CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N. C.

SUBJECT: SPICELY, Booker T., Pvt.

TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

Attention: Chief, Intelligence Branch,
Security and Intelligence Division.

1. Inclosed are six clippings regarding the trial and acquittal
   of white bus driver, Herman Lee Council, for the shooting of Subject.

2. Also inclosed is a copy of the Negro newspaper The Carolina
   Times, 23 September 1944, containing editorial and cartoon and news items
   in regard to the case.

3. Forwarded for your information.

For the Commanding Officer:

WALTER H. BRICK
2nd Lt., A U S
Post Intelligence Officer

Incl: 7
1,2,3,4,5,6 Newspaper clippings
7 copy of The Carolina Times, dtd 23 Sept 44

CONFIDENTIAL
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
HL., Camp Butner, N. C.

CHD: WmR: csw
29 September 1944

SUBJECT: SPICELY, Booker T., Pvt.

TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

Attention: Chief, Intelligence Branch,
Security and Intelligence Division.

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For the Commanding Officer:

WALTER W. BRENN
2nd Lt., A U S
Post Intelligence Officer

Incl: 7

1, 2, 3, 4, 5, 6 Newspaper clippings
7 copy of The Carolina Times, dtd 23 Sept 44

CONFIDENTIAL
Expressions From Our Readers

BOEMO'S VERDICT

To the Editor:

Now I've seen everything! A man steps from his post of duty at the wheel of the vehicle which he is driving. He approaches another man and fires two shots.

Not one, Ladies and Gentlemen—TWO! He is near enough that two are played before on the back of the other man's coat.

The other man dies.

How strange!

Our little hero takes himself to court.

He tells his tragic story to 12 good men and true.

He did lose his post.

He mustn't touch the other man.

But the other man called him names.

He cursed.

The "12 good men and true" are misled.

They rush to conference.

They solemnly pronounce there was no murder committed.

It is over. Let us forget it. Let

us be gay with a hoy-ninnie-ninnie and a hoop-a-deep.

The soldier who is dead is buried and only his spirit can cry out against his murder—and who believes in ghosts.

Yes, I've seen everything—except what a free people can do when they witness such a miscarriage of justice in their courts.

DOROTHY Everett BERRY.

LEADERSHIP REFUTED

To the Editor:

The very recent murder trial of an un-driv'ng Council and his outriders equated have brought to mind several significant factors which tend to upset the basic strategy of Negro leadership in Durham. In many city and industrial towns, the past three years have brought a tremendous strain on race relations.

The techniques used in Negro leadership have been exemplified of Detroit, New York, Philadelphia, and Durham. What have been the techniques of Durham's Negro leadership? A survey will reveal that Negro educators, ministers, business men and civic leaders have continuously counseled the Negro masses on several important outlines.

They have taught the Negro masses:

1. That violence is the wrong remedy for social, economic and educational evils.
2. That the courts are the proper and final sources of adjudication and in the eyes of American jurisprudence these courts attempt to attain fairness and impartiality—and that North Carolina courts are fair.
3. That good conduct in public is the basic yardstick by which the white race measures the Negro, while other yardsticks come later.
4. That North Carolina is the most advanced and progressive State in race relations in the 17 Southern states which have a dual system of social and economic life, and that North Carolina has done fair to add the way in the true application of the democratic concept below the Mason-Dixon line.
5. That there is a liberalism in North Carolina's history inherent in the geography and politics which place the State in good comparison with many states farther to the North and West.
6. That Negroes should pay no attention to outside interference and that Southerners can handle Southern problems better without agitation of legal and social forces from outside the State.

These are the postulates which Negro leadership has laid down to the Negro masses in Durham. These are the things Negro leadership believes and the Negro masses are taught to believe. The recent acquittal of in-sauder Council in the light of prevailing opinion—both expressed and unexpressed—is that 12 white jurors damagingly的样子, Negro leadership in the face. Twelve white jurors rebuked the sum total of these postulates which Durham's Negroes believe.

The Council-Speciality case could have turned into a very nasty affair, so far as there are irresponsible elements in the Negro group who would have had the tone of a coin taken matters into their own hands and wreaked vengeance on some unsuspecting and innocent whites. There are irresponsible elements in the white race who would have retaliated in like manner, and harm more effectively since the means are at their disposal. Thanks to Negro leadership, this was not the case.

Durham's Negro leadership has held steadfastly at the time of the murder, during the interim and during the trial that "Violence is the wrong remedy; that the courts are the safeguards of America's liberty.

See LETTER BOX on Page 7

-Division Box-

Continued from Page 4

In part—12 white jurors not only did their part, but openly precipitated and rebuked Negro leadership in two simple words: "Not guilty."

HELEN G. EDMONDS.

FACE THE FACTS

To The Editor:

In taking the sacred oath, "I Promise To Tell The Truth And Nothing But The Truth, So Help Me God," I wonder how many realize and are conscious of the fact that we are making this vow to the great Judge of all mankind, as well as to the judges in our courts. A record of our statements will face us in that final day when we can have no appeal.

This unfair decision by the jury, in the Council case, prejudiced by racial hatred is not only an insult to all races, but to the God that made us. The Bible plainly states, St. Matthew 25:42: "Inasmuch As Ye Have Done unto One Of The Least Of These My Brethren, Ye Have Done Also It Unto Me." How many times have we all cursed in deeds? If not in words, did our Heavenly Father strike us down? If most of us had our just deserts, not many of us would be alive today.

Yes, we should obey the laws of the State, in "rendering unto Caesar the things that are Caesar's, and unto God the things that are God's." But no man has the right to take that which he cannot give.

Let us try to find our own rights and sweep out the dirt and injustices from our homeland, then we can clearly see the "noble" in our neighbor's eye, and help him. Together, we can win this peace now, the peace that is so much talked about, that is to come after this war. Then our city and our State will be a bed of true democracy in deeds as well as in words.

MRS. M. FIELDS CARR.
Expressions From Our Readers

A PERSONAL LETTER TO THE EDITOR AND PRINTED ONLY BY PERMISSION

I read with great satisfaction your editorial in Sunday's Herald, "Trial by Jury Basic in American Justice." It may have been intended as an apology for the verdict, but whatever the motive, it was a splendidly written, finely pointed editorial with great restraint on a highly emotional issue.

I congratulate you, and the paper. It did much to reconcile any dissonance to the verdict.

R. O. EVERETT.

RACIAL BROTHERHOOD

To The Editor:

Problems of race and minorities are in evidence the world over today. Science has established that humans are essentially the same biologically, yet there exists a certain people who have not progressed in the same way as other peoples. Friction inevitably stems from conflicts due to differences in race and color, and men of goodwill are challenged to solve these conflicts: it is a task for all well-meaning people rich and poor, Christian and non-Christian, black, brown, tan, sun-tanned and white. No one group of people can be at peace when other humans are in any form of bondage; the health of the whole is bound up with the health of the parts.

The problem of race and minorities often has an economic cause rather than due to a color stigma; when there is a scarcity someone or group is usually made a scapegoat. Someone gets imposed on due to the misallocation of wealth and his cultural peculiarities. Someone has to do the dirty jobs, or work for less, simply due to his not-fortunate background. But what if all humans have the same drives, ambitions, and ideals? It means that there will be a constant urge and striving to reach a phase of happy self-expression; it is an impossibility to continually exist in any form of slavery, economic or psychological. Something must move; the peaceful solution implies that the haves and have-nots undergo an equalizing process. Such groups as Negroes must be given more and more opportunity for self-improvement. As individuals and as a group there has been remarkable progress made in some ways, and it must be assumed that if given increased opportunity there will be increased accomplishment. Vocational training in the schools is one of the ways to speed up the self-improvement process, there are other possibilities.

Aside from the economic causes of the "race problem" there is acute need for all people to treat the symptoms of this social illness; this must be done now—today. Segregation and discrimination are forms of psychological enslavement, humiliating beyond the imagination of most whites. It must stop—gradually, of course—but not put off until tomorrow.

We, the people who happen to have been born with light skins, must not excuse ourselves from taking the initiative in removing the barriers to freedom. We must increasingly put trust in other people, keeping in mind their potentialities rather than present conditions. The Negroes cook and serve our food, why can't they eat with us? Just because some Negroes are careless and inconsiderate is no reason for subjecting all of them. So are some whites careless and inconsiderate, yet we do not make sharp barriers between the likable and unlikable whites.

All men of goodwill, and especially those proclaiming Christianity, must decide individually that he will today show understanding and tolerance to his brown or white brother.

HARRY E. WILLIAMS.

Durham Morning Herald
21 September 1944
Expressions From Our Readers

Deedment in which people come first and the common good is the "supreme law." A. W. MALISTER.

Greensboro.

THE PEOPLE'S ENEMY

To the Editor:

The fundamental laws of human relations are not determined by custom, nor formulated by tradition, but are established by God into the very nature of man himself. Before God, and before just men, all human beings possess a divine dignity which is inviolable.

Recent events have made vocal quite a number of sound-thinking individuals who have indicated some of the points in human relations where State laws run counter to the interest and well-being of the people.

Where I feel that segregation in North Carolina and throughout the South has always been a great enemy to the progress of both races, in no time has that fact been more appalling than today.

Segregation, with all of its cruel and inhuman implications and its distorting influences, enslaves and impoverishes both races. Its evil effect upon human beings—children and adults—has resulted in the deepening of human life.

Our dual system for everything has resulted in an expensive duplication in every life endeavor. Citizens of Durham should readvert letters appearing in The Durham Morning Herald Monday and Thursday by Dr. Shelton Smith and Harry E. Williams, respectively. These civic-minded men strike the real issue which is plaguing both races in Durham and throughout the Southland.

I disagree with Mr. Shouard who proposes putting up additional barriers. I do not believe that any part of the trouble lies in the lack of a definite sign separating the races. The trouble lies rather in forced separation along with other aggravating phases of segregation.

I do not agree that our people lack "common sense." They are stupefied by a stupid and unnatural custom. Segregation is an enemy to our people and should be abolished. There are many people in Durham, in white and Negro, who are convinced of this fact. They are convinced of the evil of all forms of injustice and discrimination based on race.

The time has come when those who believe that this evil should be abolished should speak out for their belief. Our people and the way of life of which we love to boast stand in danger when men of goodwill and insight hold their peace.

Some concerted action should be undertaken now to uproot the un-Christian evil of segregation and discrimination from our social practice.

C. E. BOULWARE.

THIRTEEN SHOTS

To the Editor:

Allow me to add my two-cent worth to the present discussion of the outcome of Durham's recent murder trial. I should like to give it a title of 'Thirteen Shots in the Back'.

The first shot we all know about. It took fatal effect in the back of one of this country's colored Negro, who had, albeit ungraciously, just complied with the terms of a local law. It was admittedly fired by a bus driver, outside the realm of any conceivable authority he might have had.

