The Director, Federal Bureau of Investigation
Theron L. Caudle, Assistant Attorney General
Melvin Porter
Prentice McCann, victim
Civil Rights and Domestic Violence

October 3, 1945

This will acknowledge your memorandum of September 26, 1945, in the above matter. In view of the fact that none of the witnesses can give a satisfactory account of the occurrences which preceded the death of Prentice McCann and that there is no evidence whatsoever sufficient to overcome the police officer’s defense of self-defense, it would appear that this case would not merit prosecutive action. Accordingly, we are closing our files and authorize you to do the same.

HOLLIE

CC: Records
    Miss Healy
    Turner Smith
Assistant Attorney General T. L. Caudle

Criminal Division

DATE: September 26, 1945

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

SUBJECT: MELVIN PORTER
          CIVIL RIGHTS AND DOMESTIC VIOLENCE

Reference is made to your memorandum dated July 26, 1945, wherein you requested a preliminary investigation be conducted concerning this case.

There is attached a copy of the closing report of Special Agent Chilton B. Creason, dated August 25, 1945, Birmingham, Alabama.

No further investigation is being conducted by this Bureau concerning this matter in the absence of a specific request for the same from the Department.

Attachment
FEDERAL BUREAU OF INVESTIGATION

REPORT MADE AT
Birmingham, Alabama

DATE WHEN MADE
8/25/45

PERIOD FOR WHICH MADE
8/10, 20-23/45

REPORT MADE BY
CHILTON B. CREASON

CHARACTER OF CASE
CIVIL RIGHTS AND DOMESTIC VIOLENCE

SYNOPSIS OF FACTS:
PRESTIGE McCANN, negro, died from gun shot wounds inflicted by Officer MELVIN PORTER, Mobile, Ala., Police Department, on 7/31/45 about 9:00 P.M. at Maysville, Ala. PORTER and Officer PATRICK GIBNEY stopped Patrol Car alongside negro dice game in front of Midway Club. Officers state McCANN shot while advancing in threatening manner, disregarding order to come to halt after PORTER had once struck McCANN with his fist. Negro witnesses state shots were fired at instant patrol car stopped and without provocation. Chief of Police, Mobile, requested immediate investigation by County Solicitor who expects to present case to next County Grand Jury.

- C -

REFERENCES:
Bureau memorandum dated July 31, 1945, entitled "UNKNOWN SUBJECTS; PRESTIGE McCANN-VICTIM, Mobile, Alabama; CIVIL RIGHTS AND DOMESTIC VIOLENCE".

DETAILS:
The following is a joint report by Special Agent EDGAR A. STEWART and the writer.

This investigation is predicated upon reference Bureau memorandum requesting a preliminary investigation into the alleged killing of PRESTIGE McCANN, a negro, at Mobile, Alabama, by the Mobile Police. The Bureau memorandum enclosed a copy of a Departmental memorandum on the same subject matter and photostatic copies of affidavits submitted to the Department by THURGOOD

APPROVED AND
FORWARDED:
SPECIAL AGENT
IN CHARGE
DO NOT WRITE IN THESE SPACES

COMTES OF THIS REPORT
5 - Bureau
1 - USA, Mobile
3 - Birmingham

9/19/45
SEP 30/1945
M ARSHAL, Counsel for the National Association for the Advancement of Colored People, giving the version of various witnesses to the shooting. These affidavits were taken from the following individuals: REEMA McCANN, widow of the deceased, IRA JACKSON WHITE, GARFIELD DANIELS, EARNEST JONES, JAMES LUDGOOD, WILLIE BONNER, WILL WHITE, JACK LUDGOOD and SAM HILL. With the exception of REEMA McCANN and IRA JACKSON WHITE, these affidavits are not being set forth in this report in view of subsequent statements secured from these individuals by Special Agent STEWART and the writer. All of the foregoing individuals, with the exception of IRA JACKSON WHITE, Proprietor of the Midway Club, Maysville, Alabama, are colored. These affidavits and other statements set forth in this report are being retained in the files of the Birmingham Field Division.

Chief of Police DUDLEY MCFADYEN and Chief of Detectives TALLEY ROLLINGS of the Mobile Police Department were interviewed by Special Agent STEWART and the writer. They informed that Officer MALWIN PORTER is the policeman who inflicted the wounds which resulted in the death of PRENTICE McCANN, aka PRINTISS McCANN. PORTER's companion at the time of the shooting was Officer PATRICK JOSEPH GIBNEY. Both Officers were assigned to a Patrol Car and were on duty at the time the shooting occurred. Chief MCFADYEN stated that on the night of July 7, 1945, immediately upon learning of the shooting he telephone Assistant Coroner THOMAS B. HENDERSON and requested that he examine the victim at the City Hospital where he had been taken by Officers PORTER and GIBNEY. He also called County Solicitor CARL M. BOOTH and requested that he conduct an immediate investigation of the shooting. Inasmuch as a member of his Department was involved, Chief MCFADYEN desired that an outside agency conduct the investigation of this shooting. BOOTH did come to the Police Department on Saturday night, July 7, 1945, and questioned Officers PORTER and GIBNEY. On the following day he interviewed witnesses GARFIELD DANIELS. Detective WALTER BURCH was assigned to the case to assist Mr. BOOTH in his investigation. Chief MCFADYEN is of the opinion that the entire matter will be presented to the next County Grand Jury.

