Amos Starr

Police Brutality and Civil Rights Violations in Mid-20th Century Alabama

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Acknowledgments
I. INTRODUCTION

The city of Tallassee, Alabama is located on the Tallapoosa River bordering Elmore and Tallapoosa counties, in the East Central part of the state.¹ The year was 1947. Amos Starr, a thirty-eight year old black man, was killed by a Tallassee Police Officer, Cecil Orris Thrash while running away. While many of the events surrounding the incident, the ensuing investigation, and trial were typical of the racial dynamics in the American South in the mid-20th century, the case was unusual in that it was investigated at the federal level. But, even this level of national interest was not enough to convict Officer Thrash of depriving Amos Starr of his constitutionally protected right to life. Thrash was not the only officer charged with civil rights violations in Alabama during this time, but like the others, Thrash avoided a punishment commensurate with the magnitude of his crimes. His acquittal was illustrative of the racial tensions and institutionalized injustices in the criminal justice system of the era. The case of Amos Starr is one of many underappreciated, forgotten, and sometimes even uninvestigated, cases of civil rights violations by law enforcement in the South. The unsatisfactory result of the trial, considering the weight of the evidence, is remarkable but not unusual, given the times.

II. THE VICTIM, AMOS STARR

Amos Starr was born to Willie Starr and Lula Bickley² on August 25, 1909 in Friendship, Alabama, a small town located in Elmore County. Starr completed elementary school up to the seventh grade³ and married Hazel Starr, who was two years his junior.⁴ Starr was employed as a

brick mason\(^5\) and worked approximately forty hours per week, earning around $624 per month.\(^6\)

In 1940, Amos and Hazel Starr lived in a home they rented in Tallassee, Alabama\(^7\), located on Tip Top Alley, Number 252.\(^8\) Amos Starr was a tall, broad man, standing at six feet, two inches and weighing about two hundred twenty-five pounds.\(^9\) His life tragically ended on Saturday, October 25, 1947 in Tallassee, Alabama\(^10\) at the hands of Tallassee Police Officer Cecil O. Thrash.

**III. THE OFFICER, CECIL THRASH**

Cecil Orris Thrash was born on November 29, 1901 in Eclectic, Alabama to Hilliard Valentine Thrash and Jennie V. Thrash.\(^11\) With his family, he moved to Tallassee at an early age,\(^12\) and remained in school until his third year of high school.\(^13\) He was employed in the Tallassee Ice Company as a deliveryman for approximately twenty-two years.\(^14\) Sometime after 1940, he joined the Tallassee Police Department\(^15\), and worked there for approximately eighteen years.\(^16\) Officer Thrash worked approximately sixty-six hours per week and earned $795 per month.\(^17\) In 1940, Thrash, his wife Eva and their three children\(^18\) lived in a house they owned on Rushinville Street, No. 44 in Tallassee, Alabama. According to an investigative report by the

\(^5\) *Ibid.* However, Starr’s 1940 United States Census states that he was employed as a motor mixer in the Cotton Mill industry.


\(^7\) *Ibid.*

\(^8\) *Ibid.*


\(^12\) Cecil O. Thrash, Jeffcoat Funeral Home Death Report, Dec. 30, 1989, in author’s possession.


\(^15\) U.S. Census Bureau, Census 1940, www.ancestry.com (last visited Aug. 10, 2013). According to Thrash, 1940 United States Census he was still employed as a deliveryman in 1940.


\(^17\) *Ibid.*

\(^18\) *Ibid.*
Federal Bureau of Investigation on March 31, 1948, Thrash was approximately five feet, eleven inches tall, weighed approximately two-hundred twenty pounds, had a heavy build, blue eyes, black hair, a “ruddy” complexion, and a two inch “pit scar” on his right jaw.\textsuperscript{19}

\textbf{IV. INCIDENT ON OCTOBER 25, 1947}

Records indicate that that Saturday, October 25, 1947 was not the first time that Starr and Thrash had met. According to a statement made by Thrash to Federal Agent Spencer Robb, which Thrash refused to sign, he had arrested Starr on several occasions before October 25. Thrash said that Starr “had a reputation as a mean negro in [the] community.”\textsuperscript{20} This claim has not been corroborated by any other testimony or historical records. However, Starr did have a criminal record. According to the records of the Elmore County Circuit Criminal Court, Starr had been fined numerous times for various violations including: $50.00 on April 21, 1941 for violating Prohibition laws; $50.00 for reckless driving on October 21, 1942; $2.00 for disorderly conduct on June 29, 1944; and twice more for violation of Prohibition laws.\textsuperscript{21} While it is evident that Starr had a criminal history, these offenses do not suggest that Starr was a particularly violent individual, nor do the facts surrounding his death support such a view.