Since when has the mere echo of angry words been justification for the killing of a man? Yet this killer was acquitted. Such was the vote of twelve jurymen, chosen as true men to decide on the facts of evidence. Instead, those twelve apparently allowed their own petty emotions to sway their judgment.

Their verdict makes them equally guilty, in a moral sense, with the killer they acquitted.

They are also guilty of something more. Trial by jury is one of the pillars of our democratic faith—a faith with which we expect to inspire others, and in support of which our country is fighting a war. A jury verdict so contrary to the evidence submitted cannot but bring discredit on our whole system. These twelve men have sabotaged our self-respect, by firing, in effect, twelve more shots in the backs of our fighting forces.

FRANCES TREADWELL HILL.
CONFIDENTIAL

ARMY SERVICE FORCES
PHILADELPHIA QUARTERMASTER DEPOT
S & I DIVISION
2800 SOUTH 20TH STREET
PHILADELPHIA 45, PA.  PA.

SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO: Director, S & I Division,
Third Service Command,
Baltimore, Maryland.

ATTENTION: Chief, Intelligence Branch.

1. Attached hereto are photostatic copies of articles extracted from the Philadelphia Negro Press, edition of 23 September 1944, containing information regarding the above mentioned subject.

2. The attached exhibit reflects the articles which were extracted from the PHILADELPHIA AFRO AMERICAN under the caption of "BUS DRIVER FREED IN SOLDIER'S DEATH" and the PHILADELPHIA PITTSBURGH COURIER captioned "ACQUIT WHITE BUS DRIVER IN SLAVERY OF NEGRO SOLDIER" These articles set forth that an all-white Superior Court jury deliberated only twenty-eight minutes at Durham, North Carolina on Friday before returning a verdict of not guilty for HERMAN L. COUNCIL, white bus driver, in the fatal shooting of Pvt. BOOKER T. SPICELY, Camp Butner soldier, and setting forth that general disgust over the verdict was shared by many reputable white citizens.

3. Article further relates the incidents surrounding the shooting and states that most observers credited Judge Luther Hamilton and both prosecution and defense lawyers with complete fairness, placing the blame for the alleged miscarriage of justice at the feet of an "incompetent" jury.

4. The names and occupations of the jurors are also included in the attached exhibit.

5. Forwarded for your general information.

For the Commanding General: [Signature]

For C. G. CAFFREY,
Major, QMC,
S & I Officer.

ENCL: Photostats in trip.

cc: Phila. DIO in dup.
    Photostat in single
In reply address to 7th Floor, Standard Oil Bldg., SFW&B 1707A-PH (21 Sept 44)
ASF, HQ 3d SvC, Baltimore 2, Maryland. 23 September 1944

TO: Commanding General, Hq. Fourth Service Command, Post Office Building, Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to basic communication and inclosure for action indicated below:

― (1) Your information and such action as you may deem necessary.
― (2) Your information and record.
XX (3) As a matter pertaining to your Headquarters.
― (4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.
― (5) Request records check of your Headquarters, the F.B.I., O.M.I. and local police.
― (6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.
― (7) Request summary of any information available to your Headquarters.
― (8)

For the Commanding General:

[Signature]

Incl: 1 copy photostat

CONFIDENTIAL
Bus Driver Freed
in Soldier's Death

DURHAM, N.C.—An all-white Superior Court jury deliberated only twenty-eight minutes here on Friday before returning a verdict of not guilty for Herman L. Council, white bus driver, in the fatal shooting of Pvt. Booker T. Spicely, Camp Butner soldier.

General disgust over the verdict was shared by many reputable white citizens. Most observers credited Judge Luther Hamilton and both prosecution and defense lawyers with complete fairness, placing the blame for the alleged miscarriage of justice at the feet of an “incompetent” jury.

Spicely was shot twice on July 10, when he and the driver engaged in a dispute overJim-crow seating regulations. Although Council contended that he merely

(Continued on Page 10, Col. 3)

Bus Driver Freed

(Continued from Page 1)

defended himself when the soldier advanced toward him with one hand in his pocket, witnesses declared that the shooting occurred after Spicely had left the bus.

Cursing Denied

Witnesses also disagreed with Council’s assertion that Spicely cursed him.

Spectators at the trial, which began Wednesday of last week, included the slain soldier’s sisters, Misses Ruth Spicely of Philadelphi and Evelyn Spicely of Blackstone, Va., and a brother, A. A. Spicely of Hampton Institute.

L. D. Bevin, brother of the county sheriff, was among the defense witnesses.

The jury included N. L. Yearby, foreman; F. T. Barbour, machinist; David E. Cooley, dairyman; Hubert H. Green, farmer; A. S. Adams, also a farmer; Guy T. Murray, machine adjuster; R. W. Franklin, night watchman; George Roff, forjist; Maurice R. Stallings, knitter; Thomas Bennett, machine adjuster; C. L. Turner, machine operator, and A. C. Dillon, auto and gas dealer.

Acquit White Bus Driver in Slaying of Negro Soldier

DURHAM, N.C.—(AP)—Deliberating only 25 minutes, a Durham Superior Court jury returned a verdict of not guilty in behalf of Herman Lee Council (white), Duke Power company bus driver, Saturday, in connection with the slaying of Pvt. Booker T. Spicely, Negro soldier, stationed at nearby Camp Butner, was shot to death by Council last July 10, when the two argued over Jim-crow seating regulations on the bus.

The presiding judge, Luther Hamilton, bound defense witnesses to testify that Spicely earned the bus driver, State witnesses declared he did not.

In supporting his self-defense plea, Council claimed he shot the Negro soldier twice when he advanced toward him with his hand in his pocket after an argument over the North Carolina law requiring Negro passengers to sit in the rear of buses.
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N. C.

SUBJECT: Booker T. Spicely, Pvt. (Negro)

TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 5, Georgia.

Attention: Chief, Intelligence Branch,
Security and Intelligence Division.

1. Inclosed are two clippings regarding the trial and acquittal
of the white bus driver, Herman Lee Council, for the shooting of Subject.

2. Forwarded for your information.

3. Over the past week-end this Officer and his staff stayed in
Durham, N. C., to observe the reaction of the Negro population. No
trouble or any racial disturbance was observed.

4. A check of the colored enlisted men at this station revealed
no organized action, after the verdict, although it was rumored that
feeling and tension were not of the best. The colored civilian Informants
reported talk among the civilian Negroes of Hayti (colored section) Dur-
ham, N. C., but nothing was uncovered to reveal organized racial trouble
or agitation.

For the Commanding Officer:

WILLARD W. BUELL
2nd Lt., A U S
Post Intelligence Officer

2 Incl; Ext. from Durham Morning Herald
#1 Ext. from The Carolina Times
#2
Driver Acquitted
In Bus Shooting

Council Charged With
Killing Negro Soldier

After 23 minutes deliberation, a Superior Court jury yesterday after-
noon returned a verdict of "not guilty" in the case of Herman Lee
Counell, 26-year-old Duke Power
Company bus driver who on last
July 8, shot to death Booker T.
Spicely, Camp Butner Negro sol-

dier.

On hearing the decision, Coun-
el declared that he fired two
38-caliber bullets into the Negro
after the soldier advanced upon
him with his hand in his pocket, gur-
pured, heaved a short sigh of relief
and smiled slightly.

The case that started last Wed-
nesday and has claimed a great
amount of attention, resulted when Coun-
el shot the soldier at the corner of
Fourth Street and Chib Boulevard
as the aftermath of an alleged argu-
ment over the North Carolina bus
seating law.

During the morning session yester-
day, Victor S. Bryant and C. L.
Gates, Negro attorney, both private-
ly employed as assistant Solicitor R. F.
Spikes in the prosecution of the bus
driver, made forceful talks to the

Bryant offered a pointed and con-
cise review of the evidence in the
case. He advised the jurors to
weigh carefully the testimony of
the State's witness.

TOTALS TO BIBLE

Gates, making a dramatic plea to
the jurors turned to the Bible in
effort to sway the group. He talked
briskly but briefly.

W. L. Foshay, Duke Power Com-
pany attorney, argued that the
North Carolina bus seating law was
the "setting for this unfortunate
event." He declared that the shoot-
ing was a result of disobedience of
the law.

B. P. Banks, who bore the brunt of
the defense, based his argument on
a self-defense plea. He gave a
recount of testimony offered in the
trial whereas Spicely is alleged to
have been prone toward Coun-
cell, and then added that a soldier's
uniform should be a symbol of law
and order.

The afternoon session opened at
4:30 o'clock with Solicitor R. F.
Spikes delivering a strong argument
for the State. He declared that

At 8 o'clock the 12 men filed
slowly in and Deputy Court Clerk
A. J. Greham inquired as to what
verdict they had agreed upon.

The foreman answered: "Not
guilty."

The largest crowd of the trial
took the verdict with studied
silence.

Then Judge Hamilton spoke up
and told everyone to remain still
while the jury walked through the
room to receive their pay in an
adjacent room.

Spectators milled through the
court room doors into the lobby
while many persons crowded around
Coun ell and gawked at his hand.

Negroes, who made up about half
of the audience, raised no hue
and court officials remarked that the
trial was one of the most orderly,
conducted trials of Durham's court
history.

Duke Power Company officials,
who had put up Council's bond of
$5,000, said that Council was kept
on the job driving a bus ever since
the shooting. They revealed that
he had been placed on a different
route, however.
The following article—appeared in THE CAROLINA TIMES (NEGRO NEWSPAPER), Durham North Carolina on Saturday, 16 September 1944.

State Of North Carolina Fails To Convict Man For Slaying Negro Soldier


The trial which got under way here Wednesday morning with Judge Luther Hamilton of Morehead City presiding, lasted approximately 3 days and brought into array a long line of witnesses for both the state and the defense, as well as some of the best legal talent of the city. In addition to Attorney R. H. Sykes, solicitor, appearing for the state were Attorney Victor S. Bryant and two Negro lawyers M. H. Thompson and C. J. Gates, representing the defendant were Attorneys W. L. Foushee and Percy Read.

The first witness to take the stand for the state was

Please turn to page six.
The following article appeared in THE CAROLINA TIMES (NEGRO NEWSPAPER), Durham, North Carolina, on Saturday, 16 September 1944.

STATE OF NORTH CAROLINA FAILS TO CONVICT MAN FOR SLAYING NEGRO SOLDIER (Cont'd)

hand in his pocket as if to get a weapon, that when he was asked to move by the driver that he said he would sit 'where I damn pleased.'

One witness, Miss Josephine Fuller, testified that Spicely had even predicted another war and that he said it would be between the whites and the blacks and that the blacks would win. No other witness, corroborated this particular part of Miss Fuller's tale. This part of the witness's Spicely told two white soldiers if they ever came to Pennsylvania he would kill them. This part of the witnesses testimony was also corroborated by either a state or defense witness.