MCFADYEN and ROLLINGS both informed that Officer PORTER had been a reliable member of the Police Department. He had been connected with the Force since October 27, 1943. Previously, he had served in the United States Army from October 16, 1940, until May 19, 1942. PORTER received a medical discharge from the Army and thereafter was employed as a guard by the Aluminum Ore Company, Mobile, Alabama, prior to his employment by the Mobile Police Department. During his service in the Department they had formed the opinion that he is cool-headed and dependable. To their knowledge he had previously encountered no difficulty in handling negroes. For a time he was stationed at a principal intersection in the City handling traffic. No complaints had been received on his conduct during that period which MCFADYEN and ROLLINGS regarded as somewhat unusual.
Chief McFADYEN produced the Police Department file on this case which included signed copies of statements secured from MELVIN PORTER and PATRICK JOSEPH GIBNEY and IRA JACKSON WHITE, Proprietor of the Midway Club, as well as an unsigned statement from witness GARFIELD DANIELS. The statement of MELVIN PORTER which was furnished to Solicitor BOOTH is set out as follows:

"July 8, 1945

"Last night July 7th at about 9:00 o'clock I was on duty in scout car #6 with my partner, Pat Gibney. My partner was driving and I was in the front seat beside him. We stopped at the Midway Club in Maysville where there was a crap game going on in front and slightly to east of the east door at the front of the club. There were about twenty or twenty-five negro men crowded around the game making quite a bit of disturbance. We stopped the car about ten feet from the game and I got out on the right side and my partner got out on the left side and came around the back. All the negroes scattered and ran except the negro who had the dice and one other who we learned later to be Prentiss McCann. This negro did not run but came directly at me and I hit him in the face with my fist, causing him to go back about three or four feet. He then started back at me with his right hand in his pocket and I told him twice to stop at the same time stepping back a step or two and when he continued coming I drew my gun and fired twice at him. He was along side the car when I fired and I was nearer to the back of the car on the same side the negro was. When the negro fell I returned my gun to my holster and was wringing my right hand where it was hurting from hitting him in the face. Another negro helped me pick him up and my partner got in the back of the car and helped place him on the back seat. We then drove to the City Hospital where he was immediately taken to the emergency room.

"At the request of Solicitor Booth I have given this statement which has been typed in the Clerk's office in Police Headquarters by Alfred A. Parden. It is true and correct.

/s/ Melvin Porter

/s/ Carl M. Booth

/s/ A. A. Parden
MELVIN PORTER was personally interviewed and confirmed the foregoing statement as true and correct. He stated he had not experienced previous difficulty in handling negroes in the County. On this particular occasion he firmly believed that the victim was intending to attack him at the time he advanced with his hand in his pocket. He likewise insisted that he had first struck McCANN with his fist and had ordered him to halt before he shot. He could recount no other conversation that took place between him and the victim prior to the shooting.

The following signed statement of Officer PATRICK JOSEPH GIBNEY was taken by Solicitor BOOTH and is set out as follows:

"July 8, 1945

"Last night, July 7th at about 9:00 o'clock I was on duty in scout car #3 with my partner, Mervin Porter. I was driving and he was sitting in the front seat to my right. We stopped at the Midway Club in Maysville where there was a crap game going on in the front and slightly to the east of the back door in front of the club. There were about twenty or twenty-five negro men crowded around the game making quite a disturbance. I stopped the car about ten feet from the crowd and as my partner got out of the right side I proceeded to get out from the left. All the negroes then ran with the exception of the boy who had the dice and one other who I later learned to be named Prentis McCANN. This boy came directly at my partner at which time he struck him in the face with his fist. He fell back between three and four feet and started right back at the same time putting his hand in his right hand pocket and was told by Officer Porter to stop twice, paying no heed to this repeated command he kept coming toward Officer Porter at which he drew his gun and fired. I was standing to the right rear of the car and noticed Officer Porter holding his hand where he had hurt it from hitting him. The other negro who did not run helped Officer Porter pick this negro up and I went around to the left of the car, got in the back seat and helped place him on the seat. The negro who helped me put this boy in the car had been drinking. I then got under the wheel and drove him to the City Hospital where he was taken to the emergency room immediately.

"At the request of Solicitor Booth I have given this statement which has been typed in the Clerk's Office in Police Headquarters by Alfred A. Parden. It is true and correct.