At approximately three o’clock in the afternoon on October 25, 1947, Thrash and Little Benjamin Meadows, the Chief of Police in Tallassee, discovered Starr in the woods in the act of selling whiskey to H. Curtis Mason and Samuel David Graham.\textsuperscript{22} The officers fired two shots in Starr’s direction, but Starr managed to escape.\textsuperscript{23} According to Meadows, “when Starr kept running, [Thrash] started to fire a couple of warning shots into the ground without any intention


\textsuperscript{20} Starr was fined for these violations on July 15, 1946 and May 5, 1947, $100 and $50 respectively. \textit{Ibid.}, 23.

\textsuperscript{21} \textit{Ibid.}, 20-21.

\textsuperscript{22} Memo from Hubbard to Rosen, Civil Rights Section, Case No. 144-2-29 (Aug. 20, 1948).

\textsuperscript{23} \textit{Ibid.}, 1.
of trying to hit Starr but in an effort to frighten him into stopping.”  

However, according to Mason and Graham, who witnessed the encounter, Meadows was the one who shot in Starr’s direction.  

Graham claimed that when Meadows informed Thrash that he had not hit Starr, Thrash retorted, “It ought to have been me shooting at that son of a bitch.”  

In the State of Alabama, liquor law violations are misdemeanors, and it was unlawful for an officer to shoot to kill in an attempt to effect an arrest, except in the case of self-defense.  

Meadows instructed Thrash that “if he saw Starr that night to lock him up.”  

Although Starr managed to escape, Mason and Graham were arrested. 

At approximately six o’clock on the evening of October 25, Thrash, Meadows, and Officer Otis H. Ward made a “routine check” of May’s Café in Tallassee, Alabama.  

May’s Café was located on the southern outskirts of Jordanville, a small residence and business section in South Tallassee.  

The building that housed May’s Café and a barbershop was located about forty yards south of a paved road running north and south from Jordanville to Newton, a black community.  

Behind the building was a dirt road that ran down Butler Hill and parallel to the Jordanville-Newton road, also contained a barbershop.  

Both the café and the barbershop were frequented by black patrons.

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25 Ibid., 14.
26 Ibid.
27 Memo from Hubbard to Rosen, Civil Rights Section, Case No. 144-2-29 (Aug. 20, 1948).
28 Ibid., 21.
31 Ibid., 3.
32 Ibid.
33 Ibid.
34 Ibid.
Starr was outside of May’s Café conversing with some friends and family when the officers approached the establishment. According to witnesses at the scene, the officers did not say anything to Starr when they got out of their car. When Starr saw the officers arrive and stop in front of the café, he immediately ran toward the dirt road with the officers following in close pursuit. Witnesses at the scene all agreed that Thrash began shooting at Starr almost immediately after the chase commenced and before Starr reached the dirt road. Statements from witnesses put the number of shots fired between two and seven. Thrash denied shooting at Starr as he ran from the café toward the road; he claimed that he did not pull his gun until he reached the dirt road himself. Thrash further stated that he pursued Starr down the hill and saw him hide behind a large piece of machinery. Thrash claimed that he called out to Starr, who responded by throwing a rock at him and coming toward him with a knife in his hand. According to Thrash, he shouted at Starr to stop, but as Starr continued to come at him, Thrash fired three shots. Thrash claimed that Starr was struck, but continued to take five or six steps toward him, and then fell to the ground. Starr died approximately twenty minutes later, surrounded by a pool of his own blood.

Shortly after the shooting, Elmore County Sheriff Lester Holley was called to the scene. It was customary in that county for the Sheriff to act as coroner in all killings. According to

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36 Ibid.
37 Memo from Hubbard to Rosen, Civil Rights Section, Case No. 144-2-29 (Aug. 20, 1948).
38 Ibid., 2.
39 Ibid.
40 Ibid.
41 Ibid.
42 Ibid.
44 Ibid., 20.
Holley, when he arrived at the scene, Starr was lying dead in the road with a switchblade knife in his hand.\textsuperscript{45} Holley proceeded to cut off all of Starr’s clothes, washed the blood off of his body, and commenced an examination on the road where the body lay.\textsuperscript{46} In his examination, Holley concluded that there was only one gunshot wound on the body, in the right front shoulder. Furthermore, he stated that any additional wounds that he may have missed would have turned up on the body after Starr was taken from the scene and prepared for his burial.\textsuperscript{47} In his capacity as coroner, Holley ruled that no grand jury investigation was necessary insomuch as the shooting was declared a justifiable homicide.\textsuperscript{48} Holley’s finding corroborated Thrash’s claim of self-defense.