Gordon M. Carver, cashier of the Durham Industrial Bank, appeared as a character witness for Council. When asked by Attorney Bryant if he knew that Council had been indicted on three other occasions for drunken driving he replied no. Other character witnesses were L. D. Belvin and J. D. Wilson, who recently resigned from the Durham police department.
CONFIDENTIAL
WAR DEPARTMENT

Atlanta, Georgia
(Office of Headquarters)

Raleigh, N. C.
(Place)

18 September 1944
(Date)

Subject: Racial Incident in Durham, N. C.
Slaying of Negro Soldier on 8 July 1944.

BOOGER T. SPICELY

Summary of Information:

Original report made on this incident on 10 July 1944.

On 15 September 1944 Herman Lee Council was acquitted by a
Durham County Superior Court jury after 28 minutes of deliberation.
Council's defense was self-defense, stating that the Negro Soldier
advanced on him with his hand in his pocket.

There was no indication that there was any racial tension
after the rendering of this verdict. Special precautionary measures
were taken by the Durham City Police Department and the North Carolina
State Highway Patrol, but there was no indication that further trouble
would develop.

Should any tension develop or should any rumors of trouble
be reported, immediate telephone report will be made.

Information received from the Raleigh News and Observer and
Larkin Woods of Durham, N. C. Police Department.

Previous Distribution:
S co SID, Atlanta, Ga.
1-co Dist. 12, Ft. Bragg, N. C.
Distribution:
1-C of S 1-Dir of Intel
1-ZEB 1-GP Burner 2-MBI, Charlotte
1-File

CONFIDENTIAL

Evaluation

-of source

Reliable

Credible

Questionable

Undetermined

-of information

1

2

3

4

5

6

7

8

9

10
CONFIDENTIAL

AGED

ARMY SERVICE FORCES
PHILADELPHIA QUARTERMASTER DEPOT
S & I DIVISION
2800 SOUTH 20TH STREET
PHILADELPHIA 45. PA.

14 September 1944

SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO: Director, S & I Division
Third Service Command
Baltimore, Maryland

ATTENTION: Chief, Intelligence Branch

1. Attached here to under EXHIBIT 1 is a photostatic copy of an article extracted from the PHILADELPHIA PITTSBURGH COURIER of 16 September 1944 concerning the subject. This article appeared in headlines on page 13, captioned LOCAL NAACP DEMANDS PROSECUTION OF SOLDIER SLAYER SISTER ASKS NAACP'S HELP; BUS DRIVER KILLED YOUTH. 21

2. Article states, "Representing the sister of a soldier killed in cold blood by a white bus driver in Durham, N. C., last 8 July, the Philadelphia branch of the NAACP is demanding that the operator be prosecuted to the fullest extent of the law," and refers to the subject as the "soldier slain."

3. Article further relates that the national office of the NAACP also is interested in the case, and ATTORNEY EDWARD R. DUDLEY, of the NAACP Legal Staff, is in Durham for investigation purposes.

4. Article relates further that the subject's sister, RUTH SPICELY, an employee of the Frankford Arsenal, requested that pressure be brought against the bus driver, relating that she received a letter from her brother stating that certain Negroes in Durham were requesting that the case be taken out of the hands of the NAACP.

5. Forwarded for your general information.

For the Commanding General:

C. G. CAFFREY
Major, QMS
S & I Officer

ENCL: One Photostat in trip.
cc: Phila. DIO, ltr. in dup. Photostat in single.
Local NAACP Demands Prosecution Of Soldier Slayer

Sister Asks NAACP's Help; Bus Driver Killed Youth, 21

Representing the sister of a soldier killed in cold blood by a white bus driver in Durham, N. C., last July 8, the Philadelphia branch of the NAACP is demanding that the operator be prosecuted to the fullest extent of the law. The soldier slain by the quick-trigger Southerner was Pvt. Booker T. Spicely, former assistant business manager of Tuskegee Institute and the NAACP local staff, is in Durham for investigation purposes. The Philadelphia NAACP was asked to bring pressure against the bus driver by Miss Ruth Spicely, of 2405 Montgomery avenue, sister of the victim, who is employed at the Frankford arsenal.

Miss Spicely contacted Mrs. Carolyn D. Moore, executive secretary of the NAACP, after she received a letter from her brother stating that certain Negroes in Durham were attempting to have the case taken out of the hands of the NAACP.
In reply address to
7th Floor, Standard Oil Bldg.

(SHIB 17074-S)
1st Ind
(14 Sept 44)
ASF, HQ 3d SVC, Baltimore 2, Maryland. 15 September 1944

TO: Commanding General, HQ. Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to basic communication and inclosure
for action indicated below:

(1) Your information and such action as you may deem necessary.
(2) Your information and record.
(3) As a matter pertaining to your Headquarters.
(4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.
(5) Request records check of your Headquarters, the F.B.I., O.N.I.
    and local police.
(6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.
(7) Request summary of any information available to your Headquarters.
(8) 

For the Commanding General:

[Signature]

F. S. DULL
Colonel, G. S. C.
Chief, Intel Br - S & I Div

Incl.
3rd photocopy
MEMORANDUM CARRIER SHEET

DATE: 15 September 1944

USE ONE SIDE ONLY

SUBJECT: Call from Lieutenant Breen, Camp Butner, North Carolina re: Shooting of Private Spicely by Herman Lee Council.

FROM: (Killing of Booker T. Spicely)

Colonel Everett:

Lieutenant Breen, Camp Butner, North Carolina, called at 19:00 WNT and stated that Herman Lee Council was tried today, 16 September 1944, for 2nd Degree Manslaughter and was acquitted.

He will notify you further if available information is received.

Lt. Hamner.
In reply address to 7th Floor, Standard Oil Bldg.
SPRIB 17074 1st Ind
(8 Sept 44)
Army, HQ 3d SvC, Baltimore 2, Maryland. 11 September 1944

TO: Commanding General, Hq. Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to basic communication for action indicated below:

(1) Your information and such action as you may deem necessary.

(2) Your information and record.

(3) As a matter pertaining to your Headquarters.

(4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.

(5) Request records check of your Headquarters, the F.B.I., O.N.I., and local police.

(6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.

(7) Request summary of any information available to your Headquarters.

(8) For the Commanding General:

[Signature]
F.S. Dill
Colonel, G.S.C.
Chief, Intel Fr - S & I Div
SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO: Director, S & I Division
Third Service Command
Baltimore, Maryland

ATTENTION: Chief, Intelligence Branch

8 September 1944

1. In the Saturday, 9 September 1944, edition of the PEOPLE'S VOICE (New York publication) there appeared an article relative to the above mentioned subject, captioned, NAACP IN PROSECUTION OF SOLDIER SLAYER.

2. This article sets forth that EDWARD R. DUDLEY of the NAACP Legal Staff is being sent to confer with relatives and attorneys representing the family of Pvt. BOOKER T. SPICELY, who was killed by a white bus driver on 8 July in Durham, N. C., during an incident involving the State Jim Crow bus law, further setting forth that the prosecution against HERMAN LEE COUNCIL, white, who shot SPICELY, will be heard during the second week in September.

3. Other information developed at this office from a confidential reliable informant discloses that the local branch of the NAACP, through its Executive Secretary, CAROLIN DAVENPORT MOORE, has been corresponding with the National Office of the NAACP in New York since the subject's sister, RUTH SPICELY, visited MOORE on 31 July 1944, at the NAACP. According to informant, the National Office of the NAACP advised MOORE through correspondence that all action on this matter would be decided upon by the Legal Staff of the National Office.

4. Forwarded for your general information.

For the Commanding General:

C. S. CAFFREY
Major, GSC
S & I Officer

cc: Phila. DIO in dup.
CONFIDENTIAL

SPIES
SPICELY, Booker T., Pvt. (Colored) 1st Inf. (7 Sept 44)
HEADQUARTERS FOURTH SERVICE COMMAND, ASF, Atlanta, Georgia, 11 September 1944.

TO: Commanding Officer, Camp Butner, North Carolina.
Attention: Post Intelligence Officer.

1. It is desired that any undue racial tension existing prior to, during, or after the trial of Herman Lee Counsel which might result in any disturbance, be reported to this Headquarters promptly.

2. It is further desired that this Headquarters be informed of the outcome of the trial and of any comment thereupon in the Negro press of the vicinity.

By command of Major General UHL:

WILLIS M. EVERETT, JR.,
Colonel, G. S. C.,
Chief, Intelligence Branch,
Security & Intelligence Division.

CONFIDENTIAL
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N. C.

SUBJECT: SPICELY, Booker T., Pvt. (Colored)

TO : Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

ATTN. : Chief, Intelligence Branch,
Security and Intelligence Division.

1. The trial of Herman Lee Council, white bus driver for the Duke
Power Company, Durham, North Carolina, who shot and killed Subject on
8 July 1944, in Durham, North Carolina, will be held in the Durham Superior
Court on Wednesday, 13 September 1944.

2. The above information is forwarded for any action you deem ad-
visable and any additional instructions pertaining to the covering of the
trial that you may request this office to carry out.

For the Commanding Officer:

WALTER W. BRIEN
2nd Lt., A U S
Post Intelligence Officer
OFFICER:  

Date 9/9  

File No.  

LT-"A"  

SUBJECT:  

LT-"B", a,b,c, d,e,f,g,h,  

IND-"B", a,b,c, d,e,f,g,h,i,  

LT-"C"  

1st Ind. Letter Extra Copies  

TO:  

CO Camp Butner, NC  

Attn: PLO  

BODY OF COMMUNICATION AND INSTRUCTIONS TO CLERK:  

1. It is desired that any undue tension existing prior to, during or after the trial of Herman Lee Cooper, which might result in any disturbance, be reported to this Headquarters promptly.  

2. It is further desired that this Headquarters be informed of the outcome of the trial and of any document thereupon in the Negro press of the vicinity.  

Please write LEGIBLY and do NOT CROWD — Use another sheet.  

List Inclosures, Are copies necessary for our files?  

Yes No
CONFIDENTIAL

In reply address to 7th Floor, Standard Oil Bldg.
SF, 17074-EH 1st Ind
(26 Aug 44)
ASF, HQ 3d SvC, Baltimore 2, Maryland. 29 August 1944

TO: Commanding General, HQ, Fourth Service Command, Post Office Building, Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to basic communication for action indicated below:

(1) Your information and such action as you may deem necessary.
(2) Your information and record.
(3) As a matter pertaining to your Headquarters.
(4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.
(5) Request records check of your Headquarters, the F.B.I., C.N.I. and local police.
(6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.
(7) Request summary of any information available to your Headquarters.

(8)

For the Commanding General:

F. S. DOLL
Colonel, G. S. C.
Chief, Intel Fr - S & I Div

CONFIDENTIAL
CONFIDENTIAL

ARMY SERVICE FORCES
PHILADELPHIA QUARTERMASTER DEPOT
5 & I DIVISION
2800 SOUTH 20TH STREET
PHILADELPHIA 45, PA.

SPQDP 441/1003-SID
HDB:rea
III 17074.

