for the purpose of visiting the scene of the crime and for the purpose of interviewing all of the available witnesses which we expect to use in this case. After the completion of our investigation we came to the conclusion that the government can not hope to secure a conviction of the defendant and that it will be a mistake on the part of the government to insist on prosecution.

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was nothing offensive in the search or investigation that the policeman made. He says the policeman felt his pockets and told him to go ahead.

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Will you please call me on the telephone, advising me in the premises as this must be done promptly so that we will know if we shall proceed with the summoning of witnesses, etc.

Respectfully

J. Saxton Daniel
United States Attorney

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH, GA.

December 28, 1944

RECEIVED
DEC 30 1944

Honorable Tom C. Clark
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Clark:

In re: U. S. vs. James Kitchell Bohannon
Vio. Sec. 52, Title 18, USC

For the purpose of making the investigation about which I wrote you on December 23, 1944, in the above case, mileage and per diem expenses were incurred by Mr. Durrence and myself in the amount of \$18.01.

We were familiar with the regulation requiring that authority be obtained from the Department before the Marshal will be authorized to pay us. However, we could not delay the making of the investigation in order to secure the authority before incurring the expense. The prompt investigation was too important to await authority.

In view of these facts it is requested that you approve the form 25-B enclosed.

Thanking you, and with best wishes I am,

Yours very truly

J. Saxton Daniel
J. Saxton Daniel
United States Attorney

Encl.

144-20-9
DEPT. OF JUSTICE
DEC 30 1944
DIV. OF ACCOUNTS

CRIM. - CIVIL RIGHTS SEC

*Transferred to
Shaymont - Summit, Ga*

*Authority
Granted by
letter 12/13/44*

*file
E J M*



December 28, 1944

Honorable Tom C. Clark
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Clark:

In re: U. S. vs. James Kitchell Bohannon
Vio. Sec. 52, Title 18, USC

For the purpose of making the investigation about which I wrote you on December 23, 1944, in the above case, mileage and per diem expenses were incurred by Mr. Durrence and myself in the amount of \$18.01.

We were familiar with the regulation requiring that authority be obtained from the Department before the Marshal will be authorized to pay us. However, we could not delay the making of the investigation in order to secure the authority before incurring the expense. The prompt investigation was too important to await authority.

In view of these facts it is requested that you approve the form 25-B enclosed.

Thanking you, and with best wishes I am,

Yours very truly

J. Saxton Daniel
United States Attorney

Encl.

Department of Justice

Southern District of Georgia

Savannah, Georgia, December 28, 1944
(Place and date)

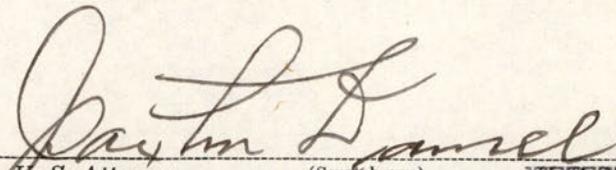
The ATTORNEY GENERAL,
Washington, D. C.

SIR: Authority to incur the following-described expense is hereby respectfully requested—
In re:

Mileage and per diem for J. Saxton Daniel, U. S. Attorney and H. H. Durrence, Assistant U. S. Attorney who interviewed witnesses and made investigation on December 18, 1944 in case of U. S. vs. James Kitchell Bohannon charged with violation of Sec. 52, Title 18 USC, tentatively set for trial at Dublin at the January Term, 1945, to be heard January 15th.

A total expense of \$18.01 was incurred in mileage and per diem

Estimated total expense, \$ _____
Contract No. _____



U. S. Attorney. (Scratch one) ~~U.S. Marshal~~

NOTE: Unless the instructions on the reverse hereof are fully complied with, this request will be returned without action.

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Approved:

You are authorized to incur the above expense.

INSTRUCTIONS

Payment by the United States marshal for your district is authorized from the appropriation.

For the Attorney General:

Administrative Assistant to the Attorney General.

Department of Justice

Southern District of Georgia

Savannah, Georgia, December 26, 1944

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Authority to incur the following-described expense is hereby respectfully requested—
In re:

Mileage and per diem for J. Saxton Daniel, U. S. Attorney and H. H. Durrence, Assistant U. S. Attorney who interviewed witnesses and made investigation on December 18, 1944 in case of U. S. vs. James Kitchell Bohannon charged with violation of Sec. 52, Title 18 USC, tentatively set for trial at Dublin at the January Term, 1945, to be heard January 15th.

A total expense of \$18.01 was incurred in mileage and per diem

Estimated total expense, \$ _____
Contract No. _____

Jaxton Daniel
U. S. Attorney. (Scratch one) ~~U. S. Marshal.~~

DEC 30 1944

NOTE: Unless the instructions on the reverse hereof are fully complied with, this request will be returned without action.

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Approved:

You are authorized to incur the above expense.

144-20-9
DEC 30 1944
DIV. OF ACCOUNTS

INSTRUCTIONS

Use this form exclusively in making applications for authority to incur expenses. Nature of expense: Describe fully; justify necessity. For personal services give name of payee. Payment by the United States marshal for your district is authorized from the appropriation. Should the space allowed for a description of the expense to be incurred prove insufficient, use above space.

For the Attorney General:

Administrative Assistant to the Attorney General.

December 13, 1944

E. Daniel
J. Saxton Daniel, Esquire
United States Attorney
Savannah, Georgia

~~HOLLIE~~

Dear Mr. Daniel:

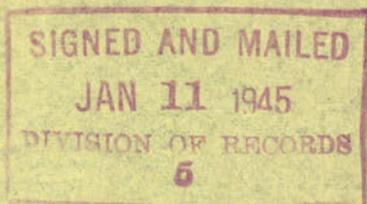
The receipt is acknowledged of your request for authority for you and your assistants, Mr. Green B. Everitt and Mr. H. H. Durrence, to proceed on or about December 18, 1944, to Graymont-Summit, Georgia, and return, to visit the scene of the crime and to interview all the witnesses in the case of United States v. James Kitchell Bohannon.

Authority is hereby granted for the incurrence of these expenses. This letter or a copy thereof, filed with the United States marshal for the southern district of Georgia will be his authority for the payment of these expenses from the appropriation "Salaries and Expenses of District Attorneys, etc., Department of Justice, 1945."

Sincerely yours,

John Q. Cannon
John Q. Cannon
Administrative Assistant
to the Attorney General

JQC



Office Memorandum • UNITED STATES GOVERNMENT

TO : Tom C. Clark, Assistant Attorney General

DATE: December 29, 1944

FROM : *R* Victor W. Rotnem

VWR:MCM

SUBJECT: James Mitchell Bohannon

144-20-9

REC'D MJC

*File
LWS*

At the request of J. Saxton Daniel, United States Attorney for the Southern District of Georgia, David Feild and the undersigned phoned the United States Attorney in relation to the trial of this case.

Mr. Daniel was advised that Mr. Feild would be happy to assist in the trial of this matter if desired. Mr. Daniel indicated that the work in his office was such that his force would be able to handle the case without assistance from here. Accordingly, the matter will come on for trial January 15th.

A

FILED
BY AM
ON JAN 3 1945

Tom C. Clark, Assistant Attorney General

December 29, 1944

Victor W. Rotnen

VWR:MCM

James Mitchell Bohannon

144-20-9

At the request of J. Saxton Daniel, United States Attorney for the Southern District of Georgia, David Feild and the undersigned phoned the United States Attorney in relation to the trial of this case.

Mr. Daniel was advised that Mr. Feild would be happy to assist in the trial of this matter if desired. Mr. Daniel indicated that the work in his office was such that his force would be able to handle the case without assistance from here. Accordingly, the matter will come on for trial January 15th.