Hazel Starr, the victim’s widow, was not present at the time of the shooting. She arrived at the scene twenty minutes after the shooting.\textsuperscript{49} When she arrived at the scene, Thrash told her “I shot him….”\textsuperscript{50}

An examination of the body conducted several days after the shooting on October 28, 1947 by Dr. Charles G. Gomillion, Dean of the Education Department at Tuskegee Institute, contradicted Holley’s finding by revealing a wound on Starr’s body just below the right shoulder in the back and another in his right front shoulder. However, since both of the wounds had been sewn up, he was unable to tell which wound was caused by entry of the bullet and which by its exit.\textsuperscript{51,52} An additional examination performed the same day, but reported on November 29, 1947...

\textsuperscript{45} Ibid.
\textsuperscript{46} Ibid.
\textsuperscript{47} Ibid.
\textsuperscript{48} Ibid.
\textsuperscript{50} Ibid.
1947, by Dr. Cecil S. Giscombe, also of the Tuskegee Institute, revealed two bullet wounds.\textsuperscript{53} Giscombe was able to determine from the examination that Starr had been shot from behind.\textsuperscript{54} The examination suggested that the bullet had entered through the back on the right side and had come out at the right shoulder in the front.\textsuperscript{55} According to a white physician, Dr. E.G. Moore, who performed an examination for Starr’s death certificate, although there were, in fact, two bullet wounds, the condition of the wounds made it impossible to determine which wound was caused by entry of the bullet.\textsuperscript{56} In his professional opinion, which he gave after Starr’s burial, the body would have to be exhumed and an autopsy performed to see which way the bones had splintered.\textsuperscript{57} Despite this lack of consensus regarding the entry-point of the bullet, Starr was buried on October 30, 1947 at the Oak Valley Church Cemetery.\textsuperscript{58}

No further investigation of Officer Thrash’s conduct was performed immediately after the shooting. It appeared that this page in history would be closed, and that Thrash would continue his life unscathed by the incident – that is, until the National Association for the Advancement of Colored People and the Department of Justice became involved.

\textbf{V. NAACP INVOLVEMENT}

On November 6, 1947, Edgar Daniel Nixon, president of the Montgomery Branch of the National Association for the Advancement of Colored People (NAACP), sent a letter to Tom C.

\textsuperscript{52} Photographs of this examination were taken and included in the Mobile, Alabama Federal Bureau of Investigation file, however, these photographs have not been found.
\textsuperscript{54} \textit{Ibid.}, 18.
\textsuperscript{55} \textit{Ibid.}
\textsuperscript{56} \textit{Ibid.}, 19.
\textsuperscript{57} \textit{Ibid.}
\textsuperscript{58} Death Certificate for Amos Starr, 30 Oct. 1947, File No. 19225, Alabama Center for Health Statistics, certified copy in author’s possession.
Clark, then-United States Attorney General in Washington, D.C. In his letter, Nixon urged Clark’s office to conduct an investigation into Starr’s death. In his opinion, Title 18 of the United States Code, §52 had been violated. This section was the civil rights statute, which made criminal the act of any person, who under color of law, deprived “any inhabitant of any State . . . of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States by reason of his color or race.” The letter enclosed affidavits of Naomi Bickley, Starr’s sister-in-law, and Hazel Starr, Starr’s widow. Most importantly, the letter noted that if Mrs. Starr were to take this matter to the County Solicitor, Winston Huddleston, “there would perhaps be another killing.” Because Thrash was known to have brutally beaten several black members of the Tallassee community, Nixon urged a federal investigation into Thrash’s conduct and the events of October 25, 1947. As Nixon succinctly stated in his letter, “we are appealing to you for the justice that is denied us here in the South.”

In addition to Nixon’s involvement, Marian Wynn Perry, a young white woman who was an attorney with the New York branch of the NAACP, was also assigned to work on this

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case. As Assistant Special Counsel of the NAACP, Attorney Perry took on the case on or about November 17, 1947.65