26 August 1944.

CACHED

SUBJECT: ROBERT T. SPICELY, PVT. ASN, 33 809 303

TO: Director, S & I Division,
Third Service Command,
Baltimore, Maryland.

ATTENTION: CHIEF, INTELLIGENCE BRANCH

1. Information received at this office discloses that an article captioned "ARMY PROBE BUS SHOOTING" appeared in the 26 August edition of the PHILADELPHIA PITTSBURGH COURIER stating "The slaying, last July 8, of PRIVATE ROBERT T. SPICELY by a white bus driver at Durham, N.C. is still under investigation by the War Department, it was announced last Thursday by Assistant Secretary of War McCloy. The findings will be turned over to the civil authorities, he said."

2. Information obtained from a confidential informant relative to the above mentioned subject, discloses that the local branch of the NAACP in Philadelphia is considering what action they will take relative to this case and are awaiting final developments in the PTC matter before they endeavor to proceed with any other cases that might cause widespread publicity.

3. Forwarded for your general information.

For the Commanding General:

D. T. ANDERSON,
Captain, QC
Asst. S & I Officer.

cc: Phila. DIO in dup.
In reply address to
7th Floor, Standard Oil Bldg.
SPHIB 17074-EP
1st Ind
(29 Aug 44)
ASF, HQ 3d SVC, Baltimore 2, Maryland, 31 August 1944

TO: Commanding General, Hq. Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to basic communication and in inclosure
for action indicated below:

(1) Your information and such action as you may deem necessary.
(2) Your information and record.
XX (3) As a matter pertaining to your Headquarters.
(4) Request that this Headquarters be furnished with two copies
of any report resulting from investigation.
(5) Request records check of your Headquarters, the P.B.I., G.N.I.
and local police.
(6) Request that attached material be returned for the files of
this Headquarters after necessary data has been extracted.
(7) Request summary of any information available to your
Headquarters.

(8)

For the Commanding General:

[Signature]

F. S. Fidel
Colonel, G. S. C.
Chief, Intel Fr-S & I Div

Incl:
copy w/d
CONFIDENTIAL

ARMY SERVICE FORCES
PHILADELPHIA QUARTERMASTER DEPOT
S & I DIVISION
2800 SOUTH 20TH STREET
PHILADELPHIA 45, PA.

29 August 1944

SUBJECT: SPICELY, BOOKER T., PVT., ASN 33 809 303

TO: Director, S & I Division
Third Service Command
Baltimore, Maryland

ATTENTION: Chief, Intelligence Branch

1. Attached hereto under EXHIBIT 1 is a photostatic copy of an article extracted from the PHILADELPHIA TRIBUNE (Negro publication) of Saturday, 26 August 1944, captioned, ARMY BEGINS PROBE INTO G.I. MURDERS, which refers to the above-mentioned subject.

2. Article relates the reason for which the subject was killed in Durham, N. C., on 8 July 1944, and further refers to soldiers at Camp Claiborne who broke into the arsenal and took several carbines, which resulted in the injury of one white lieutenant and five colored soldiers.

3. Forwarded for your general information.

For the Commanding General:

C. G. CAFFREY
Major, QMC
S & I Officer

ENCL: Photostat in trip.
cc: Phila. DIO in dup.
Photostat in single.
Army Begins Probe Into G. I. Murders

WASHINGTON, D. C.—The War Department is investigating the case of Pvt. Booker T. Specly, who was killed in Durham, N. C., last July 8, by a white bus driver and the unconfirmed rumors of the killing of a colored soldier at Camp Claiborne, La.

Pvt. Specly, stationed at Camp Butler, N. C., was shot in the head after a dispute over his seating in the bus.

The soldiers at Camp Claiborne, incensed by the reports that one of their fellows had been shot for alleged rape on a white girl, broke into the arsenal and took several carbines. During the melee one white lieutenant and five colored soldiers were injured.

The situation was under control by the end of the week, and further reports from the War Department are being awaited.

A Colored Journal
In reply address to
7th Floor, Standard Oil Bldg.
SFHIB 1st Ind
(71 Aug 44)
ASF, HQ 3d SVC, Baltimore 2, Maryland. 22 August 1944.

TO: Commanding General, HQ Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attention: Director, Security and Intelligence Division

Attention invited to inclosure for action indicated below:

(1) Your information and such action as you may deem necessary.

XX (2) Your information and record.

(3) As a matter pertaining to your Headquarters.

(4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.

(5) Request records check of your Headquarters, the F.B.I., O.N.I. and local police.

(6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.

(7) Request summary of any information available to your Headquarters.

(8) For the Commanding General:

F. S. DCLI
Colonel, G. S. C.
Chief, Intel Br - S & I Div

Incl:
1 copy w/d
WAR DEPARTMENT
PHILADELPHIA QUARTERMASTER DEPOT
MILITARY INTELLIGENCE DIVISION
2800 SOUTH 20TH STREET
PHILADELPHIA, PA.
HOBIEA

"KEEP 'EM FLYING!"

21 August 1944.

SUBJECT: SPICELY, BOOKER T., PVT., ASN 33 809 303

TO: Director, S & I Division,
Third Service Command,
Baltimore, Maryland.

ATTENTION: Chief, Intelligence Branch.

1. Attached hereto is a photostatic copy of an article extracted from the PHILADELPHIA TRIBUNE of 19 August 1944, under the caption of "SOLDIER KILLING MAY LICK F.D.R.", CRISIS EDITORIAL.

2. The matter referred to in this article in the August issue of the CRISIS is the matter of the killing of the above mentioned subject.

3. Forwarded for your general information.

For the Commanding General:

[Signature]

G. G. CAPPREX,
Major, QMC,
S & I Officer.

ENCLS: Photostatic copy in trip.

cc: Phila. DIO in dup. Photostat in single.
"Soldier Killing May Lick F.D.R.", Crisis Editorial

The Commander-in-Chief of the armed forces," the editorial continued, "He reminded the nation of that very again in his statement that he would run again for a fourth term. Mr. Roosevelt and his War Department have done a lot in modernizing the treatment of the Negro in uniform. It is a decisive step toward equal treatment for the Negroes, not asking, What is a Commander-in-Chief good for if he can not stop lynching and murder of colored soldiers in uniform by innocent and loyal colored officers?

The Crisis editorial says, "When a white bus driver in Durham, N. C., shot and killed a Negro soldier in cold blood on July 7, only eight days before the opening of the Democratic National Convention in Chicago, he may not have known it, but his quick trigger upholding "white supremacy" may have defeated Franklin D. Roosevelt for the presidency and profoundly influenced the post-war world.

The unrest with Negro voter is in the treatment of their men in the armed forces of the nation, and the second point within the area is the manhandling and murdering of black men in uniform by bus drivers in the South the widely moderate Democratic plank on the Negroes coupled with the dumping of Wallace and the move up saluting the Negro Americans over the headroom of their men in uniform may be the combination which will lose the Mr. Roosevelt out of the White House in the coming years."
On July 8, 1944, Private Dooker T. Speckley, a colored soldier, stationed at Camp Butner, North Carolina, was shot and killed by Herman Lee Council, a white bus driver of the Duke Power Company of that city. Reports indicate that the driver and Speckley engaged in an argument concerning the North Carolina law as to whites and negroes riding in buses. Council is reported to have ordered the soldier to sit in the rear of the bus. Several remarks were made between the two and as the soldier left from the back door of the bus, he approached the front door, at which time Council met him, gun in hand, and shot him twice, as a result of which Speckley died. Subsequently the bus driver gave himself up, was given a preliminary hearing, and released on $2500 bond, involving a second degree murder charge.

Following the shooting many rumors were being circulated, such as, the negro soldiers at Camp Butner were planning vengence for the death of Speckley by attacking all Duke Power Company bus drivers. Prominent negro leaders in Durham attempted unsuccessfully to have the driver's bond substantially raised. No riots or disturbances occurred following the shooting of Speckley and it appears that at the present time negroes in Durham, as well as whites, are satisfied to let justice take its course in the courts of law.

In connection with this shooting it is to be noted that Louis Austin, editor of the colored newspaper "Carolina Times" in Durham gave over considerable space in his paper to the shooting. This article was headed by banner headlines stating "Soldier Killer Given Bond". This article went on to state that Speckley was brutally slain by Council and contrary to testimony gathered by interested investigative agencies, stated that upon extensive investigation it was found that Speckley engaged in absolutely no argument with the driver, implying that Speckley was slain wantonly.

Confidential Informant T-2 has advised that inasmuch as he has been able to develop through close contact with negroes in Durham, he is led to believe that no serious or impending racial trouble is imminent.
CONFIDENTIAL

In reply address to
7th Floor, Standard Oil Bldg.
SPHB 17078-PM 1st Ind
(5 Aug 44)
ASF, HQ 3d SVC, Baltimore 2, Maryland. 5 August 1944.

TO: Commanding General, Hq. Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division.

Attention invited to basic communication and enclosure for action indicated below:

(1) Your information and such action as you may deem necessary.

XX (2) Your information and record.

(3) As a matter pertaining to your Headquarters.

(4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.

(5) Request records check of your Headquarters, the F.B.I., O.N.I., and local police.

(6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.

(7) Request summary of any information available to your Headquarters.

(8)

For the Commanding General:

F. S. DOLL
Colonel, G. S. C.
Chief, Intel Br - S & I Div

Incl: 1 copy w/d
ARMY SERVICE FORCES
PHILADELPHIA QUARTERMASTER DEPOT
S & I DIVISION
2800 SOUTH 20TH STREET
PHILADELPHIA 45, PA.

3 August 1944

SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO:
Director, S & I Division
Third Service Command
Baltimore, Maryland

ATTENTION: CHIEF, INTELLIGENCE BRANCH

1. Supplementing report of 28 July 1944, this office, relative to the above
mentioned subject, attached hereeto are photostatic copies of an article extracted
from the PEOPLE'S VOICE, New York publication, 5 August 1944 edition, page 10,
caption "STOP SOLDIER KILLINGS ON THE HOME FRONT!!!"