/s/ Carl M. Booth
/s/ Pat Gibney
/s/ A. A. Parden
PATRICK JOSEPH GIBNEY was personally interviewed and confirmed the statements of Chief McFADYEN and Captain ROLLINGS with regard to PORTER's dependability and judgment. He stated that he had been PORTER's partner since September, 1944, and during that period PORTER had never experienced difficulty in handling negroes. He believed PORTER to be cool-headed.

The foregoing statements, together with the Police Department statement of IRA JACKSON WHITE and GARFIELD DANIELS are being retained in the files of the Birmingham Field Division. The statements of WHITE and DANIELS are not being set forth in this report inasmuch as other statements furnished by them are set out in detail.

CARL M. BOOTH, County Solicitor for Mobile County, Alabama, related that Chief of Police McFADYEN had telephoned him on Saturday night, July 7, 1945, immediately after the shooting. He went to the Police Department that night and interviewed Officers PORTER and GIBNEY. They had returned to the scene of the shooting to discover witnesses and had located witness GARFIELD DANIELS. However, DANIELS was so intoxicated that he could not be questioned until the following day. Statements were taken Sunday, July 8, 1945, from the officers and from DANIELS and IRA JACKSON WHITE, Proprietor of the Midway Club, in front of which the shooting had occurred. Chief McFADYEN had requested Mr. BOOTH to conduct the investigation inasmuch as it involved a member of the Police Department and he felt that an impartial investigation should be made. The Chief had asked Mr. BOOTH if PORTER should be docketed. Mr. BOOTH advised against this as he had insufficient evidence against PORTER to hold him on a charge of manslaughter.

A week or two later J. L. LEFLORE, a local negro in Mobile, Alabama, who is active in the National Association for the Advancement of Colored People, accompanied by two or three union representatives whom Mr. BOOTH could not identify, called on Mr. BOOTH and presented him with copies of the affidavits of various persons in the vicinity of the shooting. These affidavits are the same as were submitted subsequently to the Department of Justice by THURGOOD MARSHAL. Mr. BOOTH had discussed this case with LEFLORE and told him that he could secure a warrant from the Circuit Judge for PORTER's arrest or that the matter could be presented to the next County Grand Jury. He asked LEFLORE to bring before him the various witnesses whose affidavits were submitted in order that he might question them fully with respect to what they had seen. LEFLORE and the witnesses failed to appear at Mr. BOOTH's office on the occasions of two subsequent appointments. Thereafter, Mr. BOOTH left town and his assistant, Mr. T. O. HOWELL, experienced similar difficulty in interviewing these witnesses. Until the present time they have not appeared, but Mr. BOOTH stated that it is his present intention to present the matter to the next session of the Mobile County Grand Jury. He is of the opinion that evidence presently in his possession is insufficient to warrant charging PORTER with manslaughter.
Mr. BOOTH informed that information furnished him by Dr. THOMAS B. HENDERSON, Assistant Coroner, who examined PRENTICE McCANN at the City Hospital on the night of the shooting, indicated that McCANN had a cut lip which supported the subject's statement that he had struck the negro prior to the shooting.

Dr. THOMAS B. HENDERSON, Assistant Coroner for Mobile County, Alabama, stated that he went to the City Hospital on the night of July 7, 1945, at the request of Chief MCDANIEL. He found McCANN in a coma, mortally wounded from two gunshot wounds in his head. McCANN died shortly thereafter without regaining consciousness. His examination likewise revealed abrasions under McCANN'S right eye and on his mouth. At the conclusion of his examination he went to the Mobile Police Department and talked with Officers PORTER and GIBNEY. At that time they related to him that they had arrested McCann who was participating in a dice game in front of the Midway Club. As they were loading him into the police car he was shot by an accidental discharge. Dr. HENDERSON told PORTER and GIBNEY they were lying. They then talked between themselves and then told their current account of the shooting. Dr. HENDERSON stated that he believed this account to be true. He stated that McCANN'S face looked like it had been struck. No inquest was held as a result of this death.

Dr. W. M. SCALES, Registrar at the Health Department for the City of Mobile, produced a certificate of death, Registrar No. 945, for one PRINCE McCANN, 1526 Kingfisher Drive, Mobile, Alabama. This certificate reflects that McCANN, a colored male born March 27, 1922, at Waynesboro, Mississippi, and employed as a laborer at Brookley Field, Mobile, Alabama, died at 12:50 A.M. on July 8, 1945. The medical certification by Dr. H. S. J. WALKER, County Coroner, indicated the immediate cause of McCANN'S death was two gunshot wounds on the left side of his head, over the eye. The death was listed as justifiable homicide occurring on July 7, 1945, at Mobile, Alabama. It is noted that the foregoing medical certification by Dr. WALKER is based on the findings of Dr. THOMAS B. HENDERSON.