VI. FBI AND DEPARTMENT OF JUSTICE INVOLVEMENT

After the Department of Justice received Nixon’s letters, communications between agents ensued to establish whether the case warranted a Department of Justice investigation. The Federal Bureau of Investigation (FBI) conducted several interviews of witnesses of the events and reported on the evidence they gathered. The reports indicated that many of the witnesses at the scene did not see the shooting, and there were significant discrepancies regarding the entry-point of the bullet wound. It became clear that, in order to ascertain whether federal prosecution of the incident was warranted, an autopsy was needed. Thus, on July 21, 1948, nine months after Starr’s death, T. Vincent Quinn, Assistant Attorney General, sent a letter to E. Burns Parker, United States Attorney in Montgomery, Alabama, asking that he perform an examination of the matter and give his opinion regarding the performance of an autopsy and possible prosecution.66 Parker did not respond to the Department’s inquiries regarding the performance of an autopsy until November 16, 1948.67 In his delayed reply, he wrote, “I am convinced that an autopsy should not be made.”68 He further declared that he “believed that Amos Starr was shot from the front…if [he] believed from the reports that the victim was shot from the rear, then [he] would have said […] that [he] did not believe the Sheriff, the undertaker, and the Mayor or any other worthy citizen in the community where the killing took place.” He concluded by urging the Department of Justice to close the investigation of Amos Starr’s death. However, the Department of Justice continued to ask Parker to have an autopsy performed. Parker responded again on

65 Perry to Nixon, Nov. 17, 1947, Papers of the NAAC, Part 8, Section B, reel 21.
66 Quinn to Parker, July 21, 1948, Department of Justice file, National Archives, Case No. 144-2-29.
67 Parker to Campbell, Nov. 16, 1948, Federal Bureau of Investigation file, National Archives, Case No. 44-1941.
68 Ibid.
March 16, 1949, dismissing the need for further investigation and emphasizing his belief that the victim’s body should not be exhumed, as nothing would be gained from an autopsy.\textsuperscript{69}

On May 16, 1949, the Department of Justice sent one of its attorneys, Leo Meltzer, to visit Alabama and meet with United States Attorney Alfred A. Carmichael regarding an autopsy of Starr’s body.\textsuperscript{70} In conjunction with the FBI, the Department of Justice sought to locate Hazel Starr, who had relocated to Atlanta, Georgia. The investigators sought her written consent to exhume her late husband’s body and perform an autopsy.\textsuperscript{71} On May 10, 1949, Hazel Starr was located, and an affidavit was executed authorizing the exhumation of Starr’s body.\textsuperscript{72} On May 19, 1949, Meltzer was successful in obtaining an order from Carmichael to have Starr’s body disinterred and an autopsy performed.\textsuperscript{73}

\textbf{VII. AUTOPSY}

The autopsy was performed on May 19, 1949, and a report was completed by C.J. Rehling, Alabama State Toxicologist, on May 21, 1949.\textsuperscript{74} The report confirmed the Department of Justice Civil Rights Section’s hypothesis that “Starr was shot through the back and not through the front, in self defense, as asserted by Thrash and others.”\textsuperscript{75} The autopsy report conclusively found that “all observed evidence identified the path and direction of [the] bullet as entering the back near the lower portion of the right [shoulder blade], passing directly forward

\textsuperscript{69} Memo to FBI Director, Mar. 23, 1949, \textit{Federal Bureau of Investigation file}, National Archives, Case No. 44-1941.
\textsuperscript{70} Memo from Campbell to FBI Director, May 9, 1949, \textit{Federal Bureau of Investigation file}, National Archives, Case No. 44-1941.
\textsuperscript{71} Memo from Campbell to FBI Director, May 6, 1949, \textit{Federal Bureau of Investigation file}, National Archives, Case No. 44-1941. Hazel Starr moved to 1523 Rushton Street, S.E., Atlanta, GA.
\textsuperscript{72} Memo to FBI Director, May 12, 1949, \textit{Federal Bureau of Investigation file}, National Archives, Case No. 44-1941.
\textsuperscript{73} Memo from Campbell to FBI Director, Jun. 9, 1949, \textit{Federal Bureau of Investigation file}, National Archives, Case No. 44-1941. Order was dated May 17, 1949 and was directed to C.J. Rehling, Alabama State Toxicologist.
\textsuperscript{74} Ibid.
\textsuperscript{75} Ibid.
and ranging upward through the muscle to exit … near the right arm pit.”\textsuperscript{76} Accordingly, the Department of Justice decided to seek an indictment against the officers involved in the incident.\textsuperscript{77}

\section*{VIII. CRIMINAL TRIAL}

The Department of Justice brought charges against all of the officers present at the time of the shooting: Cecil Orris Thrash, Little Benjamin Meadows, and Otis H. Ward.\textsuperscript{78} On September 15, 1949, the federal grand jury returned an indictment only against Officer Thrash, Case No. 10, 230.\textsuperscript{79} The indictment charged that “on or about the 25th day of October 1947…Cecil Orris Thrash, a duly appointed police officer of the City of Tallassee, Alabama, acting under color of the laws of the State of Alabama … did willfully subject and cause to be subjected Amos Starr …to the deprivation of a right…; to wit, the right and privilege not to be deprived of his life without due process of law [protected by the Fourteenth Amendment to the Constitution of the United States] …. In violation of Section 52, Title 18, United States Code (1946 ed.).”\textsuperscript{80}