TCC:DMF:MJB

144-20-9

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MJC
DEC 29 1944

December 29, 1944

J. SAXTON DANIEL, ESQ.
UNITED STATES ATTORNEY
SAVANNAH, GEORGIA

RE OUR TELEPHONE CONVERSATION BOHANNON MATTER. CONSIDER EVIDENCE
OF SHOOTING AND DEATH OBTAINABLE WITHOUT DOCTOR AS WITNESS.
RECOMMEND PROCEEDING TO TRIAL.

TOM C. CLARK
ASSISTANT ATTORNEY GENERAL

DMF

FILE COPY

FEDERAL BUREAU OF INVESTIGATION

CRIMINAL DIVISION
RECEIVED

Form No. 1

THIS CASE ORIGINATED AT **SAVANNAH, GEORGIA**

NY FILE NO. **44-85**

TW

REPORT MADE AT NEW YORK, NEW YORK	DATE WHEN MADE 12/30/44	PERIOD FOR WHICH MADE 12/16/44	REPORT MADE BY C. LAWRENCE RICE
TITLE JAMES MITCHELL BOHANNON			CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE

SYNOPSIS OF FACTS:

Knife obtained from Mrs. **ETHEL DAVIS**, Inwood, Long Island, New York, which she states was furnished by Sheriff, Emanuel County, Georgia, shortly after the death of her son, **WILLIE DAVIS**.

- R U C -

HOLLIE

REFERENCE:

Bureau File No. **44-940**.
 Report of Special Agent **HARVEY E. FENSTERMACHER** dated at Savannah, Georgia, December 12, 1944.
 Teletype from Savannah to Bureau and New York City dated December 14, 1944.
 Teletype from the Bureau to New York City, dated December 15, 1944.
 Teletype from New York to Bureau and Savannah dated December 17, 1944.
 Letter from New York to Savannah dated December 19, 1944.

DETAILS:

The following investigation was conducted by Reporting Agent and Special Agent **WILLIAM B. HERSHEY, Jr**:

Mrs. **ETHEL DAVIS** was located at the home of Mrs. **JOEL EDELSTEIN**, 21 Meadow Lane, Lawrence, Long Island, New York, where she is employed as a cook and she accompanied Agents to her living quarters over a garage located in the rear of 8 Monroe Avenue, Inwood, Long Island, New York. She advised that she uses 19 Alvin Place, Inwood, the home of Mrs. **OPHELIA COLLIER**, as her mailing address.

Mrs. **DAVIS** searched through her trunk filled with personal belongings and took therefrom a knife approximately $5\frac{1}{2}$ " long with a blade $3\frac{1}{2}$ " long. The handle had approximately $1\frac{1}{2}$ " of nickel on each side of one end but

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT ① Bureau 3 Savannah (1 USA Savannah) 2 New York		<div style="border: 2px solid purple; padding: 10px; display: inline-block;"> <p style="font-size: 2em; color: red; margin: 0;">144-20-9</p> <p style="margin: 5px 0;">DEPARTMENT OF JUSTICE</p> <p style="margin: 5px 0;">JAN 4 1945</p> <p style="margin: 5px 0;">DIVISION OF RECORDS</p> <p style="margin: 5px 0; border-top: 1px solid purple;">CRIM - CIVIL RIGHTS SEC</p> </div> <div style="margin-left: 20px; font-size: 2em; color: purple;">R.P.</div>

NY 44-85

the rest of the handle had been broken off so that all that remained was the metal sheath to hold the blade. She advised that this was the knife which belonged to her son WILLIE DAVIS and which he was carrying in his money belt at the time he was killed in Swaynesboro, Georgia. She advised this knife was turned over to her with other personal effects belonging to her son by the Sheriff of Emanuel County, Georgia, a few days after the death of her son. She believed she received this knife on July 7, 1943; Mrs. DAVIS was positive that this was the only knife turned over to her.

The knife above described has been forwarded by registered mail to the Savannah office, and the receipt for registered article #3742 is being retained in the New York Field Office file.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

144-20-9

January 2, 1945

B.P.

~~HOLLE~~

J. Saxton Daniel, Esq.
United States Attorney
Savannah, Georgia

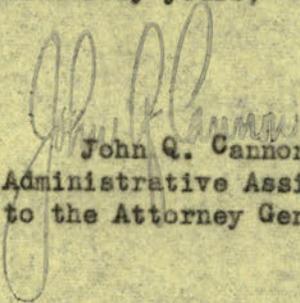
Dear Mr. Daniel:

There is inclosed for your information copy of a letter dated today addressed to the Office of the Judge Advocate General, War Department, relative to the attendance of Pvt. Jonathan Stokes as a witness in the case of United States v. James Mitchell Bohannon.

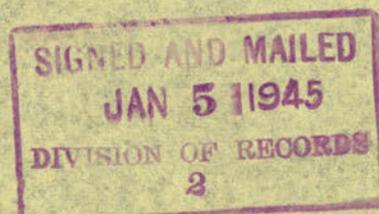
Orders from the War Department to his commanding officer for Pvt. Stokes to appear will be issued promptly.

As you will note, the marshal for your district will be governed by the provisions of Circular No. 3580, Supplement No. 2, dated November 30, 1943, in making any payments to the witness. A copy of this letter is being sent to the marshal for his information.

Sincerely yours,


John Q. Cannon,
Administrative Assistant
to the Attorney General.

JAC



DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH, GA.

Mr. Andretta.....
Mr. Butts.....
Accts. Div.....
Ch. Clk.....
Personnel Off.....
Supply Div.....
Records Div.....
Mr. Corthell.....
Mr. Loven.....
Stat. Div.....

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DEPT. OF JUSTICE

DEC 30 11 17 AM '44

December 28, 1944

ADMINISTRATIVE ASSISTANT
TO THE
ATTORNEY GENERAL

Honorable John Q. Cannon
Administrative Assistant to
The Attorney General
Department of Justice
Washington 25, D. C.

144-20-9
DEPARTMENT OF JUSTICE
DEC 30 1944
Admin. Asst. to The Atty. Gen.
DIV. OF ACCOUNTS
CRIM - CIVIL RIGHTS SEC

Sir:

In re: United States vs. James Mitchell
Bohannon
Vio: Section 52, Title 18, U.S.C.
Dept. of Justice File No. 144-20-9

*1/2 Honorable
Miss Wilson.*

This case is on the calendar for trial at the January 1945 term of Court, which convenes in Dublin, Georgia on January 15, 1945.

It is necessary that we have Private Jonathan Stokes, Army Serial No. 34994725, Co. A, 84, Sig. bn. Const. Bn., Fort Dix, New Jersey, in attendance upon the trial as a witness for the government. His testimony is material for the reason that he was present during the altercation immediately proceeding the shot, and also saw the defendant, Bohannon, draw his gun and shoot in the direction where the soldier, Davis, ran.

Not Sig. Const. Bn

This witness' last known civilian address was Route 1, Summit, Georgia, and this office is not informed as to his occupation as a civilian.

Will you please make the necessary arrangements and have this witness present in Court at Dublin, Georgia, Monday, January 15, 1945 at 9 o'clock A.M.

Respectfully
For the United States Attorney

Henry H. Durrence

Henry H. Durrence
Assistant United States Attorney

RECEIVED
DEC 30 1944



HHD/g

January 2, 1945

144-20-9

Office of the Judge Advocate General
War Department
Washington, D. C.

Colonel Mastin G. White
Attention: Chief, Litigation Division

Gentlemen:

The following named soldier is desired as an important witness for the government in the trial of the case of United States v. James Mitchell Bohannon, which will be held at Dublin, Georgia:

Pvt. Jonathan Stokes ASN 34994725
Company A, 81st Signal Construction Battalion
Fort Dix, New Jersey.

