

Texas Southern University

FIVE FIGHT FOR THEIR LIVES

Just over a year ago, in March 1967, students at Texas Southern University in Houston began a revolt against conditions on the campus. Grievances included bad food, early curfews for women, and the lack of courses in the modern branches of engineering and technology. The response of the administration was predictable. The TSU Friends of SNCC group was thrown off campus, a warrant was issued for the arrest of one student organizer, and the group's faculty advisor was fired. This led to a student boycott and the raising of new demands including: dropping the charges against the arrested student; increasing the salary of faculty members; a student court for disciplinary cases; the removal of the dean from the local draft board; and disarming the campus police. (THE MOVEMENT, May 1967).

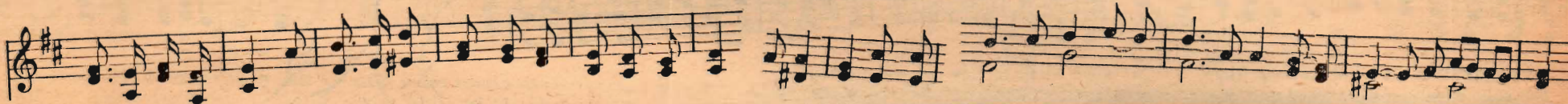
In May, students from TSU joined high school and college students from around the city in support of protests by local black citizens over intolerable conditions at the city high schools and the death of a young black child by drowning at an unfenced city garbage dump. These protests allowed the city to retaliate against the students at TSU in force.

On May 17, hundreds of armed police invaded the TSU campus and arrested 489 students. During the so-called riot, in which cops fired wildly, one policeman was killed, apparently by a ricochet from another cop's gun. Shortly after, five TSU students, all members of the Friends of SNCC group, were arrested and charged with being responsible for this death. (THE MOVEMENT, September, 1967).

One of the five, Floyd Nichols, has been traveling around the country trying to get publicity for the case. He was in San Francisco last week and we talked to him about the case and conditions on black campuses around the country.

The MOVEMENT: Tell us what the state of the TSU Five case is right now.
Floyd: The trial has been put off again

and again.
say is that you guys conspired to incite this riot and in the process of that riot a cop was killed and therefore you're



The MOVEMENT: Why?
Floyd: The D.A. asked for a change of venue because of too much publicity. He wants it moved to East Texas. He wants to move the trial to Liberty, Texas. Most everybody up there is against black people.
The MOVEMENT: How far is Liberty from Houston?
Floyd: About sixty miles.
The MOVEMENT: And its overwhelmingly white?
Floyd: You have most of the Klu Klux Klan and Minutemen further east.
The MOVEMENT: But you want to keep the case in Houston?
Floyd: I do, yes.

responsible for his death.
Floyd: They say we're responsible for two criminal assaults and also the murder.
The MOVEMENT: Have they determined how the police officer was actually killed?
Floyd: They had a little article in the paper saying no student could have killed him and the ballistics report along with the coroners report said he was mortally wounded by a .30 caliber police officer's bullet.
The MOVEMENT: Apparently the bullet ricocheted from another cop's gun?
Floyd: Yes. They were shooting wild and they were shooting AR-15 shells. They shot around 6,000 rounds of AR-15 shells into the dormitory. And the police officers were shooting at other police



Floyd Nichols (left) and Stanley Wright, Treasurer of TSU Friends of SNCC at THE MOVEMENT office. (photo: Mark Hardesty)

The MOVEMENT: What is the atmosphere in Houston around the case?
Floyd: Most of the people still realize that the five people they have charged are innocent. I mean that's clear cut. But they're trying to put it off I believe till most of the public forgets about it-- until they grow weary and tired of waiting for the trial to come and then they'll probably rush into court and rush us out of court.

Charges

The MOVEMENT: What are the five of you specifically charged with?
Floyd: First, conspiracy and incitement to riot. They say we are responsible for murder and two assaults on murder. This is why the DA is asking for the death penalty. It is based on an old anti-labor law where if laborers would strike and the police would set in to break the strike well then whatever injuries would result, they would pick out the so-called leaders or people who were supposed to have led the strike and if anybody was injured or anything then they would be charged with

officers. A lot of them had to be taken to the hospital.

Why These Five?

The MOVEMENT: Where were you when the disturbance occurred?
Floyd: I was about 10 or 15 miles away during all this shooting.
The MOVEMENT: What about the rest of the defendants?
Floyd: Two others were in the dorm when they arrested the 480 some odd students and one was already in jail and the other was across town.
The MOVEMENT: How soon did they arrest you?
Floyd: They arrested me about 28 hours after.
The MOVEMENT: Did you get lawyers right away?
Floyd: First we got NAACP lawyers and now we have other lawyers -- some are connected with the ACLU.
The MOVEMENT: What do you think is the reason that you five were picked out?

brutality and trumped-up charges when we marched on the courthouse. And we were trying to teach black history because we didn't have black history in the schools.

The MOVEMENT: So they were retaliating for previous agitation?