An arrest warrant was issued on Thursday, September 15, 1949, and at approximately ten o’clock in the morning that day, Thrash was arrested by United States Marshal Benjamin F. Ellis and brought before U.S. Commissioner Charles R. Hughes.\textsuperscript{81} Thrash was released on a $2,000
bond the following day. On September 29, 1949, Thrash and his attorneys filed a motion to dismiss, claiming in part that the acts allegedly committed by the defendant, Thrash, were not done under color of any law of the State of Alabama, and that these alleged acts were not willfully committed, which are essential elements of Section 52, Title 18 United States Code, or as it is now known, Section 242, Title 18 United States Code.

The trial against Thrash began on November 3, 1949 before Judge Charles B. Kennamer and an all-white male jury. Assistant United States Attorney Harwell Davis and Special Assistant from the Attorney General’s office in Washington Ben Brooks argued the case for the prosecution. The crux of the case was whether Amos Starr was shot in the front or the back. Thrash was facing a possible sentence of one year in prison and/or a $1,000 fine. Several witnesses testified at the trial against Thrash, including Alabama State Toxicologist C.J. Rehling. He stated for the record that “[my] conclusions are that the bullet went in through the back.” When asked by Prosecutor Davis if it were possible that the bullet entered from the front and exited through the back, Rehling responded “not and produce the evidence it did.” Rehling’s conclusion was corroborated by Dr. C. S. Giscombe, the black physician from Tuskegee, Ala., and John W. Powe, a black undertaker also from Tuskegee. Their testimony was contradicted

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86 Ibid.
87 Ibid.
88 Ibid.
89 Ibid.
90 Ibid.
by defense witness Dr. E. G. Moore, who examined the body days after the shooting. Moore testified that he “tried to determine in [his] own mind, but could not tell which way the bullet went in. Both wounds looked like they had been slit to allow the insertion of more cotton [by the undertaker to hold embalming fluid in the body].”

Hazel Starr also testified at the trial, and stated for the record “Amos was dead when I got there. I asked Mr. Thrash what was the matter, and he said ‘I killed him. Get back. Don’t touch him.’” Starr’s sister-in-law, Naomi Plant, testified that “we were standing there when the car stopped [referring to the car in which Thrash, Meadows, and Ward were in]. Amos ran. All three officers started shooting. Amos ran, and Thrash was running right behind him, shooting.”

According to Officer Ward, who also took the stand, “Thrash and I shot once or twice in the air. Amos ran across the road and down behind a road machine…we followed, and walked down the bank.”

Prosecutor Davis jumped at the opportunity to attack Ward’s testimony and asked, “Do you mean to tell me that you walked after this Negro – running at high speed – after you had been looking for him all day?”

Officer Ward responded, “I do.” Ward further claimed that when they followed Starr down the road, he came out with a knife in one hand and a rock in the other, and proceeded to throw the rock at them.
Davis again took the opportunity to challenge Ward by asking “do you mean to tell this jury that this Negro – who had been running away from three policemen shooting at him – walked out from behind that machine and threw a rock at you?”

Ward emphatically responded, “I do.”

Thrash’s defense attorneys offered the jury a different story. While there was no dispute that Thrash shot Starr, Thrash claimed to have done so in self-defense. The defense pointed out that Starr “was six feet three inches tall, weighed two-hundred-twenty-five pounds and was powerfully built. … it was ‘only natural’ for [Thrash] to use a weapon.” Defense attorney W.C. Woodall described Starr as “bloodthirsty and ready for a fight on the least provocation.”

In its closing statements the prosecution urged the jury to do the right thing. Davis “called the pursuit of [Starr] ‘a big game hunt’ by ‘trigger-happy men.’" Brooks urged the jury “to make an example out of [Thrash]. Otherwise, he warned, ‘there will be a lot more cases like this in Alabama.’”

Despite the prosecution’s pleas for a conviction and the overwhelming evidence establishing that Starr was shot in the back, Thrash was acquitted after the jury deliberated a mere twenty-two minutes.