Prior to interviewing the various affiants who were in the vicinity of the shooting on the night of July 7, 1945, Special Agent STEWART and the writer personally inspected the location of the shooting which was in front of the Midway Club, 1600 Dublin Street, Mayville, Alabama. This is within the Police jurisdiction of Mobile, Alabama. Dublin Street is a dirt road extending east and west. The Midway Club is a colored night club sitting on the north side of Dublin Street with an open parking area approximately fifty feet deep between the Club house and Dublin Street. Another dirt street, known as Midway Street, intersects Dublin Street from the north immediately to the west of the Midway Club. On the east side of the parking area in front of the Club is a
Coca-Cola sign approximately ten feet wide and five feet high almost at right angles to the Clubhouse and the street. This sign is elevated approximately five feet from the ground and beneath the sign there is a wooden X fence. A light is suspended over this Coca-Cola sign which is within a few feet of Dublin Street. It was beneath this sign and in the parking area that the dice game took place. On the west side of the open area in front of the Club and to the west of the Midway Street is another Coca-Cola sign of similar construction which is likewise almost at right angles to Dublin Street. The position of these signs were noted inasmuch as they bear upon the ability of various witnesses to the east and to the west of the Club house to view the activity which took place at the time of the shooting.

Inquiry at Maysville, Alabama, for RENA McCANN, widow of the victim, disclosed that she is no longer living in Mobile and has returned to the home of her mother at Waynesboro, Mississippi. Information was secured that her mother operates a restaurant at the upper end of the main street of Waynesboro. No lead is being set out requesting an interview with Rena McCann, inasmuch as she was not an eye witness to the shooting according to the affidavit submitted by her through THURGOOD MARSHALL to the Department of Justice. This affidavit is set out as follows:

"State of Alabama
County of Mobile

My name is Rena McCann. I am 19 years of age. I live at 1526 Kingfisher Drive, Mobile, Alabama. I am the wife of Prentiss McCann, who was killed by two members of the Mobile police force on Saturday night, July 7, 1945. We have 3 children, 2 girls and 1 boy. The oldest child is 2 years old and 2 (twins), a boy and a girl, are 8 months old.

"About 8:45 P.M. on Saturday July 7, 1945, Prentiss left home saying he was going to Green's Fish Market to get some eggs and would be back in a few minutes.

"When he did not return within a reasonable time I became worried because he never would stay away from home late. I never knew until Robert Davis, Jr., told me about 11:00 o'clock Sunday morning, July 8, 1945 that my husband had been killed by the Mobile police.

"I know my husband never has gambled, nor did he drink whiskey. He was a member of the Antioch Baptist Church of Waynesboro, Mississippi. He was a good provider for the children and me."
"He was a war veteran of the present war, and received an honorable discharge about 2 years ago.

/s/ Rena McCann

Subscribed and sworn to before me this 13th day of July, A.D. 1945.

/s/ Rev. E. T. Taylor
Notary Public

(SEAL)

The following affidavit of IRA JACKSON WHITE, proprietor of the Midway Club, 1600 Dublin Street, which was submitted to the Department by THURGOOD MARSHAL is set out as follows:

"State of Alabama
County of Mobile

"My name is Ira Jackson White. I am 47 years of age. I live 1508 Adams Street, Mobile, Alabama. I have been a resident of Mobile for 27 years.

"I am owner and operator of the Midway Club on Dublin Street, or Bush's Lane.

"On Saturday July 7, 1945 I was putting beer in the ice-box when I heard two shots. Johnnie, the waitress, said, "Somebody got shot." I said, "It's the backfire of an automobile," and we laughed about it.

"A moment later everybody went out. Someone said, "Somebody has been shot, and the police are out there." I, myself, went to the door. I saw the police's car. I saw two men trying to pick up the man and they put him in the back of the car. I had to go back and make change.

"The next five minutes I did go out where it had happened but they had gone. From where I was standing at the time of the shots to where the man got shot was thirty-five steps."
"I saw a pool of blood about three feet in diameter where the man fell. The sight of the blood made me sick on the stomach and I had to turn away quickly.

/s/ Ira Jackson white

Sworn to and subscribed to before me this 12th day of July, A. D. 1945.

/s/ Rev. E. T. Taylor
Notary Public

It is noted that WHITE also was not a witness to the shooting. He was interviewed by Special Agent STEWART and the writer and confirmed that the information contained in this affidavit is an actual account of what he observed.

The following statement of GARFIELD DANIELS, colored, was secured by Special Agent STEWART and the writer:

"Mobile, Alabama  
August 22, 1945  

"I, Garfield Daniels, make this statement freely and voluntarily to Edgar A. Stewart and Chilton B. Creason, whom I know to be Special Agents of the Federal Bureau of Investigation. I make no threats or promises have been made me to induce me to give this statement and I realize it may be used in a court of law.

"I am 25 years old and live at the Camp of the Southern Kraft Paper Mill at Plateau, Alabama. I work for the Southern Kraft Paper Mill and have lived in the vicinity of Mobile for about three years.