It is requested that arrangements be made for the witness to present himself by 9:00 A.M. at the office of the United States attorney at that place on January 15, 1945.

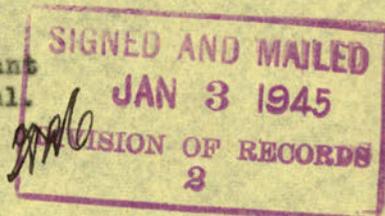
The witness will be allowed his necessary traveling expenses and a per diem of \$5 in lieu of subsistence during the period of his attendance at the place of holding court.

It will be greatly appreciated if your Department will furnish roundtrip transportation, including subsistence during travel time, and advance \$25 cash, representing the \$5 per diem for the first five days at the place of court. This Department will reimburse your Department for the amount from the appropriation "Fees of Witnesses, Department of Justice, 1945."

This letter confirms this Department's request made today by telephone.

Sincerely yours,

John Q. Cannon
John Q. Cannon,
Administrative Assistant
to the Attorney General.



RECEIVED
DEPT. OF JUSTICE

JAN 12 2 35 PM '45

ADMINISTRATIVE ASSISTANT
TO THE
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH, GA.

January 10, 1945

Mr. Andretta	.....
Mr. Butts	.....
Accts. Div.	.....
Ch. Clk.	.....
Personnel Off.	.....
Supply Div.	.....
Records Div.	.....
Mr. Corbell	.....
Mr. Loven	.....
Stat. Div.	.....

The Attorney General
Department of Justice
Washington 25, D. C.

Sir: Atten: Mr. John Q. Cannon

In re: United States vs. James Mitchell
Bohannon - Vio: Civil Rights

By agreement with counsel for defendant, and with the approval of the Department of Justice, this case has been continued and will not stand for trial during the term of court convening at Dublin, Georgia in January 15, 1945.

This office has also wired the Department the Department to this effect and also the Commanding Officer at Fort Dix, New Jersey that it will not be necessary for witness, Private Jonathan Stokes, ASN 34994725, to appear during the approaching January term of this court.

Respectfully
For the United States Attorney

HOLLIE

Henry H. Durrence

Henry H. Durrence
Assistant United States Attorney

RECEIVED
JAN 12 1945

Noted
No action necessary
JHD/g
JHD

RECORD

144-20-9
DEPARTMENT OF JUSTICE
JAN 13 1945
DIVISION OF RECORDS
Admin. Asst. to The Atty. Gen.
CRIM. - CIVIL RIGHTS SEC.

B.P.



January 10, 1945

The Attorney General
Department of Justice
Washington 25, D. C.

Sir: Atten: Mr. John Q. Cannon

In re: United States vs. James Mitchell
 Bohannon - Vio: Civil Rights

By agreement with counsel for defendant, and with the approval of the Department of Justice, this case has been continued and will not stand for trial during the term of court convening at Dublin, Georgia in January 15, 1945.

This office has also wired the Department the Department to this effect and also the Commanding Officer at Fort Dix, New Jersey that it will not be necessary for witness, Private Jonathan Stokes, ASN 34994725, to appear during the approaching January term of this court.

Respectfully
For the United States Attorney

Henry H. Durrence
Assistant United States Attorney

HHD/g

FEDERAL BUREAU OF INVESTIGATION

RECEIVED
JAN 18 1965
CRIMINAL DIVISION

Form No. 3

THIS CASE ORIGINATED AT

FILE NO. 144-22 WE

REPORT MADE AT: SAVANNAH, GEORGIA	DATE WHEN MADE: 1-13-65	PERIOD FOR WHICH MADE: 1-9-65	REPORT MADE BY: HARVEY E. FENSTERMACHER, JR.
TITLE: JAMES MITCHELL BOHANNON			CHARACTER OF CASE: CIVIL RIGHTS AND DOMESTIC VIOLENCE

SUMMARY REPORT

ALLEGATION:

Chief of Police, JAMES MITCHELL BOHANNON, of Graymont and Summit, Georgia, is alleged to have unjustifiably shot and killed a colored soldier, Technician Fifth Grade WILLIE L. DAVIS, Army Serial Number 34,059,054, after a disturbance at Sanford's Juke Joint in Summit, Georgia. BOHANNON went to Sanford's to quiet a disturbance, returned a short time later, walked around the shop, and upon leaving searched DAVIS, which action DAVIS resented. DAVIS made a remark indicating his resentment at being searched for no obvious reason, whereupon BOHANNON slapped DAVIS in the face after which the two men began fighting and grappling. DAVIS ran from in front of Sanford's store, past Sanford's house, which is adjacent to it, and into a side yard adjoining Sanford's house. BOHANNON followed DAVIS into the yard and shot him in the upper left chest. DAVIS was unarmed at the time of the shooting except for a switch-blade knife which he had in his pants' pocket and witnesses state DAVIS was attempting to get away from BOHANNON at the time he was shot. DAVIS was not causing any disturbance prior to BOHANNON's arrival. BOHANNON claims he was justified inasmuch as he thought DAVIS was attacking him at the time he was shot and he had been warned to stop or he would be shot.

PROSECUTIVE ACTION:

DO NOT WRITE IN THESE SPACES

144-20-9
MENTO, MISSISSIPPI
SPECIAL AGENT IN CHARGE
JAN 19 5 11 AM
CRIM.-CIVIL RIGHTS SEC.

APPROVED AND FORWARDED: KVL	RECORDED AND INDEXED:
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	JACKETED:
	DEPARTMENT OF JUSTICE
	ROUTED TO: FILE

SV. 44-22

Criminal Information No. 969 was filed in Dublin, Georgia, on October 9, 1944, by J. SAXTON DANIEL, United States Attorney, Savannah, under Section 52, Title 18, United States Code, charging BOHANNON with depriving citizen of civil rights. A warrant was issued and BOHANNON voluntarily appeared before United States Commissioner Miss JESSE BALDWIN, Dublin, Georgia, on October 11, 1944, and was placed under \$500 bond, returnable at Dublin, Georgia, January 15, 1945.

WITNESSES:

DAVID STOKES
GENERAL DELIVERY
SUMMIT, GEORGIA

Can testify that he was at Sanford's on the night in question and saw BOHANNON after looking around inside the shop come over to where DAVIS was standing and begin to search his pockets from the rear, at which time DAVIS caught hold of BOHANNON's hands and told BOHANNON that he did not have a right to search him as he was not BOHANNON's man. At this point, BOHANNON slapped DAVIS in the face, and the two men grabbed at each other. They fought on the porch and then fought on the ground in front of the store, after which DAVIS ran around the corner of Sanford's house, which is adjacent to the store. BOHANNON waited a minute and then followed DAVIS around the house after which STOKES heard a shot. STOKES, in his signed statement, advised that he believed that DAVIS could have gotten away had he so desired, but it appeared that DAVIS wanted to fight.

WILLIAM G. KIMBROUGH
SPECIAL AGENT, FBI
MIAMI FIELD DIVISION

Can introduce the signed statement of DAVID STOKES, giving the information as set out above. Special Agent KIMBROUGH can also introduce the signed statement of subject, BOHANNON, in which statement BOHANNON states that following a disturbance at Sanford's he was in the process of searching DAVIS when DAVIS struck the hand with which he was searching him, and that he, BOHANNON, struck DAVIS in the face after which a fight ensued during which BOHANNON alleges that DAVIS attempted to obtain BOHANNON's gun. DAVIS then ran around Sanford's house; and, after a short lapse of time, BOHANNON stated that he followed him as he had heard a noise and upon flashing his light saw DAVIS attempting to pry a board from the fence. BOHANNON stated that he told DAVIS to come out and that

SV. 44-22

DAVIS cursed him and stated that he was coming out and was going to get BOHANNON when he came. BOHANNON stated that DAVIS came toward him as though he were going to hit him, and he warned DAVIS twice to stop and then told him he would kill him if he came any closer. BOHANNON stated that DAVIS continued toward him and he, BOHANNON, shot him when he was about four feet away. After DAVIS fell BOHANNON searched him and found a switch-blade knife in his right side pocket. BOHANNON stated that he did not tell DAVIS that he was under arrest.