Floyd: For two protests on the 16th. One was in Sunnyside -- a black child drowned in the dump -- they had fences around the playground, but not around the dump, which was 20 ft. deep and the child fell in and drowned. And also another protest in Northeast Houston where they were beating up black high school students who were attending Northwood Jr. High School. They were being beaten with ax handles and chains and whatever. They had arrests at both protest sites and they arrested preachers and deacons and deacons and sisters of the church and students at Northwood Jr. High.

The MOVEMENT: You're out on bail now?
Floyd: Right.

The MOVEMENT: How much is the bail?
Floyd: \$10,000 a piece.

Political Defense

The MOVEMENT: How are you fighting case?

Floyd: I'm not going through criminal court proceedings -- that's trying you as a criminal and the whole thing political.

The MOVEMENT: The other defendants didn't want to do that though?

Floyd: So far they haven't.

The MOVEMENT: What are the reasons you're fighting the case politically?

Floyd: To try and get all five defendants off the hook, including myself, by any means necessary. The whole thing political. We were arrested on political grounds. You see the mayor wants to be re-elected and we were talking about black mayor, black people on the council and it's all lily white, and black people on the school board which is almost all lily white. The whole thing in Houston is political and the whole thing

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Harassment of Black Panthers Continues:

"CONSPIRACY" AND GUN CHARGES

BERKELEY, CAL. — Bay Area police continued their harassment of the Black Panther Party for Self Defense with an early Sunday morning raid, Feb. 25, on the home of Bobby Seale, Chairman of the Panthers. At 3 a.m. six Berkeley cops armed with shotguns burst into and ransacked Seale's house while holding Seale and his wife, Artie, at gunpoint. Without warrants either for search or arrest the cops arrested the Seales, charging them with conspiracy to murder, carrying a concealed weapon, possessing an illegal shotgun, and possessing a .45 caliber automatic with disfigured serial numbers. Shortly afterward, four other members of the Panthers were surrounded by three squad cars carrying shotgun-armed cops, and jailed on similar charges. The police tried to defend this intrusion without a warrant by claiming there was "reasonable cause" and that they had been investigating a "disturbance in the area." Bail was subsequently set at \$11,000 each for the Seales, and \$6,000 for the other four. These arrests took place in the context of a weekend-long move by the cops against the Panthers, in which at least ten other Panthers were arrested on charges ranging from using profanity to inciting a riot as they attempted to stop police brutalization of a black woman.

pressed and the arraignment was postponed until Tuesday. Meanwhile, bond has been reduced on all six prisoners. Finally on Tuesday, official charges were filed but no conspiracy charges appeared, since the court could not produce any intended victims. Seale and his wife were charged instead with several felony gun law violations, while the other defendants were charged with gun law misdemeanors.

Harassment and Retaliation

Commenting on the motives behind the police crackdown, the Huey P. Newton Defense Fund stated that the arrests were "blatant harassments and attempts to drain funds from the Black Panther Party which is involved in mobilizing support for Huey P. Newton, Minister of Defense, and constituted a "direct retaliation against the party for holding the mass rally for Newton's defense in Oakland on Feb. 17." (That rally, at which Stokely Carmichael, Rap Brown, James Foreman, and Bobby Seale had spoken, as well as a number of other rallies and meetings the week preceding the arrest had gained a great deal of financial and community support for Newton's defense among the black people in the Bay Area. Charles R. Garry, defense lawyer for the six, who pled all of them not guilty stated that the most recent arrests were "a smokescreen to poison the atmosphere around the Huey Newton trial." He termed the charges against the Seales "trumped up" and "phony." Garry is also acting as defense attorney in the Newton Case.

At a preliminary hearing on March 11 which was held over Garry's objection that the prosecution's evidence was inadmissible because it was obtained by illegal search and seizure of the Seales' home, testimony was heard from Berkeley policeman Edward F. Coyne, one of the arresting officers. Coyne admitted that he didn't like Seale's politics, and that he had "listened" on Feb. 24 while the Newton Defense money was being counted in Seale's house. It was also determined that Mrs. Seale had never seen the saved-off shotgun they were charged with possessing, and that they were no fingerprints on the gun. Seale himself had never seen nor personally removed the serial number on his .45 which he legally possessed for his own self defense. The Panthers have conformed carefully to gun legislation to avoid this kind of trouble, he said. According to Garry, "the hearing clearly established there was no probable cause for arrest and the testimony was unlawful because

Conspiracy Charge Dropped

Confusion ensued for two days following the arrests, with Seale being released Sunday morning, in spite of the murder conspiracy charges, and neither the cops, nor the District Attorney, nor the local papers being able to present any logical justification for the police actions. On Monday, Feb. 26, a rally of several hundred in support of the Panthers gathered and filled the Alameda Municipal Court, Berkeley, where arraignment proceedings were taking place, but no charges were

Rap Still in Jail . . .

SNCC has paid out \$3,000 to bail Ed Rap Brown out of the New Orleans jail where he has been imprisoned and fasting for over a month. But Rap still remains a political prisoner, in the custody of the U.S. government. He is now being transferred to Alexandria, Virginia, where they will hold him for extradition to Cambridge, Maryland -- where he is to stand trial. If it sounds a little confusing to you, don't worry about your ability to figure this legal maze out -- cause the man has deliberately created a web of confusion and traps, in order