"On Saturday night, July 7, 1945, I was with a group of colored men who were shooting craps in front of the Midway Club in Daisville, when a colored man was shot by a policeman. The game was going on in the light of a sign on the east side of the open space in front of the Midway Club. About 9:00 P.M., after dark, I was rolling the dice when a car dashed up and stopped headed east with the front end about eight feet from the sign where we were gambling. I did not immediately realize it was a police car until I heard some shots as I was rolling the dice at the time. Everybody scattered when the police car drove up and I started to run and get away under the sign but was stopped by the fence. A colored man who was standing next to me was hit by the policeman's bullet and fell against me and then to the ground. I then saw a policeman
standing beside the police car, shaking his right hand. He did not have a gun in his hand when I saw him. I did not actually see him shoot nor did I ever see the gun in the policeman's hand. I first saw the policeman after I heard the shots and after the man who was hit fell against me. I did not hear the policemen or any of the colored men say anything before the shooting.

"When the man was first shot I thought he was a friend who had gone to the Midway Club with me. After he fell against me and to the ground I saw that he was a man whom I did not know. One of the policemen helped me put the man who had been shot in the back of the police car and then they drove away with him.

"I had been around the Midway Club for several hours that evening and I had been drinking quite a bit of beer. I do not know how much beer I had drunk but it was several bottles. I know that I was pretty drunk. Later that evening a police detective came up to talk to me but I was too drunk to tell him what happened.

"If the policeman hit the man who was shot before the shooting I did not see it happen.

"The foregoing statement has been read to me and I find it true and correct every detail.

/s/ Garfield Daniels

WITNESSED:

/s/ Edgar A. Stewart, Special Agent, FBI, Mobile, Ala.

/s/ Chilton B. Creason, Special Agent, FBI, Mobile, Ala.

DANIELS admitted he had served thirty days in November, 1944, for assault with knife, which would indicate that he is identical with FBI #3439464. From his statement, it is noted that he was too intoxicated to tell police officers what had occurred when interviewed on the night of the shooting. He stated that he had not had any more beer after the shooting and before the interview with the officers.

The following statement of ROBERT DAVIS, JR., was secured by Special Agent STEWART and the writer:

"Mobile, Alabama
August 23, 1945

"I, ROBERT DAVIS, JR., make this statement freely and vol-
Unterly to EDGAR A. STEWART and CHILTON B. GREEEN, whom I know to be Special Agents of the Federal Bureau of Investigation. No threats or promises have been made to induce me to give this statement and I realize that this statement may be used in a court of law.

I am thirty-one years old and live at 1005, Apartment D, Antwerp Street, Mobile, Alabama. I have lived in Mobile for twenty-six months and I am employed at Brookley Field near Mobile, Alabama.

On Saturday night, July 7, 1945, I had left the Midway Club in Maysville, Alabama, and was walking east on Dublin Street away from the club when PRENTICE McCANN was shot in front of the Midway Club. It was around 9 o'clock at night when I left the Midway Club where I had been drinking some beer. I had about two bottles of beer and was not drunk. When I left the club, I walked east on Dublin Street away from the club and met PRENTICE McCANN about fifty feet east of the club on Dublin Street. He was walking west on Dublin Street toward the club. I said, "Where are you going Jitterbug?" He said, "I am going up to Greens to get some eggs for the baby." I continued walking east away from the club and McCANN walked on west toward the club.

My attention was next directed back to the club when the shots of a car behind me flashed past me and I heard some gun shots fired in quick succession. I spun around and looked back toward the club and could see a police car stopped in the open space in front of the Midway Club. It was parked at an angle towards northeast up next to the Coca Cola sign which is on the east side of the open space in front of the Midway Club. There was one police officer standing beside the car. There was a man lying on the ground about six or eight feet southeast of the policeman toward Dublin Street. I later learned that this was PRENTICE McCANN. I could not then see anything in the policeman's hand but I saw a bunch of colored men running away from the spot where the shooting had occurred. When I left the Midway Club, these men had been shooting craps in a circle under the Coca Cola sign. Although I heard the gun shots, I did not turn around in time to see the flash of the gun and never saw the policeman shoot the gun. My view was partially obstructed by the Coca Cola sign and the lattice fence beneath it. I was then almost to Swallow Drive, which is about one-half block east of the Midway Club.

I jumped across the ditch and circled around in the open field south of Dublin Street to get a better view of the scene of the shooting. When I got close, I heard a policeman tell everybody to stay back. I then saw one of the policemen shaking his right hand. I also saw one
colored man and one policeman lift McCANN off the ground and place him in the back of the police car. The policemen then drove away with McCANN.

"I did not learn until the next day that PRENTICE McCANN was the man who had been shot. I took his widow, RENA McCANN, over to the City Hospital to identify the body.

"I was too far away from the shooting to hear anything that was said before the shooting took place and, until the shots were fired, I did not look around so I did not see what happened before the shooting took place but I do know that the shots were fired immediately after I saw the flash of the car lights.

"I have read the foregoing statement and find it true and correct in every detail.

/s/ Robert Davis, Jr.

WITNESS:

/s/ Edgar A. Stewart, Special Agent, FBI, Bham Ala.

/s/ Chilton B. Creason, Special Agent, FBI, Bham, Ala.