2. This article is a continuation of the article attached to the report
of 28 July 1944, Exhibit (1). The attached article refers to the killing of
soldiers on the home fronts, setting forth: "Despite protests by Negroes over the
killing of their soldiers on the home fronts during 1942, and the left-handed
justice meted out to the killer, these murderous incidents continued throughout
1943. The year was ushered in with the execution of three Negro soldiers from
Fort Huachuca, Arizona, who were charged with the murder of a white deputy sheriff,
while deputy sheriff in Hamton, Arkansas, went unpunished in the killing of Private
HAIF WILLIAMS when the latter became involved in an altercation with a white truck
driver." Article continues and refers to the following cases in which the names
of soldiers and incidents are cited:

a.) The injuring of thirty Negro soldiers at Alexandria, La. by
policemen; that the soldiers were not only shot down in the
streets and on the busses, but several cases of lynchings
were reported;

b.) PRIVATE ALFRED MONTGOMERY, stationed at Camp Stewart, Georgia,
whose body was found in a thicket;

c.) PRIVATE OTIS GARDNER who was shot by a white guard at Fort Bliss
in Texas;

d.) PRIVATE NORMAN TAYLOR who met his death at the hands of white
soldiers in a racial clash in Shenango, Pennsylvania;

e.) PRIVATE WILLIAM WALKER, shot down by a white sheriff near Centerville,
Mississippi, also setting forth that at Duck Hill, Mississippi 13
Colored soldiers were sentenced to 10 to 15 years of yard labor
for just shooting into the town.
3. This article further refers to the following:

   a.) CORPORAL LEROY CHESTNUT in December, 1943 was found guilty of voluntary manslaughter and sentenced to ten years of hard labor in the fatal stabbing of a white bus driver who kicked him "below the belt".

   b.) The death of CHARLES RECO in Beaumont, Texas in 1942 by a bus driver;

   c.) PRIVATE HENRY WILLIAMS in 1943 died at the hands of a bus driver in Mobile, Alabama;

   d.) PRIVATE EDWARD GREEN in March 1944 whose death was caused by a bus driver in Alexandria, La;

   e.) The subject whose death occurred in Durham, North Carolina two weeks ago. Article relates that PRIVATE GREEN'S death was almost identical to that of subject's; yet the War Department informed the NAACP that no action would be taken in the matter.

4. Article concluded with the statement that, "All of these tragedies point to the fact that the government has not cracked down hard enough, if at all, in an effort to stop these shameless crimes. It is up to the public to press for relief. Pressure cannot be too strong nor too continuous."

5. Forwarded for your general information.

    For the Commanding General:

    [Signature]

    C. G. Caffrey,
    Major, QM,
    S & I Officer

ENCL. triplicate
photostats
STOP SOLDIER KILLINGS ON THE HOME FRONT!!

By FLORENCE MURRAY

(Continued from Last Week)

DESPITE PROTESTS by Negroes over the killing of their soldiers on the home fronts during 1942, and the left-handed justice meted out to the killer, these murderous incidents continued throughout 1943. The year was ushered in with the execution of three Negro soldiers from Fort Huachuca, Ariz., who were charged with the murder of a white deputy sheriff, while deputy sheriff in Hampton, Ark., went unpunished in the killing of Pvt. Half Williams in the latter case involved an altercation with a white truck driver.

It was in January also that a Negro in Alexandria, La., met his last breath in a street full of peaceful Negro residents, nursing them in their beds. At about 9 P.M., the policeman went next door and knocked. When the door was opened, the police officer was told that two men were shooting down on the streets and on the houses. After three cases of shootings were reported, the company was made up of three cases, but evidence was coming in, especially when their bodies were found hanging to trees, and there was no evidence of having been snatched out and then. One such case was that of Pvt. Alred Montegram, who was stationed at Camp Stewart in Georgia. His body was found in a ditches about ten miles out of Savannah.

In Laredo, Tex., Gardner became the victim of a white guard at Fort Bliss, Tex., who shot him as he started to leave the camp to go to El Paso, where he had heard that a racial riot was in progress. And during the same month, Pvt. Norman Taylor met his death at the hands of white soldiers in a racial clash in Shenango, Pa.

Another murder of a Negro soldier on the home front was chalked up by American bigots in May, 1943, with the shooting down of Pvt. William Walker near Center ville, Miss., by a white lynch mob during some sort of racial disturbance. It is needless to say, no one was punished.

Yet, for shooting into the town of Duck Hill in Mississippi and killing no one, 13 colored soldiers were sentenced to from 10 to 15 years at hard labor. Duck Hill, you remember, was the scene of a gruesome lynching several years ago.

The soldiers had become enraged over their mistreatment by whites, when they had visited the town and had shot into it one night, apparently in an effort to frighten the residents.

Among the most frequent causes of killings of Negro soldiers were the Jim Crow laws for seating passengers on buses. A number of soldiers met their deaths when they were asked to leave the bus by the driver, or with their words, some of these men, from the North and used to segregation on public conveyances, could not easily bring themselves to accept this humiliation, especially when they realized that they were wearing the uniforms of the United States Army and were preparing to risk their lives for the very bus drivers who subjected them to humiliation and mistreatment.

BUS DRIVERS GUILTY

In December, 1943, Corporal Lewis Ray Chestnut was found guilty of voluntary manslaughter and sentenced to ten years at hard labor in the fatal stabbing of a white bus driver, who, he testified, kicked him "below the belt." We have already read of the bloody death of Charles Recio in Beaumont, Tex., in 1942, by a bus driver; of Pvt. Henry Williams, in 1943, by a bus driver in Mobile, Ala.; of Pvt. Edward Green in March, 1944, by a bus driver in Alexandria, La.; and of Pvt. Booker T. Spicely in Durham two weeks ago. Pvt. Green's murder was almost identical to that of Spicely; yet the War Department informed the NAACP that no action would be taken in the
SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO: Commanding Officer
   Hq. Camp Pickett, Virginia

ATTENTION: Intelligence Officer

1. This headquarters has received a request from Fourth Service Command that any information concerning the case of the shooting of BOOKER T. SPICELY, Durham, North Carolina, or concerning the activities of the NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE (NAACP) in regard to the case be forwarded to that Command.

2. SPICELY was born and brought up in Blackstone, Virginia. It is accordingly probable that there may be some activity in the vicinity of your camp.

3. Request any information obtained be forwarded to this headquarters. This is not a request for investigation.

By Command of Major General HAYES:

J. A. STRIKE
Lt. Colonel, PA
Acting Chief, Intel Br - S & I Div.

cc: 4th SVC
CONFIDENTIAL

SPID-SPICKEY, Booker T. 2nd Ind.  IB/JWF/da
(1 August 44)
HEADQUARTERS FOURTH SERVICE COMMAND, ASF, Atlanta 3, Georgia. 7 August 1944

To: Commanding Officer, Camp Butner, North Carolina.
(Attention: Post Intelligence Officer).

The attached communication is transmitted for action checked below:

( ) a. Attention to basic communication.

( ) b. Reference to

( ) c. Information and action deemed advisable.

( ) d. Disposition as a matter pertaining to your Headquarters.

( ) e. Compliance with

( ) f. Investigation and report in memorandum form, forwarding copies to this Headquarters.

( ) g. Development of leads set forth in inclosure.

( ) h. Note all leads apparently covered.

( ) i. Return of inclosure.

By command of Major General UDL:

STACY KNOFF,
Colonel, G. S. C.,
Director, Security & Intelligence Division.

CONFIDENTIAL
CONFIDENTIAL

ARMS SERVICE FORCES
Philadelphia Quartermaster Depot
S & I Division
2800 South 20th Street
Philadelphia 45, Pa.

1 August 1944.

SUBJECT: SPICELY, BOOKEE T., Pvt., ASN 33 809 303

To: Director, S & I Division,
Third Service Command,
Baltimore, Maryland.

ATTENTION: Chief, Intelligence Branch.

1. Supplementing report of 28 July 1944 relative to the above mentioned subject, information received at this office from a confidential reliable informant discloses that on Thursday evening, 31 July 1944 RUTH SPICELY, sister of the subject, visited the YMCA, 1724 Christian Street at the request of CAROLYN DAVENPORT MOORE (executive secretary of the local branch of the NAACP) as a result of RUTH SPICELY's call to the NAACP office during the afternoon of the 31st. According to informant, RUTH SPICELY called the NAACP office at approximately 4:00 p.m. in an effort to ascertain whether or not the NAACP would sponsor some type of protest movement as a result of her brother's death, at which time CAROLYN DAVENPORT MOORE informed the subject's sister to meet her at the YMCA.

2. During the conversation at the YMCA, RUTH SPICELY advised MOORE that the stories carried in the Negro press relative to her brother's death (photostatic copies of these articles attached to summary of information, 26 July 1944 and covering letter of 26 July 1944, same subject) were true. However, a mistake was made relative to the identity of her brother when it was stated in the press that her brother who was killed was former assistant business manager of Tuskegee Institute, North Carolina, setting forth that she does have a brother serving in the Armed Forces at Tuskegee Institute, but the brother who was murdered was not the one at Tuskegee. Further adding that a number of persons where she (RUTH SPICELY) is now employed, offered to contribute financial aid along with soliciting the support of organizations and individuals in protesting this matter.

3. Continuing, SPICELY advised that before she accepted the offers of other persons, she first desired to know whether the NAACP would be interested in helping in this case by way of public protest, inasmuch as her brother entered the Armed Forces from Philadelphia. MOORE advised SPICELY that the national office of the NAACP was familiar with the facts
evolving around the case, and that the local branch of the NAACP in Durham, North Carolina, through their national office, was working on the case and up to this point the Philadelphia office of the NAACP had not intended to participate in the matter. However, since the subject resided in Philadelphia and was inducted into the Armed Forces from a local draft board in this district, she (MOORE) felt that the general public in Philadelphia should rally behind the case by financial contributions and public protest.

4. MOORE continued and advised SPICELY that she would take the matter up with the Executive Committee of the local branch at a meeting to be held this week, and advise them of her (SPICELY's) request along with giving the Executive Committee members a full detailed report concerning the death of her brother, and if the Executive Committee agreed that something be done in Philadelphia relative to the case, that she (MOORE) would call a public mass meeting along with sending out letters urging persons to support this protest movement.

5. In conclusion, MOORE advised SPICELY that she (MOORE) would contact her (SPICELY) and advise her of what action the local branch would take as soon as the Executive Committee of the local branch of the NAACP had its meeting and decided upon the matter.

6. Forwarded for your general information.

For the Commanding General:

/s/ C. G. Oaffrey
C. G. OAFFREY,
Major, QMC,
S & T Officer.

cc: Phila. DIO in dup.
CONFIDENTIAL

In reply address to
7th Floor, Standard Oil Bldg. 1st
ASF, HQ 3d SVC, Baltimore 2, Maryland. 3 August 1944.

TO: Commanding General, HQ, Fourth Service Command, Post Office Building, Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to

for action indicated below:

(1) Your information and such action as you may deem necessary.
(2) Your information and record.
(3) As a matter pertaining to your Headquarters.
(4) Request that this Headquarters be furnished with two copies of any report resulting from investigation.
(5) Request records check of your Headquarters, the F.B.I., O.W.I. and local police.
(6) Request that attached material be returned for the files of this Headquarters after necessary data has been extracted.
(7) Request summary of any information available to your Headquarters.
(8) For the Commanding General:

F. S. Dill
Colonel, G. S. C.
Chief, Intel Br - S & I Div
CONFIDENTIAL

SPHIB 17074-PH  2d Ind
(20 Jul 44)


TO: Commanding General, Hq. Fourth Service Command, Post Office Building, Atlanta 3, Georgia. Attention: Director, Security and Intelligence Division.