IX. JURY INSTRUCTION

A present-day analysis of this trial and its ultimate conclusion suggests that Judge Kennamer’s jury instruction may have given the jury the “out” it needed in order to acquit

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98 Ibid.
99 Ibid.
101 Ibid.
102 Ibid.
103 Ibid.
104 Ibid.
Thrash. While Judge Kennamer refrained from explicitly charging the jury that evidence of good character alone may be sufficient to generate reasonable doubt in the jury’s mind as to the defendant’s guilt, he did instruct them that:

... evidence of the defendant’s good character should be taken into consideration by the jury along with all of the other evidence in this case, and that evidence of good character may be sufficient to generate in the minds of the jury a reasonable doubt of the guilt of the defendant, even when without such evidence no such doubt would exist.

Essentially, the judge instructed on good character even though initially he refused to give such an instruction. He told jurors that evidence of good character standing alone is sufficient to generate reasonable doubt in the minds of the jury.105

What is perhaps most alarming is that courts today still use what is now referred to as the “standing alone” instruction. It generally stands for the proposition that a person of high moral character could not have committed the offenses for which they are charged. Courts disagree on whether evidence of good character or reputation of the defendant, standing alone, is sufficient to create reasonable doubt in the minds of the jury as to the defendant’s guilt. Proponents of the “standing alone” instruction refer to the language in the 1896 Supreme Court decision of Edgington v. United States, 164 U.S. 361 (1896). The Supreme Court in that case held that the trial judge erred when he instructed the jury to consider evidence of the defendant’s good character only if other evidence raised doubt as to his guilt. The Court stated “the decided weight of authority now is that good character, when considered in connection with the other evidence in the case, may generate a reasonable doubt. The circumstances may be such that an established reputation for good character, if it is relevant to the issue, would alone create a reasonable doubt, although without it the other evidence would be convincing [emphasis

Since this Supreme Court decision, there has been much disagreement within the courts regarding the universal application of this rule. Several appellate courts have revisited this issue over the years. Most notable is the United States Court of Appeal for the Seventh Circuit’s decision in United States v Burke, 781 F.2d 1234 (7th Cir. 1985).

There the court stated:

The “standing alone instruction” conveys to the jury the sense that even if it thinks the prosecution's case is compelling, even if it thinks the defendant a liar, if it also concludes that he has a good reputation this may be the “reasonable doubt” of which other instructions speak. A “standing alone” instruction invites attention to a single bit of evidence and suggests to jurors that they analyze this evidence all by itself. No instruction flags any other evidence for this analysis—not eyewitness evidence, not physical evidence, not even confessions. There is no good reason to consider any evidence “standing alone.”

…If a jury ever should be told to consider evidence in isolation, character evidence is the wrong kind to single out …. It does not speak to the question whether the accused committed the crime. People of impeccable reputation may commit crimes, and when they are charged with crime the question is whether they did it, not whether they enjoy a high social standing.

In this case, the Seventh Circuit ruling does not deny that a defendant is permitted to present character evidence pursuant to Federal Rule of Evidence (FRE) 404(a)(1). In fact, the rule permits a defendant to offer evidence of the defendant’s pertinent traits. However, if the defendant chooses to introduce this evidence, the prosecution can then introduce evidence to rebut it. The Seventh Circuit addressed this rule in turn and stated:

Fed. R. Evid. 404(a) declares that as a rule character evidence is not admissible. Although the defendant may introduce the evidence (giving the prosecutor the right to put in more in reply), this dispensation is not based on a strong belief that the evidence is probative.

The “standing alone” instruction could readily be understood by the jury as permission (even as command) to acquit a defendant of good general character,

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106 Edgington, 164 U.S. at 366.
107 Burke, 781 F.2d at 1239.
108 Id.
109 Id.
even if the jurors are convinced that the defendant committed the acts with which he was charged. The instructions should not send this message.\textsuperscript{110}

The Seventh Circuit’s discussion of the “standing alone” doctrine exemplifies the issue with the verdict in \textit{United States v. Thrash}. The jury was permitted, if not encouraged, to give a considerable amount of weight to Thrash’s good character. However, despite this possible explanation for the verdict – notwithstanding the evidence refuting Thrash’s self-defense claim – a juror polled after deliberation offered an alternative, more controversial, justification for the outcome.