The following statement of JAKE LUDGOOD was secured by Special Agent STEWART and the writer:

"Mobile, Alabama
August 21, 1945

"I, JAKE LUDGOOD, make this statement freely and voluntarily to E. A. Stewart and CHILTON B. CREASON, whom I know to be Special Agents of the Federal Bureau of Investigation:

"I am 33 years old and live at 959 Weinacker Avenue, Mobile, Alabama. I own a truck and do general hauling. I have lived in Mobile for 17 years.

"On Saturday night, July 7, 1945, I was visiting my brother, JACK LUDGOOD, whose house is located on the north side of Dublin Street about 300 feet west of the Midway Club which is also on the north side of Dublin Street. About 7:30 or 8:00 P.M., while I was sitting on the front..."
steps of my brother's house I saw a police car coming west on Dublin Street and saw this car pass a group of negroes who were gambling on the ground in front of a sign located in front of and at the east end of the Midway Club. The car did not stop. About 9:00 P.M. while I was still on the steps of Jack's house I again saw this car in which were two police officers come south on Midway Street, circle around in front of the Midway Club and pull to a stop in front of the Club headed northeast, just north of the spot where the men were gambling. As the car came to a stop two shots were fired. I could not see the officer who fired the shots at that time. I did see a man, whom I later learned was PRENTISS McCANN, fall forward from a spot south of the car. I had not seen the flash of the gun but did hear two shots. I then saw the police officer who had been on the right side of the car walk out back of the car and help pick McCANN up from the ground and place him in the rear of the police car. I did not go to the scene of the shooting.

"I did not see the officer hit McCANN before the shooting. I was not watching McCann all of the time. When the car pulled up my attention was drawn from McCann until the shooting.

"In addition to the sign in front of the Midway Club where the men were gambling there was another similar sign in front of the Club at the west side, between the place where I was sitting and the place where the shooting occurred. This sign was raised 4 to 6 feet above the ground and there was an X-shaped wooden fence beneath the sign. Neither the sign nor the fence prevented my seeing what took place in front of the Midway Club.

"I have read the foregoing statement and find it to be true and correct in every detail.

/s/ Jake Judgood

WITNESSES:

/s/ Chilton P. Creasey, Special Agent, FBI, Mobile, Ala.
/s/ Edgar A. Stewart, Special Agent, FBI, Mobile, Ala.

In connection with JUDGOOD'S statement it is noted that his view of the scene of the shooting was obstructed to a large degree by the Coca
Cola sign and fence located at the west of the open area in front of the Midway Club. The writer stationed himself at the position from which LUDGOOD observed the shooting and noted that the location of the shooting could be seen with some difficulty by looking through the crossbars of the fence below the sign. The LUDGOOD house is approximately 300 feet west of the scene of the shooting. JACK LUDGOOD and WILL WHITE whose statements are set forth herein and who viewed the shooting from the porch of JACK LUDGOOD'S home would have been able to see the shooting with even greater difficulty.

The following signed statement of JACK LUDGOOD, colored, was secured by Special Agent STEWART and the writer:

"Mobile, Alabama
August 22, 1945

I, JACK LUDGOOD, make this statement freely and voluntarily to EDGAR A. STEWART and CHILTON B. CREASON, whom I know to be Special Agents of the Federal Bureau of Investigation. No threats or promises have been made to induce me to make this statement and I realize it may be used in a court of law.

I am 26 years old and live on Dublin Street in Mobile, Alabama, about one-half block west of the Midway Club. I am employed at the Malbis Bakery in Mobile.

On Saturday night, July 7, 1945, between 9 and 9:30 P.M., after dark, I was sitting on the front porch of my house when a colored man was shot in front of the Midway Club. With me were WILL WHITE and my brother, JAKE LUDGOOD. Earlier in the evening we had noticed a police car drive west on Dublin Street without stopping when it passed the Midway Club where there was a group of colored men gambling in front of a sign at the east end of the open space in front of the Midway Club.

Between 9:00 and 9:30 P.M., I saw a car that turned into the open space in front of the Midway Club and came to a stop headed at an angle to the northeast, just a few feet from where the men were still gambling. Just about the time the car stopped I heard two shots. Before this I had seen a colored man standing about 4 or 6 feet from the group of men who were on their knees gambling. I did not see him fall but just after the shots I saw this man lying on the ground about six or eight feet from the car and between the car and Dublin Street. I had not yet seen the policemen, whom I later learned were in the car. When the shots were fired the men who were gambling scattered in all directions. A minute later a policeman came back to where the colored man was lying."

-13-
on the ground and carried him to the automobile. I could not see whether or not anyone helped him put this man in the car. I never did see but one policeman. I did not see any flash of the gun going off nor did I see a gun in the policeman's hand. Until after the shooting the policeman was on the far side of the car from the place where I was sitting. I was too far away to hear any conversation that took place. I did not see the policeman hit the colored man before he was shot. I did not go up to the place where the man was shot until after the officers had taken him away.