Attention invited to Inclosure for action indicated below:

___(1) Your information and such action as you may deem necessary.
___(2) Your information and record.
___(3) As a matter pertaining to your office.
___(4) Request that this office be furnished with two copies of any report resulting from investigation.
___(5) Request records check of your office, the F.B.I., O.N.I. and local police.
___(6) Request that attached material be returned for the files of this office after necessary data has been extracted.
___(7) Request summary of any information available to your office.
___(8) 

For the Commanding Officer:

F. S. DOLL
Colonel, GSC
Dep Dir, S & I Div - Intel Br

Incl: 2 copies w/d
CONFIDENTIAL

SPHIB 17074-PH
(20 Jul 44)

ASF, HQ. 3d Swc, 7th Flr., Standard Oil Bldg., Balto. 2, Md. 27 July 1944

TO: Commanding General, HQ. Fourth Service Command, Post Office Building,
Atlanta 2, Georgia. Attention: Director, Security and Intelligence
Division.

Attention invited to Inclosure
for action indicated below:

___(1) Your information and such action as you may deem necessary.

___(2) Your information and record.

___(3) As a matter pertaining to your office.

___(4) Request that this office be furnished with two copies of any
report resulting from investigation.

___(5) Request records check of your office, the F.B.I., C.N.I. and
local police.

___(6) Request that attached material be returned for the files of
this office after necessary data has been extracted.

___(7) Request summary of any information available to your office.

___(8)

For the Commanding Officer:

F. S. DOLL
Colonel, GSC
Dep Dir, S & I Div - Intel Br

Incl: 2 copies w/d
CONFIDENTIAL

ARMY SERVICE FORCES
HEADQUARTERS THIRD SERVICE COMMAND
SEVENTH FLOOR. STANDARD OIL BUILDING
BALTIMORE 2 MARYLAND

SHPB|17074-PH

20 July 1944

SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO: Commanding General
Philadelphia QM Depot
2800 South 20th Street
Philadelphia 45, Pennsylvania

ATTENTION: Intelligence Officer

1. Fourth Service Command has requested that it be informed of any information concerning activity of the NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE (NAACP) in regard to the shooting of BOOKER T. SPICELY.

2. Request that any information which may be obtained by your installation concerning activity of the NAACP or any other organization be forwarded in a separate summary of information for transmission to Fourth Service Command.

For the Commanding General:

A. STEBEE

Acting Chief, Intel Br - S & I Div.

1st Ind.

S & I Division, Philadelphia Quartermaster Depot, 2800 South 20th Street, Philadelphia 45, Pa., 26 July 1944.

TO: Director, S & I Division, Third Service Command, Baltimore, Maryland.

ATTENTION: Chief, Intelligence Branch

1. Enclosed herewith are five copies of a summary of information to which is attached photostatic copies (Exhibits 1 to 4 inclusive) of information pertaining to the above-mentioned subject.

CONFIDENTIAL
S & I Division, Philadelphia Quartermaster Depot
1st Ind. to Director, S & I Division, Baltimore, Md., 26 July 1944 (contd.)

2. This office will be on the alert for any further information regarding this matter and will immediately forward same to your office.

For the Commanding General:

[Signature]

C. G. Caffrey
Major, QMC
S & I Officer

ENCL: Swa. of Inf. in quint.
Pour photostats in quint.
PHILADELPHIA QUARTERMASTER DEPOT

MILITARY INTELLIGENCE DIVISION 26 July 1944

Subject: SPIKELY, HOOVER T., Pvt., ASN 33 809 303

SUMMARY OF INFORMATION:

Information received at this office from a confidential reliable informant discloses that the local branch of the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, at the present time, does not intend to participate in any way in the matter of the above subject. According to informant, the Executive Secretary of the local branch of the NAACP (CAROLYN DAVENPORT MOORE) advised that the local office will not become involved in this matter unless specifically requested to do so by the national office of the NAACP or the Washington bureau, and that all action concerning this matter will be handled by the local branch of the NAACP in North Carolina where this incident took place, with national support coming through the national office.

Informant further advised that CAROLYN DAVENPORT MOORE revealed that this matter received widespread publicity through the Negro press in the Middle West during the time of the NATION-WIDE WAR TIME EMERGENCY CONFERENCE OF THE NAACP in Chicago, Ill.

Up to the present time there has been no indication that other organizations will endeavor to arouse public sentiment or participate, with the exception of the Negro press.

Attached hereto are photostatic copies of articles extracted from the Philadelphia Negro press of Saturday, 22 July 1944, containing information evolving around the above-mentioned subject.

Evaluation: A-2

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EXHIBIT 1 - extracted from the PEOPLE'S VOICE (New York publication)

M. C. BUS DRIVER KILLS UNARMED SOLDIER

Article refers to the subject, excerpts of which state, "Another Negro soldier who was ready to fight for his country lies dead—killed by the hand of one of his own countrymen for whom he would have risked his life on foreign battle grounds if given the chance," further setting forth a detailed account of this affair.

This exhibit also includes a sub-article, captioned

EDITORIAL

This article compares the shooting to that of the Nazis, and states, "It is high time to exterminate these Nazi paratroopers, disguised as cops and bus drivers, who go around shooting Negro soldiers on the slightest provocation."

EXHIBIT 2 - extracted from the PHILADELPHIA PITTSBURGH COURIER

Killed Soldier

SPEEDY TRIAL FOR BUS DRIVER

Article refers to the killing of the subject and relates that Governor Len Broughton of North Carolina has announced that the bus driver who shot and killed Pvt. BROKER T. SPICELY, former assistant business manager of Tuskegee Institute in Durham, N.C., last week, would stand trial for second degree murder at the next regular meeting of the Superior Court in September, further relating details concerning the shooting, and setting forth that the War Department has instituted an investigation, and the Department of Justice is studying the case.

EXHIBIT 2 - extracted from the PHILADELPHIA APRO AMERICAN

DISARM DIXIE BUS DRIVERS

An EDITORIAL

Article advocates the disarming of bus drivers, setting forth that if the War Department cannot persuade the bus companies to do this, then it should permit soldiers to carry side arms with which to protect themselves; that if they must ride with potential killers at the wheels of public buses, they can guarantee themselves peace of mind and safety merely by taking the guns of drivers and turning them in to camp headquarters.
CONFIDENTIAL

Exhibit 3 also includes an article extracted from the PHILADELPHIA TRIBUNE, captioned:

N. C. GOVERNOR PROMISES PROSECUTION OF DRIVER

Article relates details concerning this matter.

EXHIBIT 4 - extracted from the PHILADELPHIA INDEPENDENT

WAR DEPT. PROBES SHOOTING OF GI BY NC BUS DRIVER

Article relates that the War Department is investigating the slaying of a colored soldier in Durham, N. C., further relating in detail facts concerning this matter.

*****

CONFIDENTIAL
N. C. Bus Driver Kills Unarmed Soldier

DURHAM—Another Negro soldier who was ready to fight for his country lies dead—killed by the hand of one of his own countrymen for whom he would have risked his life on foreign battle grounds, if given a chance. The soldier, Private Booker T. Speiley, 33, who was stationed at Camp Butner, N. C., was the victim. A white bus driver, Herman Lee Council, 36, is the killer. A few days after he surrendered to Durham police and confessed the shooting of the private, the bus driver was arrested for drunken driving. He was at liberty on a bond of $2,500, put up by the head of the Duke Power Company, which owned the bus line.

The white man, Council, is reported to have told police that he shot Speiley twice following an argument in which the soldier allegedly refused being asked to move to the rear of the bus and passed insulting remarks regarding Council's draft status.

The Carolina Times, in conducting an investigation of the affair, reported that Speiley was an exemplary soldier and was unarmed at the time of the shooting. An autopsy showed that he had no alcohol in his system.

According to the Times, the events leading up to the killing were as follows:

Pvt. Speiley, in company with several other Negroes, boarded the Fayetteville at bus around 7:15 Saturday evening in the heart of the Negro section; "Keep cool, or I have something here that will cool you." No additional exchange of words between the two was made until Speiley prepared to leave the bus. When he got up to leave by the rear door, Council said to Speiley: "If I have said anything to offend you, I apologize." At this remark the driver told the soldier to come to the front of the bus and the latter reported that if the driver wished to see him, he would have to come to the rear.

Council then left the bus. He met Speiley outside and shot him twice. One bullet pierced the chest and the other his abdomen.

Robert A. Speiley, brother of the slain soldier, and director of the dietetics department at Tuskegee Institute, came here to interview military authorities. He has retained two lawyers, C. J. Gates and M. Hugh Thompkins.

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Robert A. Speiley, brother of the slain soldier, and director of the dietetics department at Tuskegee Institute, came here to interview military authorities. He has retained two lawyers, C. J. Gates and M. Hugh Thompkins.

The slain private was born and reared in Blackstone, Va., but was in Philadelphia at the time of his induction into the army. He was a graduate of Blackstone Training School.


eral of Hollywood and the gallows!

Let the Army protect its soldiers!
Killed Soldier

Speedy Trial For Bus Driver

WASHINGTON—Governor Leon Broughton of North Carolina has announced that the bus driver who shot and killed Pvt. Booker T. Speckley, former assistant business manager of Tuskegee Institute, in Durham, N. C., last week would stand trial for second degree murder at the next regular meeting of the superior court in September.

Meanwhile, investigations by the War Department, a board of officers from Camp Butner, where the soldier was stationed, and by the Inspector General for the Fourth Service Command are under way. The I. G. Department of Justice is also studying the case.

According to eyewitnesses, Speckley entered the bus in a colored section of Durham and sat midway in the vehicle. When the bus entered the white section of the city, the driver, H. L. Coulson, roughly ordered the soldier to go to the rear or leave the bus.

DRIVER IRKED

By REMARK

Speckley complied with Coulson’s request, but, leaving the bus soon afterward, told the driver, “If you weren’t 2-F you wouldn’t be driving this bus.” Coulson thereupon pulled out a gun and shot Speckley twice, drove on to the end of his route and then surrendered himself to the police.

Governor Broughton, after personally investigating the case, announced that Council would be tried for murder “by one of the most highly respected of the Judges. The case will be held before the grand jury next week, and, according to the governor, undoubtedly, a true bill will be rendered.” The case will then be tried at the next regular term of the Superior court meeting in September.

SOLDIER UNARMED

According to Police Chief A. G. King of Durham, Private Speckley was unarmed at the time he was shot and was left lying in the street, where he fell, until picked up by the police and conveyed to the hospital. He died before reaching the hospital. King claims that the soldier made threatening remarks to the bus driver, but which were not noticed by any witnesses at the scene.

If bus drivers are deputized as peace officers in North Carolina, as in the case in many States, Council may be prosecuted for violation of the Civil Rights statute. Council was immediately released on a $250 bond after giving himself up to the police.