JOE STOKES
ROUTE #1
SUMMIT, GEORGIA

Furnished a signed statement to the effect that he was present at Sanford's on the night of the shooting and had seen BOHANNON come to Sanford's, look around inside, and go up behind DAVIS and pat him around the belt after which DAVIS looked around and slapped BOHANNON's hand away. BOHANNON slapped DAVIS after which DAVIS told BOHANNON he was not his man and immediately they "tied up". JOE STOKES could not say which man grabbed the other first. They fought a few minutes on the porch and then stepped off on the ground and continued fighting after which DAVIS broke away and ran around the house and appeared to be trying to get away. BOHANNON yelled to the white man with him to head DAVIS off after which BOHANNON stepped to the place where DAVIS had disappeared and after a few moments drew his gun and fired. JOE STOKES could not see DAVIS at the time the shot was fired.

JOHN WILLIAMS
ROUTE #1
SUMMIT, GEORGIA:

Furnished a signed statement to the effect that he was present at Sanford's on the night of the shooting and saw BOHANNON drive up and to into the juke joint and look around after which he searched a negro, ELDON BOUNDTREE, and then came up behind DAVIS, reached out both hands, and patted DAVIS' pockets. DAVIS, at this point, pushed BOHANNON's hands away and the two men began fighting. They fought on the porch and then on the ground in front of Sanford's store and finally DAVIS ran around the side of Sanford's house and appeared to be attempting to get away. BOHANNON went to the side of Sanford's house and shined a flashlight in the direction DAVIS had run. BOHANNON disappeared around the corner of the house, and WILLIAMS could not see either man but in a few minutes he saw DAVIS running out and just when WILLIAMS could see him he heard a shot and DAVIS fell.

SV. 44-22

JOE ELLIS
ROUTE #2
SUMMIT, GEORGIA

Furnished a signed statement to the effect that he was at Sanford's on the night DAVIS was killed and saw BOHANNON enter Sanford's after which he did not see BOHANNON again until he was coming out of the door at which time he was tussling with DAVIS. They tussled a few minutes and DAVIS appeared to ELLIS to be trying to get away and finally DAVIS did get away and ran toward the side of Sanford's house with BOHANNON in pursuit and ELLIS stated that as DAVIS reached the far side of Sanford's house BOHANNON fired. BOHANNON at that time was in front of Sanford's house. It should be noted that ELLIS' statements as to the position of both DAVIS and BOHANNON was contradictory to the statements of all other witnesses.

EDDIE LEE THOMAS
TOWNSEND, GEORGIA:

Furnished a signed statement and can testify that he was present at Sanford's when DAVIS was shot and killed. THOMAS saw BOHANNON arrive at Sanford's, walk into the shop, look around, and walk to where DAVIS was standing just outside the door and start patting DAVIS' pockets. THOMAS heard DAVIS say, "I'm not got a pistol--I'm a soldier", and saw DAVIS push BOHANNON's hands away after which BOHANNON slapped DAVIS in the face, and BOHANNON and DAVIS grabbed each other and, as the chief of police was larger, he pushed both himself and DAVIS off the porch to the ground where they continued fighting. DAVIS almost immediately ran toward the yard adjacent to Sanford's house, and the chief of police got up from the ground where he had landed, at the same time pulling his gun. BOHANNON did not appear to know where DAVIS had gone, but his boy shined a flashlight on DAVIS and BOHANNON ran to the side of Sanford's house a little into the yard and a moment later THOMAS heard a shot. THOMAS did not see either man at the time the shot was fired.

BERNETIA THOMAS
TOWNSEND, GEORGIA

Furnished a signed statement and can testify that she was working in Sanford's on the night DAVIS was killed and saw BOHANNON walk into the shop. When he came in everybody became quiet and DAVIS said, "What are you all got so quiet for? You ain't done nothing is you?", and someone said "no". DAVIS then walked out of the shop and a moment later BOHANNON walked out and immediately thereafter BERNETIA heard some scuffling, and then heard someone running so she looked out of the side window of the store and saw DAVIS run into the yard next to Sanford's house.

SV. 44-22

BERNETIA next saw BOHANNON run to his car in front of Sanford's house and ask where DAVIS went, and BOHANNON's boy shined a light on DAVIS. BOHANNON then went to the front of the yard and DAVIS began to run out to the left of him at which time BOHANNON fired and DAVIS fell. BERNETIA stated that she saw both men when the shot was fired, and DAVIS had both arms back and down as though he were running.

HARVEY E. FENSTERMACHER, JR.
SPECIAL AGENT, FBI
SAVANNAH, GEORGIA

Can introduce the signed statements of JOE STOKES, JOHN WILLIAMS, JOE ELLIS, EDDIE LEE THOMAS, and BERNETIA THOMAS, all of whom are mentioned above.

RICHARD SANFORD
SUMMIT, GEORGIA

Can produce the business license authorizing him to operate a cafe.

BELLE WHEATLEY
CLERK, CITY OF TWIN CITY
SUMMIT, GEORGIA

Can produce the minutes of the town meeting for January 5, 1943, which reflect that subject was appointed Chief of Police by Mayor of Twin City, W. C. BISHOP, for the year 1943. It should be noted that while Graymont and Summit have different post offices they operate as one city with one mayor and one group of commissioners and operates as city of Twin City.

PEYTON YOUNG, SHERIFF
EMANUEL COUNTY
SWAINSBORO, GEORGIA;

Can testify that he received a switch-blade knife from subject.

MRS. EIREL DAVIS
REAR, 8 MONROE STREET
INWOOD, LONG ISLAND, NEW YORK

Can testify that she received a switch-blade knife, the property of her son, WILLIE L. DAVIS, from PEYTON YOUNG, and delivered

SV. 44-22

it to Special Agent C. LAWRENCE RICE, FBI, New York, New York.

BOHAMON is not known to have any prior criminal record.

- PENDING -

TCC:LMF:esw

144-20-9

January 22, 1945

31
4
J. Saxton Daniel, Esq.
United States Attorney
Savannah, Georgia

Dear Mr. Daniel:

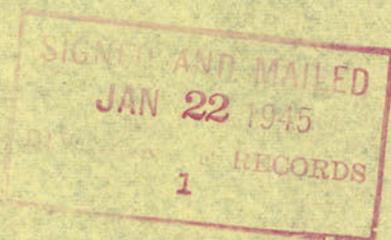
Re: James Mitchell Bohannon

We would appreciate information as to the present status of the above entitled matter. As we remember there was a possibility that a demurrer might be filed, and we are very interested in knowing whether or not this was done.

Respectfully,

For the Attorney General

TOM C. CLARK
Assistant Attorney General

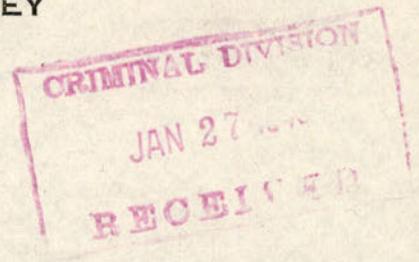


DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH, GA.

January 25, 1945



The Attorney General
Department of Justice
Washington 25, D. C.

File V. W. R.