"There is another sign on the west side of the space in front of the Midway Club which was between my porch and the place where the shooting occurred. Beneath this sign there is an X-shaped fence. What I could see of what happened was between the bars of the X-shaped fence under this sign. This sign is raised about five or six feet above the ground and my porch is about two steps above the ground.

"I have read the foregoing statement and find it true and correct in every detail.

/s/ Jack Ludgood

WITNESSED:

/s/ Edgar A. Stewart, Special Agent, FBI, Mobile, Alabama.

/s/ Chilton B. Creason, Special Agent, FBI, Mobile, Alabama."

The following signed statement of WILL WHITE was secured by Special Agent STEWART and the writer:

"Mobile, Alabama
August 22, 1945

"I, WILL WHITE, make this statement freely and voluntarily to E. A. Stewart and Chilton B. Creason, whom I knew to be Special Agents of the Federal Bureau of Investigation. No threats or promises have been made to induce me to make this statement and I realize it may be used in a court of law.

"I am 24 years old and live at 954 Ghent Street, Mobile, Alabama. I have lived in Mobile four or five years and work for myself hauling with my truck.

- 14 -
"On Saturday night, July 7, 1945, between 9:00 and 9:30 P.M. I was sitting on the front porch of JACK LUDGOOD'S house when a shooting occurred in front of the Midway Club which is about one-half block east of JACK'S house on Dublin Street in Maysville. A little earlier that night, before dark, we had seen a police car pass the Midway Club without stopping while a group of men were gambling in the open space in front of the Midway Club next to a coca-cola sign which is on the west side of the open space in front of the Club. We commented on the fact that the police did not stop. I next saw the car again after dark between 9:00 and 9:30 when it came out of Midway Street going south, and circle around in front of the Midway Club, coming to a stop in the open space next to the Coca-Cola sign headed northeast. The car stopped a few feet from the men who were gambling on the ground. Another colored man was standing a few feet from the gamblers. Just about when the car came to a stop I heard two shots and saw the colored man who was standing up fall down to the ground. I did not see either of the policemen in the car until after the shooting occurred. When the policeman drove the car up all of the colored men gambling ran away except for one who was rolling the dice. This man helped the policeman carry the man who was shot over to the police car and put him in the car. The other policeman who had been driving also had gotten out of the car and walked over to where the man was on the ground. He walked back and got in the car and drove it away.

"I saw the policeman who had gotten out of the right side of the car shaking his hand before he picked up the man who was shot. I do not know how he hurt his hand and I did not see him hit the colored man before he was shot. I was too far away to hear anything that was said. I did not go over to where the shooting took place until after the police car had gone. From where the police car was stopped I could not see the right hand side of the car but I could see the left hand side of the car. I was able to see the door open on the right side of the car by looking through the glass of the car.

"There is another Coca-Cola sign on the west side of the open space in front of the Midway Club. This sign is between the porch of JACK'S house and the place where the shooting occurred. The sign is set five or six feet above the ground and below it is an X-shaped fence made of wood. All that I saw of the shooting I saw between the bars of the X-shaped fence.

"I have read the foregoing statement and find it true and correct in every detail. /s/ Will White

WITNESSED:
/s/ Edgar A. Stewart, Special Agent, FBI, Mobile, Ala.
/s/ Chilton B. Creason, Special Agent, FBI, Mobile, Ala.
The following statement of WILLIE BONNER was secured by Special Agent STEWART and the writer:

"Mobile, Alabama
August 21, 1945

I, WILLIE BONNER, 1051 Swan Drive, Apartment 3, Mobile, Alabama, do make this voluntary statement to CHILTON B. CREASON and EDGAR A. STEWART, who have identified themselves as Special Agents of the Federal Bureau of Investigation. No threats or promises have been made me and I have been advised that I do not have to make any statement and that any statement I make may be used in a court of law against me.

On Saturday night, July 7, 1945, about nine o'clock, I was standing out in front of the Midway Club on Dublin Street, Mobile. A group of men were shooting dice underneath the sign on the east side in front of the club and I had been standing in front of the club near Dublin Street at a spot about twenty feet west of where the men were gambling. While I was standing there, a car pulled up from the west side of the club between where I was standing and the club. As the car drove up and before it came to a stop, I heard two shots fired in quick succession. I saw a colored man fall to the ground right after the shots were fired. This man had been standing several feet further away from the group that was gambling than I was. He was standing west of where I was standing. The car then pulled up and came to a stop right about where the group had been gambling. After the car came to a stop, I saw a police officer get out of the right side of the car and he was holding his right wrist with his left hand. I did not see a gun in his hand.

"I have read the foregoing statement and the same is true and correct.