Governor Broughton revealed the conviction of 12 members of a mob at Rockscar, N. C., two years ago for the attempted lynching of a Negro accused of rape. The mob in that case was William Wadsworth and the judge was Henry A. Finley, the same pair who will serve in the trial of the bus driver. The former case marked the first time that a prosecution on contempt had been obtained for attempted lynching and Broughton says, “I think that trial throws some light on how the present case will be handled.”

WITNESS VERSION

A complete eyewitness version of the shooting reveals that the bus driver wanted until the bus had reached the white section of the city before he turned to the soldier and abusively ordered him about. It follows:

“The soldier got on the bus in a Negro section of Durham and took a seat about midway in the bus. The driver said nothing to him all the time, but when the bus entered the white section, the driver shouted roughly to the soldier to go to the rear. When the soldier hesitated, the driver said, ‘Go to the rear or get off.”

“Therupon, the soldier went to the rear but remained only a short time when he signaled to get off. As he left the bus, the soldier said to the driver, ‘You’re a binary 2-F. If you were physically fit you wouldn’t be driving a bus but would be in the Army.’ The driver whipped out a revolver, fired two shots and drove away.”
Disarm Dixie Bus Drivers

AN EDITORIAL

The killing of a Tuskegee soldier in Durham by an armed bus driver suggests that the War Department take immediate steps to protect men in the armed forces.

The first step would be to disarm bus drivers. However, if the Department feels it can’t persuade bus companies to do this, then it should permit soldiers to carry side arms with which to protect themselves.

It seems silly to spend Federal millions to train men how to fight and then send them up against armed bus drivers with nothing in their hands.

While awaiting action of bus companies and the War Department, soldiers might take matters in their hands by disarming bus drivers themselves.

If they must ride with potential killers at the wheels of public buses, they can guarantee themselves peace of mind and safety merely by taking the guns of drivers and turning them in to camp headquarters.

N.C. Governor Promises Prosecution Of Driver

WASHINGTON, D. C.—Governor Len Broughton of North Carolina assured the public that the bus driver who killed Pvt. Booker T. Spicely, former assistant business manager of Tuskegee Institute, Saturday in Durham, would be prosecuted by one of the ablest prosecutors in North Carolina and before one of the state’s most respected jurists.

Broughton added that the murder charge would be laid before the Grand Jury before the week was over and was sure that a true bill would be rendered. The case will then be tried at the regular term of the Superior Court in September.

Truman K. Gibson, civilian aide to the Secretary of War, in reporting that an investigation would be made by the War Department pointed out that the offense had occurred off the military reservation and was therefore a civil offense.

The stories which have been received about the shooting have been highly contradictory. One version is that Spicely, after leaving the bus at his destination had walked to the front and called the driver a “nigger 4-F” who would be in the army if he were physically fit. There seems to have been no provocation for the altercation.

Another version has Spicely provoking the driver and taunting him until the men reached into his pocket and drew the gun which he fired, killing Spicely immediately.

Reports vary as to the place where the fatal argument happened. Some have it in the densely settled colored section, while others say that it occurred in the white section.

After completing his run the driver, whose name was not revealed, surrendered to the police who released him on $2,000 bail.

The prosecutor, Broughton said, will be William Murdock and the judge, Henry A. Grant. Both men figured in the trial several years ago of eight or ten mob members who attempted to lynch a colored prisoner in Huckshoer in which convictions were secured.
War Dept. Probes Shooting of GI
By NC Bus Driver

WASHINGTON: The War Department is investigating the shooting of a colored soldier in Durham, N. C., last Saturday night following an argument over the driver's order to move to the rear of the bus.

The bus driver, H. E. Comell, drove off after making the stop at Riley's Store, and piled up by the city police. He was released on $5,500 bond and has been held by the Grand Jury which will take up the case this week.

The Durham chief of police gave the following account of the shooting:

"The soldier in the bus was trying to ride up front. In our state Negroes must ride in the rear. The driver told him to go to the rear and an argument followed. However, the soldier went to the rear.

"Later when the soldier got off he left at the center entrance but ran up to the front entrance and, according to what the driver tells us, made some threatening remarks. The driver says the soldier reached in his pocket whereupon the driver fired at him twice. This was in a colored section, so the driver drove off and gave himself up to the police.

"The soldier was picked up by police and driven to the hospital. He died just about the time they arrived at the hospital."

Asked if the soldier had a gun on him, Chief King said:

"He did not."

Another version of the shooting states that specifically, upon leaving the bus from the rear, at his destination walked forward and called the bus driver a "lazy 41, P." He would be in the army if he were physically fit.

Spickley, before entering the army was assistant business manager at Tuskegee Institute in Alabama.

A sister, Ruth -Spickley-, resides in this city.
PHILADELPHIA QUARTERMASTER DEPOT

MILITARY INTELLIGENCE DIVISION

26 July 1944

Subject: SPICELY, BOOKER T., Pvt., ASH 33 609 303

SUMMARY OF INFORMATION:

Information received at this office from a confidential reliable informant discloses that the local branch of the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, at the present time, does not intend to participate in any way in the matter of the above subject. According to informant, the Executive Secretary of the local branch of the NAACP (CAROLYN DAVENPORT MOORE) advised that the local office will not become involved in this matter unless specifically requested to do so by the national office of the NAACP or the Washington bureau, and that all action concerning this matter will be handled by the local branch of the NAACP in North Carolina where this incident took place, with national support coming through the national office.

Informant further advised that CAROLYN DAVENPORT MOORE revealed that this matter received widespread publicity through the Negro press in the Middle West during the time of the NATION-WIDE WAR TIME EMERGENCY CONFERENCE OF THE NAACP in Chicago, Ill. up to the present time there has been no indication that other organizations will endeavor to arouse public sentiment or participate, with the exception of the Negro press.

Attached hereto are photostatic copies of articles extracted from the Philadelphia Negro press of Saturday, 22 July 1944, containing information evolving around the above-mentioned subject.

Evaluations:

A-2

Reliable

Credible

Questionable

Undetermined
EXHIBIT 1 - extracted from the PEOPLE'S VOICE (New York publication)

H. G. BUS DRIVER KILLS UNARMED SOLDIER

Article refers to the subject, excerpts of which state, "Another Negro soldier who was ready to fight for his country lies dead—killed by the hand of one of his own countrymen for whom he would have risked his life on foreign battle grounds if given the chance," further setting forth a detailed account of this affair.

This exhibit also includes a sub-article, captioned

EDITORIAL

This article compares the shooting to that of the Nazis, and states, "It is high time to exterminate these Nazi paratroopers, disguised as cops and bus drivers, who go around shooting Negro soldiers on the slightest provocation."

EXHIBIT 2 - extracted from the PHILADELPHIA PITTSBURGH COURIER

Killed Soldier
APPEAL TRIAL FOR BUS DRIVER

Article refers to the killing of the subject and relates that Governor Lon Broughton of North Carolina has announced that the bus driver who shot and killed PVT. BOOKER T. SPICEY, former assistant business manager of Tuskegee Institute in Durham, N.C., last week, would stand trial for second degree murder at the next regular meeting of the Superior Court in September, further relating details concerning the shooting, and setting forth that the War Department has instituted an investigation, and the Department of Justice is studying the case.

EXHIBIT 3 - extracted from the PHILADELPHIA AFRO AMERICAN

DISARM BUST BUS DRIVERS
An Editorial

Article advocates the disarming of bus drivers, setting forth that if the War Department cannot persuade the bus companies to do this, then it should permit soldiers to carry side arms with which to protect themselves; that if they must ride with potential killers at the wheels of public buses, they can guarantee themselves peace of mind and safety merely by taking the guns of drivers and turning them in to camp headquarters.
CONFIDENTIAL

CONFIDENTIAL

28 July 44

Ltr. Hq. 3d Sv G, 7th Flr., Standard Oil Bldg., Balt., 2, Md. 31 July 1944.

To: Commanding General, Hq. Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

Attention invited to basic communication and inclosures for action indicated below:

(1) Your information and such action as you may deem necessary.
(2) Your information and record.
(3) As a matter pertaining to your office.
(4) Request that this office be furnished with two copies of any report resulting from investigation.
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(6) Request that attached material be returned for the files of this office after necessary data has been extracted.
(7) Request summary of any information available to your office.
(8) 

For the Commanding General:

F.S. DOLL,
Colonel, GSC,
Dep Dir, S & I Div - Intel Div.

n/c

6
CONFIDENTIAL

SSFH 17074-PH
(25 July 44)

ASF, Hq, 3d Av 8, 7th Flr., Standard Oil Bldg., Balto. 2, Md. 31 July 1944.

To: Commanding General, Hq, Fourth Service Command, Post Office Building,
Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

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and local police.
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this office after necessary data has been extracted.
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For the Commanding General:

F.S. DOLL,
Colonel, G.S.C.
Dep Dir, S & I Div - Intel Div.

Incl:

n/c

6
CONFIDENTIAL

ARMY SERVICE FORCES
PHILADELPHIA QUARTERMASTER DEPOT
S & I DIVIATION
2800 SOUTH 20TH STREET
PHILADELPHIA 45. PA.

HDB: amr

28 July 1944

SUBJECT: SPICELY, BOOKER T., Pvt., ASN 33 809 303

TO: Director, S & I Division
Third Service Command
Baltimore, Maryland

ATTENTION: Chief, Intelligence Branch

1. This report is predicated upon information extracted from the Negro press (THE PEOPLE'S VOICE, New York publication, and the PHILADELPHIA AFRO AMERICAN) of 29 July 1944 regarding the above-mentioned subject and supplements report of this office, 1st indorsement, dated 26 July 1944.

EXHIBIT 1 - extracted from THE PEOPLE’S VOICE (New York publication)

STOP SOLDIER KILLINGS ON THE HOME FRONT!!
by FLORENCE MURRAY

Article refers to the death of the above-mentioned subject and states, "Last week another Negro soldier met his death before he had a chance to prove his patriotism in conflict with the enemies of his country. He was shot down in cold blood by a white southern civilian."

Article further relates that Negroes, like other patriotic citizens, are resigned to accept the loss of their loved ones on the battlefields and will continue in every way possible to hasten our country's victory over the enemies of democracy but they will not accept the murders of their men in arms on their own home shores. They will not accept the killings of their soldiers by ruthless, fascist-minded saboteurs in our midst, who put white supremacy before the country's welfare.

Article further relates details surrounding this incident and refers to these incidents as famous—or infamous—pointing out similar occurrences as follows:

- Three colored soldiers critically wounded and 29 others injured in various degrees during a racial
outbreak at Alexandria, La., January 1942

- Two Negro soldiers killed during a riot at Fort Dix, New Jersey, in April 1942

- Killing of Sgt. Thomas B. Foster near Camp Robinson, Ark., in March 1942

- Case of Pvt. Jesse Smith, shot to death in Flagstaff, Ariz., in August 1942

- Case of Pvt. Chas. J. Recon, shot in Jefferson County, Texas


Article points out that these cases were investigated by the War Department, but nothing was done, except in one case a white MP was convicted of manslaughter and sentenced to 10 years at hard labor. Article further refers to cases where Negro soldiers killed white persons and compares the penalties imposed upon them with the penalties imposed upon whites who killed Negroes, stating, "Not one case of a white offender's being given the death penalty for killing a Negro has been reported."