Sir:

In re: United States vs. James Mitchell Bohannon
Violation: Civil Rights
Department of Justice File 144-20-9

Your letter of January 22, 1945, addressed to J. Saxton Daniel, United States Attorney, has been received and referred to the writer for attention and answer.

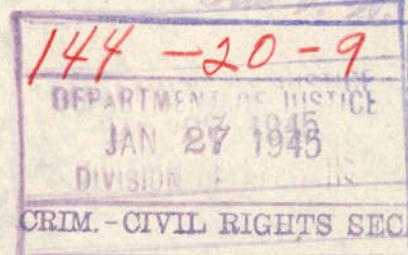
As you were previously notified, this case was continued at the January Term of Court at Dublin, Georgia, which convened on January 15, 1945, to await the outcome of the Screws case now pending before the Supreme Court of the United States, involving issues very similar to those expected to arise in this case.

The defendant, through his attorneys, Messrs. Spivey & Price, John R. Powell, Jr. and Julian Hartridge, has filed a demurrer to this information, a copy of which is herewith enclosed for your information.. The Judge postponed the hearing of the issues raised by this demurrer until after the Screws case has been decided. When date of the hearing has been set, you will be notified.

Respectfully
For the United States Attorney

Henry H. Durrence
Assistant United States Attorney

HHD/g
Encl. ✓



NOTED
ICB



January 25, 1945

The Attorney General
Department of Justice
Washington 25, D. C.

Sir:

In re: United States vs. James Mitchell Bohannon
Violation: Civil Rights
Department of Justice File 144-20-9

Your letter of January 22, 1945, addressed to J. Saxton Daniel, United States Attorney, has been received and referred to the writer for attention and answer.

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Respectfully
For the United States Attorney

Henry H. Durrence
Assistant United States Attorney

HHD/g
Encl.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF GEORGIA

June Adjourned Term, 1944

UNITED STATES OF AMERICA, §
Plaintiff §

v. §

JAMES MITCHELL BOHANNON, §
Defendant §

No. 969

Criminal Information

Now comes the defendant, James Mitchell Bohannon, and before pleading demurs generally to the criminal information in the above stated case and moves to quash the same upon the following grounds:

-1-

That section 52, Title 18, of the United States Code under which this defendant is charged with violation of the provision of said section is null and void as to this defendant, because:

- (a) Congress was and is without constitutional or other power to establish crimes of such nature, and
- (b) The Offenses set forth in said information are among the classes of offenses reserved to the several States and is not within the jurisdiction of the United States of America.

-2-

That said criminal information sets forth no criminal offense or offenses against this defendant under which the defendant can be tried and subjected to penalty of the law.

-3-

Defendant demurs specially to said criminal information upon the ground that the defendant is charged with two separate and distinct offenses in one count, contrary to law.

WHEREFORE, this defendant prays that this his demurrer be enquired into, sustained upon each and all of the grounds therein set forth and that said criminal information be dismissed and this defendant be discharged.

Price & Spivey

Julian Hartridge

John R. Powell, Jr.

Attorneys for the Defendant, James Mitchell Bohannon.

80-167-2746

CRIMINAL DIVISION
FEB 1 1945
RECEIVED

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT SAVANNAH, GEORGIA

FILE NO. 44-22 RCR

REPORT MADE AT SAVANNAH, GEORGIA	DATE WHEN MADE 1-13-45	PERIOD FOR WHICH MADE 1-4,5,8,9-45	REPORT MADE BY HARVEY E. FENSTERMACHER
TITLE JAMES MITCHELL BOHANNON		CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE	

SYNOPSIS OF FACTS:

EDDIE LEE THOMAS saw subject pat W. L. DAVIS' pockets, saw DAVIS push subject's hands away and after subject and DAVIS grappled a bit saw DAVIS run away. Subject followed a few moments later and THOMAS heard a shot. BERNETIA THOMAS did not see beginning of activity but saw both DAVIS and subject when DAVIS was shot. DAVIS was running toward but to the left of subject. Copy of minutes of town meeting appointing BOHANNON as Chief of Police obtained.

- P -

REFERENCE: Report of Special Agent HARVEY E. FENSTERMACHER dated December 12, 1944 at Savannah, Georgia.

DETAILS: AT TOWNSEND, GEORGIA:

EDDIE LEE THOMAS, son-in-law of RICHARD SANFORD, owner of Sanford's Cafe, was interviewed and furnished the following signed statement:

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT		144-20-9
5 Bureau 1 USA, Savannah 2 Savannah		FEB 1 1945 CRIM - CIVIL RIGHTS SEC.

"I, Eddie Lee Thomas, make the following voluntary statement to Harvey E. Fenstermacher, Jr. whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats, force or violence or promise of reward have been used to make me make a statement and I realize that any statement I do make may be used in court.

I went to Sanford's shop at Summit, Ga. about dusk on around the fourth of July, 1943. About an hour or so after I went to Sanford's, Chief of Police of Graymont and Summit, Ga. whom I know as Bohannon came into the shop looked around and started toward the door. W. L. Davis was standing just outside the door and the Chief started patting his pockets. I could see both Bohannon and Davis from my position inside the shop. When Bohannon started patting Davis' pockets I heard Davis say "I'm not got a pistol--I'm a soldier," and Davis pushed Bohannon's hands away. After Davis pushed Bohannon's away Bohannon slapped Davis in the face and Bohannon and Davis grabbed each other and as the Chief was heavier he shoved Davis and himself off of the porch and Davis landed on his hands and feet and immediately got up and began running. The Chief was getting up at the same time Davis was and was pulling out his pistol. The soldier, Davis, ran from in front of the shop, past Sanford's house which is next door and into the yard which was between Sanford's house and the house next door to it. The Chief didn't seem to know where Davis went but within a very short time Bohannon's boy shined a flashlight on Davis and said "There he is--right up in there, daddy." Bohannon's boy was standing near the street in front of Sanford's yard at the time. Bohannon ran to the edge of Sanford's porch and a little into the yard and I heard a shot. I don't remember if Bohannon had his gun out when he ran into the yard but I know he was pulling for it. I did not see either Davis or Bohannon when the shot was fired but I saw the tussling and saw Bohannon following Davis as I had come out of the shop and stood on the porch of the shop until Bohannon and Davis went to the ground and then I stepped off of the porch and walked to the corner of the shop toward Sanford's house.

The above statement consisting of about one and one-half pages in the handwriting of Special Agent Fenstermacher has been read to me by Special Agent Fenstermacher and I have signed this page and initialed one other page and errors because it is true.

/s/ Eddie Lee Thomas

Witness:

Harvey E. Fenstermacher, Jr., Special Agent, FBI, Savannah, Ga."

SV. 44-22

BERNETIA THOMAS, RICHARD SANFORD'S daughter, furnished the following signed statement:

"I, Bernetia Thomas, make the following voluntary statement to Harvey E. Fenstermacher, Jr., whom I know to be a Special Agent of the Federal Bureau of Investigation. No threats, force, violence or promise of reward have been used to induce me to make a statement and I realize that any statement I do make may be used in court.