/s/ Willie Bonner

WITNESS:
/s/ Edgar A. Stewart, Special Agent, FBI, Bham, Ala.
/s/ Chilton B. Creason, Special Agent, FBI, Bham, Ala."
BONNER acknowledged that he had been arrested on a number of occasions during the past fifteen years for investigation, disorderly conduct, trespassing, intoxication and vagrancy. This would indicate that he is probably identical with FBI #473947. It is noted from his statement that he places the victim at the time of the shooting about thirty feet west of the dice game and places himself between the dice game and the victim. It is likewise noted that this position of the victim is inconsistent with that given by other witnesses.

The following signed statement of EARNEST JONES, colored, was secured by Special Agent STEWART and the writer:

"Mobile, Alabama
August 21, 1945

"I, EARNEST JONES, make this statement freely and voluntarily to EDGAR A STEWART and CHILTON B. CREASON, whom I know to be Special Agents of the Federal Bureau of Investigation. I am thirty-two years old and live at 1003, Apartment H, Antwerp Street, Mobile, Alabama. I work for the Mobile Housing Board and have lived in Mobile for five years.

"On Saturday night, July 7, 1945, between 8:30 and 9:30 P.M., I was in front of my house when a shooting occurred in front of the Midway Club. I was standing about 150 ft. south of the Midway Club in an open field talking to my brother when my attention was first attracted to the shooting by the sound of two shots. When I looked toward the club, I saw a police car for the first time and an officer standing behind the car shaking his right hand. Another officer was sitting under the wheel of the police car. I did not see a gun in the hands of either policeman. I had not even seen the flash of the gun as the shots were fired. There was a colored man lying on the ground south of the police car. I saw the policeman who had been shaking his hand help a colored man lift the man off the ground and put him in the back of the police car. I do not know just how long the police car had been stopped in front of the Midway Club before I heard the shots as I had not been paying any attention to what was going on at the Midway Club until I heard the shots. When I first looked over toward the Midway Club after I heard the shots is when I saw the police officer standing outside the car shaking his right hand, which was empty at the time I saw him. I was not able to hear any conversation that took place between the officers and the colored men in front of the Midway Club.

"The foregoing statement has been read to me and it is true and
 correct in every detail.

His

/s/ Earnest X. Jones
Mark

Witness:

/s/ Chilton B. Creason, Special Agent, FBI, Bham, Ala.

/s/ Edgar A. Stewart, Special Agent, FBI, Bham, Ala.

"The following signed statement of SAM HILL was secured by Special Agent STEWART and the writer:

Mobile, Alabama
August 21, 1945

"I, SAM HILL, 1005 Antwerp Street, Apartment C, Mobile, Alabama, do make this voluntary statement to CHILTON B. CREASON and EDGAR A. STEWART, whom I know to be Special Agents of the Federal Bureau of Investigation. No threats or promises have been made me and I know that this statement may be used against me in a court of law.

"On the night of July 7, 1945, between 9:00 and 9:30 P.M., when a shooting occurred in front of the Midway Club on Dublin Street, Mobile, Alabama, I was walking across the open field between the Midway Club and my house. At the time I was about fifty feet south of the Midway Club. I had not been paying any attention to what was going on in front of the club until I heard somebody say, "Here comes the law." A police car had pulled up and stopped in front of the Midway Club and I saw a bunch of men running away from the club.

"I heard two shots fired but I could not see who fired the shots. When I looked over toward the club, one police officer was sitting under the steering wheel of the car and the other officer was standing outside the car between me and the car. The police officer standing outside the car was shaking his right hand and rubbing his right hand with his left hand like his right hand hurt him. I did not see a pistol in the officer's hand. I also saw a colored man lying on the ground outside the car and I saw the police officer and another colored man pick him up and put him in the back seat of the car."
"I did not go over to the Midway Club until after the police car had left. By this time some of the men who had run away had come back to the Midway Club and there was lots of talk going on about the shooting. I heard someone say that the police officer had hit the man with his fist before the shooting and I heard others say he didn't hit him but that he shot before the car stopped. What I have said in this statement is everything that I actually saw take place and, since I did not see the actual shooting, I don't know exactly how it happened.

"I have read the foregoing statement and the same is true and correct according to my best recollection.

/s/ Sam Hill

WITNESS:

/s/ E. A. Stewart, Special Agent, FBI, Bham, Ala.

/s/ C. E. Creason, Special Agent, FBI, Bham, Ala.

The following description of subject MELVIN PORTER was secured by observation:

Name: MELVIN PORTER
Address: 200 N. Conception Street,
          Mobile, Alabama
Color: White
Sex: Male
Date of Birth: July 30, 1914
Height: 6'2 1/2"
Weight: 210 lbs.
Hair: Dark Brown, Receding hairline
Eyes: Gray
Complexion: Ruddy
Build: Large
Scars and Marks: Scar on left foot.
Marital Status: Single
Military Record: U. S. Army from October 16, 1940
to May 19, 1942; ASN 20421578,
Medical Discharge, Fort Sill, Okla.
BH 47-88

Education: 1 Year College
Relative: G. A. PORTER - Father
Georgiana, Alabama.

Agent in Charge. This case is being closed upon the authority of the Special

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