According to Assistant United States Attorney, Hartwell Davis, a juror told him after the verdict that none of the jurors seemed to be impressed by the testimony presented by the defense.\textsuperscript{111} However, “although most of the jurors were convinced [Starr] was shot in the back as he was fleeing, there was reasonable doubt in the minds of all the jurors as to whether or not Thrash was the man who fired the shot that killed [Starr], inasmuch as all three officers, namely [Meadows, Thrash, and Ward], testified they were firing their revolvers into the air while [Starr] was fleeing in an effort to frighten him into stopping, and inasmuch as the Government did not present sufficient evidence that Thrash was the man who actually shot [Starr] in the back.”\textsuperscript{112}

What is troubling about this account of the jury deliberation is that there was no dispute that Thrash shot Starr. At no point did Thrash deny firing the shot that killed Starr; in fact, his entire defense focused on the claim that the shooting was justified because it was in self-defense. Thus, not only did the jury disregard the evidence presented to them, they also focused on the wrong issue – whether Thrash fired the shot versus whether he was justified in firing – when making their decision.

\textsuperscript{110} \textit{Id.}

\textsuperscript{111} Memo from Campbell to FBI Director, Nov. 15, 1949, \textit{Federal Bureau of Investigation file}, National Archives, Case No. 44-1941.

\textsuperscript{112} \textit{Ibid.}
X. DEPARTMENT OF JUSTICE CAMPAIGN TO ADDRESS POLICE BRUTALITY IN ALABAMA

Thrash’s prosecution was likely the result of a wider Department of Justice campaign to address police brutality in the state of Alabama. In 1949, Officer Thrash was one of six officers charged with committing civil rights violations in Alabama. The other officers charged with civil rights violations were: Thomas I. Gantt (ex-Chief of Police of Covington County, Florala City, Ala.), Harold Kelly (Florala ex-Police Officer), Pat Grimes (Florala ex-Police Officer), William D. Durden (Montgomery ex-Police Officer), and Winkler Campbell (Montgomery ex-Police Officer.) Of all of the officers charged, Thomas I. Gantt was the only one to serve time for his civil rights violations.

Gantt was Chief of Police of Florala, Alabama (Covington County) from December 1942 to February 20, 1948. The complaints against Gantt were brought to the Federal Bureau of Investigation by two white men, Robert Jordan Matthews and Vester Gamble. According to Matthews and Gamble, “Gantt had gained a great deal of influence, politically and otherwise, in Covington County … by fixing juries, obtaining release of his friends from prison, ‘terrorist tactics,’ etc…. [Thus], it would be difficult to prosecute Gantt successfully in the State Courts in Covington County because too many people were afraid of him, although a great number of people would like to see him prosecuted in the Federal courts.”

Prior to Gantt’s federal indictment in the Middle District of Alabama, he was indicted in State court. Charges against Gantt were brought in the Circuit Court of Covington County

114 Memo from Hubbard to Meltzer, May 13, 1949, Department of Justice file, National Archives, Case No. 50-1-27.
115 Ibid.
116 Ibid.
(Andalusia, Alabama), on October 29, 1948. The charges against Gantt included: assault of J.R. Walker, with the intent to murder him; assault of Willie Billups; and assault of Blue Armstrong. The trial in Circuit Court was set to begin on January 11, 1948. On January 13, 1949, Gantt was found guilty of assault and battery and fined $50.00. Considering the magnitude of his offenses, Gantt’s minor sentence prompted federal attention to these cases. After the Circuit Court trial was over, the presiding Judge Will O. Walton of Lafayette, Alabama, made the following statement to an FBI agent: “Tell the federal agents or the U.S. District Attorney if they want to know what kind of a farce they had for a trial down here, to call me, I’ll be glad to talk to them. I raised my boy to believe that law was a great profession and I am proud he wasn’t here to hear this case.”

The Department of Justice was ultimately successful in bringing claims against Gantt in federal court. Gantt was indicted in the Middle District of Alabama on September 15, 1949; the charges against him included: hitting five black men to get them to confess to a criminal offense, in violation of 18 U.S.C. 52; forcing a black man to work off an alleged debt in violation of the Peonage Act; and conspiring with Officers Harold Kelley and Pat Grimes, both from Florala, to transport three black individuals from Fort Walton, Fla. to Florala, Ala., in violation of the Kidnapping Act.

On October 29, 1949, Gantt pled guilty to five counts of civil rights violations (beating the five men to get them to confess to a crime) in violation of 18 USC 52, and the two remaining

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117 Memo to Campbell, Apr. 11, 1949. Department of Justice file, National Archives, Case No. 50-1-27.
118 Ibid.
119 Ibid.
120 Ibid., 2.
charges, namely peonage and kidnapping, were dismissed. On November 5, 1949, Gantt was sentenced as follows: on counts one and two of civil rights violations, he was sentenced to serve twelve months and pay a $100 fine on each count to run consecutively, and the sentences imposed for counts three, four, and five were to run concurrent with the aforementioned sentence. Gantt was given until November 30, 1949 to get his affairs in order, at which time he would begin to serve his sentence.