I went to Sanford's shop about dark on July 3rd, 1943 and I had been working behind the counter for about an hour when the Chief of Police for Graymont and Summit, Ga. whom I know as Bohannon came into the shop. When Bohannon came into the shop everybody became quiet and W. L. Davis, who was in the shop at the time said "What are you all got so quiet for. You ain't done nothing is you?" Somebody in the shop said "no" and W. L. walked out on the porch in front of the shop. Bohannon looked around as though he were looking for someone and then walked out. After Bohannon walked out I heard some scuffling outside the shop but I didn't hear anyone say anything. I heard some running feet so I looked out of a window in the side of the shop and I saw W. L. run into the side yard next to Sanford's house and next to another house. I next saw Bohannon run to his car in front of Sanford's house and ask where the boy went. Bohannon's boy got out of the car and shined a light into Sanford's side yard and yell "There he is, daddy." I then saw Bohannon run to the front of the yard next to the well in the porch of Sanford's house. I then saw W. L. start to come out of the side yard to the left of Bohannon and I saw Bohannon shoot and I saw Davis fall. I did not see Davis when Bohannon's son first shined the light in the yard but Davis began to come out of the yard and then I could see him. He wasn't directly facing the Chief but was facing a little to his left. Davis did not have anything in his hands and his arms were down and to the back as though he was running and he appeared to be running.

I have read the above statement consisting of almost one and one-half pages in the handwriting of Special Agent Fenstermacher and I have signed it because it is true.

/s/ Bernetia Thomas

Witness:

Harvey E. Fenstermacher, Special Agent, FBI, Savannah, Ga."

SV. 44-22

AT SUMMIT, GEORGIA:

NANCY SANFORD, wife of RICHARD SANFORD displayed to the writer the business license issued to RICHARD on January 1, 1943 for the operation of a cafe. The license was signed BELLE WHEATLEY, Clerk, by J. M. BOHANNON.

BELLE WHEATLEY, Clerk of the City of Twin Cities, Georgia, produced the minutes of the meeting of the Mayor and Commissioners of the City of Twin Cities for January 1, 1943, the pertinent part of which reads as follows:

"This being time for a new mayor for 1943 to be elected, Mr. BISHOP was elected, for this office. Being nominated by Mr. BROWN and seconded by Mr. GRAY. Mr. GRAY was named Mayor Pro-Tem.

"The newly elected Mayor and Commissioners then signed the oath of office.

"Mr. BISHOP then appointed Mr. BOHANNON as Chief of Police and water superintendent, a motion by Mr. GRAY that \$100 be set aside to be used as a clothing account for Mr. BOHANNON, to be used as needed for this purpose, seconded by Mr. JOHNSON and carried by all. Mrs. BELLE WHEATLEY was named Clerk, Mr. J. D. DURDEN as recorder, Col. JNO R. POWELL, City Attorney and FR. J. R. Lanier, City Physician."

A certified copy of the minutes was obtained and is being maintained in the file of the Savannah Field Division.

Mrs. WHEATLEY made a copy of the business license issued to RICHARD SANFORD but this was not certified as she keeps no record of individual licenses issued by BOHANNON. She explained that he merely issues the licenses, collects the money and turns it over to her inasmuch as she does not like to go into the negro quarters. Mrs. WHEATLEY advised that the towns of Graymont and Summit have been operating as the City of Twin Cities since the early nineteen thirties but could not advise when this actually began.

Attempts were made to contact subject to see if he had a record of the license but he was out of town.

A sketch of the scene of the shooting was made and is being retained in the Savannah Field Division files. Photographs were made and are in the process of being developed after which they will be placed in the Savannah Field Division files.

TCC:SPM:esw

144-20-9

May 9, 1945

vs

J. Saxton Daniel, Esq.
United States Attorney
Savannah, Georgia

Dear Mr. Daniel:

Re: United States v. James Mitchell Bohannon

As you may have heard, the Supreme Court yesterday handed down its decision in the Screws case. There were four separate opinions, three of which are rather lengthy.

This is to request that you do not set down the argument on the demurrer in the Bohannon case for at least several weeks, in order that the Department may have an opportunity to thoroughly analyze the results of the Screws opinion and advise you accordingly.

Respectfully,

For the Attorney General

HOLLIE

TOM C. CLARK
Assistant Attorney General

CC: Records ✓
Miss Healy
Mr. Meyers

via legal Ref.

SIGNED AND MAILED
MAY 11 1945
DIVISION OF RECORDS
4

R
NOTED
ZCB

Department of Justice
Washington

May 12, 1945

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: United States v. Bohannon

This is the case in which a policeman in Summit, Georgia, shot and killed a Negro soldier in uniform. We had filed an information against Chief Bohannon under Section 52, charging him with denying due process of law under color of law. The defendants demurred and the judge postponed argument on the demurrer until after the decision in the Screws case. As you know that case was decided on May 7.

The Civil Rights Section has been studying the Screws case with special relation to its effect upon current cases based on the same theory of law and has concluded that it would be wise for us to dismiss the case against Bohannon. As you will remember the majority opinion of the court in Screws held that the word "wilful" in Section 52 must be construed to mean with specific intent to violate the particular Constitutional right involved. The circumstances of the Bohannon case are such that we do not believe we could prove such a specific intent. The facts are as follows:

The policeman came back to the roadhouse where the soldier was after he had arrested some other Negroes for

*Mr. Clark - a
App. - a
for the
your
conference,
recommen-
dated*



OFFICE OF THE
RECEIVED
MAY 15 1945
Tom Clark
ATTORNEY GENERAL

*one - 1
John
vol - pres
5/21/45*

*Law not sure -
should like
a conference -
5/15/45 - HC*

*Mr. Andretta advised that
Mr. Clark is out of town &
Mr. Robinson is in charge.
Mc*

144-20-9
JUN 5 1945
DIVISION OF
CRIM. - CIVIL RIGHTS SEC.

disorderly conduct. He had been informed that some of the Negroes still at the roadhouse had pistols and were shooting them off. When he reached the roadhouse, he began to frisk the Negroes who were there. He approached Willie Davis, the Negro soldier, from behind, and when he put his hand on the soldier's pocket, the soldier slapped the hand away. Thereupon a struggle ensued between the two. The soldier broke away and started to run away. The policeman called out to the crowd telling them to head the soldier off. The soldier then turned and started to come toward the policeman, admittedly with no weapon in his hand. The policeman told him that if he came any farther he would kill him. The Negro continued to advance, the policeman shot him in the heart, and killed him instantly. The Army investigator who arrived at the scene very quickly reached the conclusion that the killing was wholly unjustified and that we should take action. There was considerable evidence to lend color to the idea that the shooting was an act of discrimination against the Negro and not one of self-defense on the part of the policeman. Nevertheless we do not believe that we would be able to prove deliberate discrimination; that even if we could obtain a conviction, there would be an appeal; and if the statute came again before the Supreme Court used in connection with this very weak set of facts,

it might be further restricted by the opinion of the Court. Accordingly, we should prefer to nol-pros the case. If you agree with this, I will instruct the United States Attorney to do so.

Respectfully,

Tom Clark
TOM C. CLARK
Assistant Attorney General

TCC:EB:esw
144-20-9

May 12, 1945

HOLLIE

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: United States v. Bohannon

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CC: Records ✓
Miss Healy
Miss Bontecou

E.B.
R
Mg
TCL

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Respectfully,

TOM C. CLARK
Assistant Attorney General

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH, GA.

May 18, 1945

Tom C. Clark, Esq.,
Assistant Attorney General
Department of Justice
Washington DC

CRIMINAL DIVISION
MAY 21 1945
RECEIVED
144-20-9
DEPT OF JUSTICE
MAY 31 1945
DIV
CRIM.-CIVIL RIGHTS SEC

Dear Mr. Clark:

Re: US vs James Mitchell Bohannon
D of J file 144-20-9.

Receipt is acknowledged of your letter of May 9, 1945, requesting that the above stated case be not set down for hearing for several weeks, and until further advised. The matter will take that course.

Thanks for your letter.

Respectfully

J. Saxton Daniel
J. Saxton Daniel
United States Attorney

FILED
BY
On MAY 28 1945

File on

RECEIVED
ABF
JUN 5 1945

FOR DEFENSE



BUY
UNITED STATES
SAVINGS
BONDS
AND STAMPS

May 18, 1945

Tom C. Clark, Esq.,
Assistant Attorney General
Department of Justice
Washington DC

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Re: US vs James Mitchell Bohannon
D of J file 144-20-9.

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Respectfully

J. Saxton Daniel
United States Attorney

May 12, 1945

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: United States v. Bohannon

144-20-9
JUN 5 1945
CRIM.-CIVIL RIGHTS SEC.

This is the case in which a policeman in Summit, Georgia, shot and killed a Negro soldier in uniform. We had filed an information against Chief Bohannon under Section 52, charging him with denying due process of law under color of law. The defendants demurred and the judge postponed argument on the demurrer until after the decision in the Screws case. As you know that case was decided on May 7.

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The policeman came back to the roadhouse where the soldier was after he had arrested some other Negroes for

disorderly conduct. He had been informed that some of the Negroes still at the roadhouse had pistols and were shooting them off. When he reached the roadhouse, he began to frisk the Negroes who were there. He approached Willie Davis, the Negro soldier, from behind, and when he put his hand on the soldier's pocket, the soldier slapped the hand away. Thereupon a struggle ensued between the two. The soldier broke away and started to run away. The policeman called out to the crowd telling them to head the soldier off. The soldier then turned and started to come toward the policeman, admittedly with no weapon in his hand. The policeman told him that if he came any farther he would kill him. The Negro continued to advance, the policeman shot him in the heart, and killed him instantly. The Army investigator who arrived at the scene very quickly reached the conclusion that the killing was wholly unjustified and that we should take action. There was considerable evidence to lend color to the idea that the shooting was an act of discrimination against the Negro and not one of self-defense on the part of the policeman. Nevertheless we do not believe that we would be able to prove deliberate discrimination; that even if we could obtain a conviction, there would be an appeal; and if the statute came again before the Supreme Court used in connection with this very weak set of facts,

it might be further restricted by the opinion of the Court. Accordingly, we should prefer to nol-pros the case. If you agree with this, I will instruct the United States Attorney to do so.

Respectfully,

TOM C. CLARK
Assistant Attorney General

TCC:DMF:JBT

144-20-9

June 4, 1945.

J. Saxton Daniel, Esq.,
United States Attorney,
Savannah, Georgia.

HOLLIE

Dear Mr. Daniel:

On April 7, 1945, the Supreme Court handed down a decision in the case of Screws v. United States. In the course of the opinion, the court observed that in proceedings under 18 U.S.C.A. 52, it would be necessary to show that the accused specifically intended to deprive a person of a constitutional right or acted in reckless disregard of constitutional guarantees.

DMF
AM
F

An analysis of the facts in the Bohannon matter indicates that this requirement probably cannot be met in view of Chief Bohannon's warning to the deceased not to advance, and that the entire controversy was a matter of momentary occurrence. This is, therefore, to authorize you to enter a nolle prosequi in the Bohannon case.

Respectfully,

For the Attorney General,

TOM C. CLARK,
Assistant Attorney General.

CC: Records ✓
Mr. Feild
Miss Healy

SIGNED AND MAILED

JUN 4 1945

SECTION OF RECORDS

4

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH, GA.

RECEIVED

JUN 8 1945

CRIMINAL DIVISION

June 6, 1945

The Attorney General
Department of Justice
Washington 25, D. C.

Sir:

In re: United States vs. James Mitchell
Bohannon - Vio: Civil Rights
Dept. of Justice File 144-20-9

HOLLIE

Receipt is acknowledged of your letter of June 4,
1945, authorizing us to enter a nolle prosequi in the
above case.

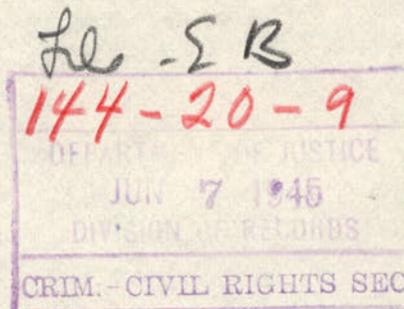
Please be advised that an order of nolle prosequi
was signed by Judge Lovett today, and we have closed
our case in this office.

Also, the attorneys for the defendants have been
advised of this action.

Respectfully
For the United States Attorney

Henry H. Durrenca

Henry H. Durrenca
Assistant United States Attorney



FOR DEFENSE



June 6, 1945

The Attorney General
Department of Justice
Washington 25, D. C.

Sir:

In re: United States vs. James Mitchell
Bohannon - Vio: Civil Rights
Dept. of Justice File 144-20-9

Receipt is acknowledged of your letter of June 4,
1945, authorizing us to enter a nolle prosequi in the
above case.

Please be advised that an order of nolle prosequi
was signed by Judge Lovett today, and we have closed
our case in this office.

Also, the attorneys for the defendants have been
advised of this action.

Respectfully
For the United States Attorney

Henry H. Durrence
Assistant United States Attorney

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

Savannah, Georgia, June 8, 1945

REPORT OF DISPOSITION OF CRIMINAL CASE
(Department Circular No. 3429)

United States v. JAMES MITCHELL BOHANNON

Vio: Civil Rights 969
Nature of Case Docket Number Term

The Attorney General,
Washington, D. C.

Sir:

I desire to report that on June 7, 1945, the above case was
disposed of as to the defendant

James Mitchell Bohannon

charged with violating Section 52, Title 18, U.S.C.
(Statute)

as follows:

Date of trial and results: None

HOLLIE

Plea None

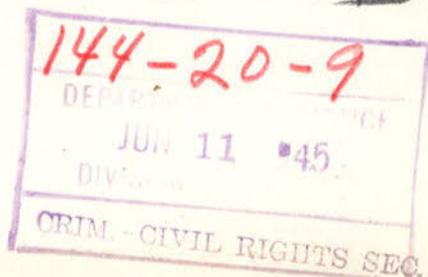
Disposed of otherwise:

6-7-45 Order of nolle prosequi filed
Authority: Letter from the Attorney
General dated 6-4-45; initialed
TCC:DMF:JBT - Dept. of Justice
File No. 144-20-9

Sentence: None

Salient facts of crime and defendant's part in it:

Previous criminal record:



In fixing sentence what consideration was given to assistance, if
any, rendered by defendant to prosecution?

Other circumstances considered by court in fixing sentence:

Respectfully,

J. SAXTON DANIEL,

United States Attorney.

19 Alvin Place
Woodlawn, N.Y.

RECEIVED
AUG 1 1945
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE
AUG 2 1945
DIVISION OF RECORDS
CRIM. CIVIL RIGHTS SEC.
File W.R.
July 28 1945
144-20-9

attorney General

Dear Court. is there any justice
in the South. My son Cpl 5
grade. Willie L Davis. was kill.
By Policemen. James M. Bahenan
of Summit Ga I taken out a
warrant for him and he has
never bin tried yet. I have not
bin able to get hold to a Lawyer
yet to go down. I went down
to Dublin Ga in January for
the trial and they put it off until
June and I have bin sick in the
hospital and could not go. So
I written to Judge J Dalton Daniel
Screws Case. They have had all
the witness and they would not
try him because they no that.

guilty. So they would not try
him. My Bay. was not Bathing
him. Cpl Davis. was Brought up.
under. the Late. of Leonard Rountree
he. was in the med Detachment.
Army Air Base New Orleans La.
the 1st Lt. said that he never
give any trouble. Everyone no him
Mr. Bahanen. he has never done
anything. But Beat on Negroes
Every since he was there. he
has. Beat on me. and about
4 or 5 other women. and men
to I dont. mind giving up my
Bay for our Country. But. not
to be. in service. and come home
to see his mother. and kill. for
nothing. you no as well as I do

you. dont. have. do anything. please
let me no if there. is any justice
in the world. for the poor. negro
must. they fight. and die. for this
country. and have no. place in
this america. I have one more.
Tom. he is. in this service. he is
over seas. he is put for R.
Davis. please let me no what to do.
he. has Bin dead 2 years. on July
3 he was Run down and
murder on the 3 of July 1943.
Please. if you all cant see that
the Court in Georgia. do. Better
then they have he still care the
gun that he kill my Boy with
my Boy. had of kill him he
would. have Lynch so long

Please. I am. asking. you all
for justice. he is still a prisoner.
Don't want my son that is over
deas. To Be Kill. By the paprene
if we have no justice.