On December 23, 1949, Gantt’s wife, Mae Belle Ward Gantt, sent a letter to retired Major General of the United States Army, Thomas A. Terry, seeking his assistance in getting Gantt’s sentence suspended. In her letter, Mrs. Gantt stated that “at the time [Thomas Gantt] was police, there was lot [sic] of trouble with young negroes peeping in on the white girls at the beach and following them home. Tom finally caught the right ones and did whip them (2 of the boys) to make them own it, I guess…. [T]he sheriff, who is a political enemy of Tom’s caused him to be indicted in Federal court. Tom plead guilty as he wouldn’t swear a lie … nobody thought he would be sentenced … Tom is 57 years old, has diabetes, and has to take two insulin shots each day. He is really not well…. “

Gantt’s sentence was ultimately reduced from two years to seven months. The judge in the case, Hon. C.B. Kennamer, told Prosecutor Ben Brooks that “this action was the result of considerable pressure brought to bear on him by large delegations of citizens from Gantt’s section of the state…the original sentence imposing two

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123 Ibid.
124 Brooks to Campbell, Nov. 5, 1949, Department of Justice file, National Archives, Case No. 50-1-27.
125 Gantt to Terry, Dec. 23, 1949 Department of Justice file, National Archives, Case No. 50-1-27.
126 Brooks to Meltzer, Jan. 11, 1950, Department of Justice file, National Archives, Case No. 50-1-27.
years on Gantt had received wide publicity and having had a salutary effect it was his opinion that a great deal of good had come of it in spite of the subsequent reduction.”

The matter did, in fact, receive overwhelming publicity from both the black and the white press. The federal criminal prosecution of an ex-Chief of Police was an enticing topic for the newspapers. Surely such publicity sent the message that no civil rights violations or other acts committed by law enforcement against black citizens would be left unpunished. However, the reduction of the sentence may have reduced the effectiveness of the message. While Gantt’s sentence was a surprise, the commutation of this sentence was not. Perhaps the judge’s decision to reduce the sentence was eased by Gantt’s guilty plea. But what if a jury of his peers had found him guilty? In that case, a commutation of the sentence would be counter to the professed will of the people.

The ultimate resolution of this case, while a slight success for the Department of Justice, leaves the remnants of injustice. Gantt admitted to beating five black men to get them to confess to a crime, but he only served seven months for his violations. A black man in his position would likely have been sentenced to death – or worse, lynched. Gantt’s case, on the whole, illustrates the injustice endemic to that era in the Deep South. First, considering the seriousness of the charges to which he pled guilty, he was given a very light sentence. Second, despite the efforts of the Department of Justice to prosecute the six law enforcement officers for violations of federal civil rights laws, Gantt was the only one who was held accountable for his crimes and served time. His story helps put the case of Amos Starr and Cecil Thrash in perspective and demonstrates the institutionalized culture of racism in the South’s legal system in the mid-20th century.

\[127\] Ibid.
XI. AFTERMATH

After Thrash’s acquittal on November 4, 1949, he continued to work for the Tallassee Police Department for another fourteen years, until approximately 1963. He and his family then moved to Montgomery, Alabama where he lived until he died from an extended illness on Thursday, December 28, 1989, at the age of eighty-eight. Thrash was buried in Rose Hill Cemetery on Saturday, December 30, 1989 at two o’clock in the afternoon.

Thrash’s youngest son and last living child, Sidney Thrash, followed in his father’s professional footsteps. Sidney Thrash was Sheriff of Elmore County, Alabama for twenty-four years, and passed away on March 10, 2013 at the age of eighty-one. There is no record of any civil rights violations or legal troubles in the career of the junior Thrash.

XII. CONCLUSION

Although Officer Thrash was brought before the court to answer for his crimes, the criminal justice system failed to bring justice for Amos Starr and his family. While the Department of Justice and FBI included the Starr case in their civil rights investigations and actually brought two cases to trial, the outcomes were disappointing. Even Thomas Gantt, the only police officer in Alabama to be convicted of a crime as a result of the investigations was given a considerably lighter sentence than his self-admitted crimes warranted. Despite the fact that Thrash was acquitted of the charges, the Amos Starr incident is notable for bringing an officer of the law to answer for gross violations of a citizen’s civil rights. Even though the Starr case once generated national attention, it is largely forgotten today. Such neglect is an injustice.

129 Ibid.
130 Ibid.
for Amos Starr and his family as well as for champions of civil rights everywhere. The case deserves the same contemporary attention that is given to other landmark criminal trials in the Southern civil rights movement. Only by remembering the injustices of the past can we prevent them from reoccurring.

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