Respect Mrs Ethel Davis

from Mrs Ethel Davis
19 Galvin Place
Inwood I N Y.



attorney General of the
United States.

6-06-111 Washington D.C.

RECEIVED
AUG 18 1945
FEDERAL BUREAU OF INVESTIGATION

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT SAVANNAH

FILE NO. 44-22 ASJ

REPORT MADE AT SAVANNAH	DATE WHEN MADE 8-2-45	PERIOD FOR WHICH MADE 7-22, 24-45	REPORT MADE BY PERCY VEE RICHARDSON
TITLE JAMES MITCHELL BOHANNON		CHARACTER OF CASE CIVIL RIGHTS AND DOMESTIC VIOLENCE	

SYNOPSIS OF FACTS:

Information against the subject nol prossed June 7, 1945.

HOLLIE

- C -

REFERENCE

Report of Special Agent HARVEY E. FEINSTER-MACHER dated January 13, 1945, at Savannah.

No response

DETAILS

AT SAVANNAH, GEORGIA

On July 12, 1945, reporting agent contacted Mrs. MANIE GROOVER, Secretary to Assistant United States Attorney DURRENCE, who, at that time, advised that the information outstanding against the subject had been nol prossed at the direction of the Department.

The writer personally examined the records of the United States District Court Clerk in Savannah, Georgia, on July 24, 1945, which records reflected that a nolle prosequi was entered on June 7, 1945, with regard to Criminal Information Number 969, filed at Dublin, Georgia, October 9, 1944, under Section 52, Title 18, United States Code, charging BOHANNON with depriving a citizen of civil rights.

- CLOSED -

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT		<p>144-20-9</p> <p>DEPARTMENT OF JUSTICE</p> <p>AUG 17 1945</p> <p>RECORDS SECTION</p> <p>CRIM. - CIVIL RIGHTS SEC.</p> <p><i>Bohannon</i></p>	
<p>5 Bureau</p> <p>1 USA Savannah</p> <p>2 Savannah</p>			

General Delivery.

Insufficient Postage
For Air Mail



W. Attorney General Clark VIA AIR MAIL
~~To The Supreme Court~~
Dept of Justice
Washington D.C.

from Mrs Ethel Davis
19 Alvin Place
Inwood L.I. N.Y.

October 11 1946

19 Alvin Place

Inwood 22 N.Y.

OFFICE OF THE
PROSECUTOR GENERAL
OCT 28 1946
PENNSYLVANIA

to
US attorney General to Mr. C. Clark

Dear Sir: This is the matter of
Tex 5 grade Cpl. of the med. Det army.
air Base New Orleans La. how
was shot and killed at Summit,
Reg. Policeman J.M. Bahanan for

no reason at all. I have been sick
in the hospital all the year just
about it. I written to the attorney
of Savannah Ga. and he said that
they had drop the case. Well why
just because he was a negro.

Why dont if it had of bin a Negro why
white man Even if he had to you all
would have already had him put
to death if the us dont want negroes.
Why not send them a way now that

J.M. Bahanan is still beating
negroes they have never had a trial
& thought that the government was
straight and treat everyone right.
since I gave all I had it is not right

M. J. G.

144-2079

That old Devil has hit me for no
Reason at all. He has Bet us Poor old
Negroes. I have good witness you people
know how the South is to Negroes. So
I am asking the Supreme Court to
please take it up again. I no I did
not have a Lawyer. I will try to get
one. you all no it was Cold Blood
murder. he was never in nothing
he has got some Negroes. Selling
Liquor. for him he is a Cook and
all no it. Because. if Carl Lawyer
Spivey of Swainsboro Ga.
wrote the us Court. The put it out.
That is not fear. I have one
more. Son in Inda. he is over
seas. a year. Put John A Davis. Why
do the Negroes. hefter fight. if
wee. have. no right. I think it is
a shame. Well if it goes on and
he is not tried it might cause trouble
so please. dont think hard of me. I
think. I have Bin treated wrong. Why not.
I see please. That the Case. Come to a trial
please for my sake. and others. and you.
all will no the. Truth. I cant give my
Boy up. Like that. if he had died for
America. But he was. Kill for the

little home he had he was shot
July the. 3, 1943. if you all will
please have it come to a trial I
will feel better. please let me
hear at once. write.

attorney Thurgood Marshall
of N.Y.

Respect Mrs Ethel Davis

PS attorney of Saxton Daniel
of Savannah and judge arch Bald
Javett said to write you all
so please write to judge. Louis
Proctor of Swainsboro Ga.
he will tell you just how they
did =

TLC:EB:BC

144-20-9

October 25, 1945.

HOLLIE

Mrs. Ethel Davis
19 Alvin Place
Inwood, Long Island, New York.

Dear Mrs. Davis:

This will acknowledge the receipt of your letter of October 11. I sincerely sympathize with your grief at the death of your son, Willie Davis.

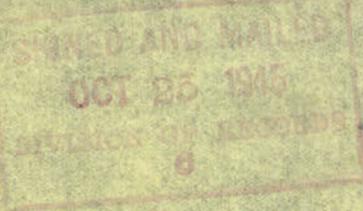
S.B.
8
J.F.B.
The Department of Justice can prosecute in a case like that of your son's only if it can find a violation of the Federal Civil Rights Statute. Both the War Department and the Department of Justice made a thorough investigation of the shooting of your son by Chief of Police Bohannon but they could not obtain the evidence which the Supreme Court of the United States has declared is necessary in order to prosecute a Civil Rights case. It was for this reason that the case never came to trial.

If you will consult Mr. Thurgood Marshall, I think that he will be able to explain this matter to you more fully.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General



CC Records ✓
Chron.

OFFICE OF THE
RECEIVED
APR 16 1946
ATTORNEY GENERAL

813 Princess St.
Alexandria, Va.
April 15, 1946

CRIMINAL DIVISION
APR 17 1946
RECEIVED

Hon. Tom C. Clark
U. S. Attorney General
Department of Justice
Washington, D. C.

Dear Sir:

In connection with preparation of matter for the coming issue of the Negro Handbook, edited by Miss Florence Murray, I am calling attention to the enclosed clipping from a Negro newspaper of the date indicated on the clipping.

I have no later information concerning the matter.

I am asking for any information concerning the further course of the case that the Department is in a position to furnish.

Thanking you, I am

Yours sincerely,

F. H. M. Murray

F. H. M. Murray

Enc. ✓

E. W. O.

144-20-9
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P. J. W.

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144-20-9

April 19, 1946

Mr. F. H. M. Murray
813 Princess Street
Alexandria, Virginia

Dear Mr. Murray:

This acknowledges your letter of April 15, 1946, with reference to the James M. Bohannon case which developed from the circumstances of the death of Willie L. Davis, a Negro soldier.

After careful consideration of all the facts and reports, it was determined that the evidence available was insufficient to warrant further federal prosecution, and the matter has accordingly been closed.

The newspaper clipping which you enclosed with your letter is herewith returned.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

Enclosure No. 375697

CC: Records
Chron.

SIGNED AND MAILED
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