Article further states, "This epidemic of the unwarranted killing of Negro soldiers by prejudiced Whites was not confined to American shores. It spread to foreign shores within the sound of shot and shell aimed at and coming from the enemy, whom the boys were sent forth to kill."

Included in this article is a by-line, captioned, PROTECT OUR SOLDIERS - Editorial, which states, "One of the truly sordid chapters of this war is the record of abuse and murder of Negro soldiers by bigoted white-supremacists who continue to fight desperately, although vainly, against the new era of freedom which this liberating war is issuing in for all men," and urges that certain measures be taken to protect Negro soldiers.

Attention is invited to the fact that this article will be continued in next week's edition.
LAST WEEK ANOTHER NEGRO SOLDIER met his death before he had a chance to prove his patriotism in conflict with the enemies of his country. He was shot down in cold blood by a white southern civilian.

In time of war Negroes, like other patriotic citizens, are resigned to accept the loss of their loved ones on the battlefields. Their deaths are inevitable, they feel, and for a righteous cause. Though their hearts bleed, Negro mothers are proud to wear their Gold Stars, which tell of the greatest sacrifices that can be made for one's country.

Negroes will continue in every way possible to hasten our country's victory over the enemies of democracy, but they will not accept the murders of their men in arms on their own home shores. They will not accept the killings of their soldiers by ruthless, fascist-minded saboteurs in our midst, who put white supremacy before the country's welfare. They now demand a stop to these shameless deeds.

The recent murder of Pvt. Speckle in Durham by a white bus driver is perhaps just another incident to thoughtless people, but to the truly sane, it stands for more. To them it spells the Nation of southern bigots who, if they had their way, would permit this sordid one on the nation to become an eating cancer which would destroy the very core of the Four Freedoms proclaimed by President Roosevelt. To Negro and white liberals Pvt. Speckle's un skull death calls to mind the chain of southern and barbaric attacks upon our men in uniform attacks which have resulted in demoralization, mental and physical injury—and death.

One of the first of these famous—or infamous—incidents occurred in Alexandria, La., back in January, 1942, when three colored soldiers were critically wounded and 29 others injured in various degrees during a racial outburst. The War Department made an investigation and later issued a statement to the effect that the use of force was necessary in dispersing the crowd, and laid the blame for the riot on white military and civilian police. However, no further report was made.

In April of the same year, during a riot at Fort Dix, N.J., instigated by white southern soldiers, two Negro soldiers were killed. Another investigation was made by the War Department through Brigadier General Benjamin O. Davis, top ranking Negro officer and only Negro general in the history of the United States. The general's report was never made public and there the matter ended so far as the public has been informed.

In cases of mob clashes, local and judicial authorities have comfortably hidden behind the excuse that the killers could not be identified and therefore no arrests could be
Protect Our Soldiers

EDITORIAL

ONE OF THE TRULY solid chapters of this war is the record of those who have fought and risked their lives to keep America free. The reason why the American soldier is so respected is because he is willing to risk his life to protect the liberty of others. The progressive forces of this nation do not want to see our hard-earned freedoms taken away. We must do everything we can to keep America strong.

The news of the death of a Japanese soldier has been a shock to many Americans. This soldier was killed in a heroic battle to defend his country. We must honor his sacrifice by supporting our troops and keeping America strong.

United with labor and other progressive forces of our country in full support of our great friend in the White House, we can put a stop to this disasterously business—NOW!
Marcantonio Urges Swift Action Against Bus Driver

WASHINGTON

Man Vito Marcantonio, president of the International Labor Defense, to use "every resource at the command of the army" to insure swift punishment for the bus driver murderer of Pvt. Booker T. Speckly, wantonly shot to death at Durham, N.C., July 12.

The text of Mr. Marcantonio's letter to the Secretary of War is in part:

"The news of the wanton killing of a colored soldier by a bus driver in North Carolina brings again into sharp relief the inadequacy of Federal measures to protect the uniform of the United States Army.

"From the repeated incidents of murder of colored troops by bus drivers and civil police in a number of Southern States, the impression is unfortunately gaining that there is no real desire to protect these troops from homicidal white supremacists subscribing to the Nazi 'racial' theories.

Wreaking Havoc with Morale

"These repeated incidents of murder, and the monotonous repetition of exonerations for the murderers are wreaking havoc with the war-moral of one-tenth of our armed forces, one-tenth of our civilian population. The incident which prompts this letter is the murder at Durham, N.C., of Pvt. Booker T. Speckly by H. L. Council, a bus driver, on July 12.

"The quotations attributed to the local chief of police, and to witnesses, indicate clearly it was a case of wanton murder by a man who felt he would be protected in his crime because his victim was colored—although wearing the uniform of the United States Army.

"I strongly suggest that every resource at the command of the army and the whole national government be used to insure that the murderer is adequately, swiftly and dramatically punished."
CONFIDENTIAL

2nd Ind

ASF, Hq. 2d Sv 8, 7th Flr., Standard Oil Bldg., Balt. 2, Md., 31 July 1944.

TO: Commanding General, Hq. Fourth Service Command, Post Office Building, Atlanta 3, Georgia. Attn: Director, Security and Intelligence Division

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(1) Your information and such action as you may deem necessary.

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For the Commanding Officer:

F. S. DOLL

Colonel, OSI

Dep Dir, S & I Div - Intel-Eng.

Incl:

1 copy w/d
SPHIB 17074-FH

20 July 1944

SUBJECT: Sleichy, Booker T., Pvt., ASN 33 809 303

TO: Commanding Officer
Hq. Camp Pickett, Virginia

ATTENTION: Intelligence Officer

1. This headquarters has received a request from Fourth Service Command that any information concerning the case of the shooting of Booker T. Sleichy, Durham, North Carolina, or concerning the activities of the National Association for Advancement of Colored People (NAACP) in regard to the case be forwarded to that Command.

2. Sleichy was born and brought up in Blackstone, Virginia. It is accordingly probable that there may be some activity in the vicinity of your camp.

3. Request any information obtained be forwarded to this headquarters. This is not a request for investigation.

By Command of Major General Hayes:

[Signature]

cc: 4th SVC

Acting Chief, Intel Br - S & I Div.
SPICELY, Booker T., Pvt
ASN 3380303
SPHIB 17074-FH

1st Ind.

ASF, Third Service Command, Camp Fickett, Virginia. 27 July 1944.

TO: Commanding General, Third Service Command, Baltimore, Maryland.
(Attention: Acting Chief, Intelligence Branch)

Information requested is inclosed.

For the Commanding Officer:

[Signature]

Major, M.E.
Dir, Security & Int Div

Incl: Memo in duplicate
MEMORANDUM FOR THE OFFICER IN CHARGE

SUBJECT: SPICELY, Booker T., Pvt (colored)
ASH 53809303

On 26 July 1944 an investigation was conducted in Blackstone, Virginia, in connection with possible colored tension caused by the shooting of Subject in North Carolina.

The investigation revealed the following:

(A) GENERAL KNOWLEDGE OF THE SHOOTING. No one interviewed was able to give an accurate story of the shooting, however, it was generally understood by the colored people that Booker T. Spicely, native of Blackstone, was shot by a bus driver at Durham, North Carolina. The incident followed an argument concerning Subject's sitting in the front of the bus. According to colored residents of Blackstone, Subject at first refused to go to the rear of the bus but after argument with the driver, he took a seat at the back of the vehicle. When Subject later went to leave the bus he resumed his argument, resulting in the driver's shooting him.

(B) DR. JAYFFUS WARD, Physician, colored, Blackstone, Virginia, was interviewed on 26 July 1944 regarding possible tension resulting from the above incident.

Dr. Ward stated in substance:

I attended the funeral service of Booker Spicely and nothing unusual occurred until midway through the minister's talk when the eldest brother of the deceased stood up in the church and shouted, "He's a dead man now and if he's going to hell, there's no reason to preach him into heaven." "The thing for all of you to
do is join the N.A.A.C.P. and help stop this sort of thing." There was
a little anxiety when he talked, but the service proceeded without additional
interruption. During and after the funeral, some of the people made such
comments as, "The white people are committing mutiny against their own Army,
while Negroes are fighting overseas." "Nothing will be done about it!"
"If a colored man had shot a white man, the colored man would have been
lynched within hours after the crime." "The white man should be punished."

Naturally, the congregation was concerned over the shooting and
the incident in the church, but nothing was said that I know of indicating
general unrest or tension over the incident.

Spicely was a member of the N.A.A.C.P. but to my knowledge neither
he nor any of his family ever took active part in its activities.

Agent's Notes: Informant is a leader in the N.A.A.C.P. branch
in Blackstone, and is very much interested in the advancement of the
colored race. Check of his statement with others, however, gives no
reason to doubt their accuracy in regard to the above incident.

MRS. MARY T. COLLIER, colored, Secretary Nottoway County N.A.A.C.P.
Branch, was interviewed at her home in Blackstone, Virginia, on 26 July 1944
in connection with the above incident.

Informant stated in substance:

I attended only the last part of the Spicely funeral, and overheard
nothing unusual during the service. After the funeral there were some
expressions of disapproval over the fact that the white bus driver was held
on only $2500 bond for a murder. There were also some statements indicating
that killing was not necessary for such an act as the one committed by
Spicely.

I know of no unrest following the funeral ceremony in Blackstone.
To my knowledge, no one from the N.A.A.C.P. is contemplating any form of
action regarding the incident or shooting.

Agent's Notes: Additional investigation in Blackstone did not
reveal any unrest or tension over the shooting or the incident in the
church, and there is no indication that tension exists at the present time.

A check with Chief of Police of Blackstone revealed that Booker
Spicely had a record of three arrests, twice for being drunk and once for
indecent exposure. Spicely also had a reputation as a trouble-maker while
living in Blackstone, Virginia.

ROBERT T. USOMOE
Agent, SIC

RTJ/vks
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N. C.

17 July 1944

SUBJECT: Death of Pvt. Booker T. Spicely (Negro)

TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

ATTN.: Chief, Intelligence Branch,
Security and Intelligence Division.

1. The following summary is being forwarded for your information.

2. Pvt. Booker T. Spicely (colored), ASN 33809303, 3717th Quartermaster Truck Company, Camp Butner, N. C., as a result of an argument involving the right of Pvt. Spicely to occupy a forward seat in the bus, was shot by Herman Lee Council, bus driver employed by the Duke Power Company, Durham, N. C., after both had disembarked from the bus which Council was driving.

(a) The incident occurred near the junction of Club Boulevard and Fourth Street, Durham, N. C., at approximately 1940 to 1945, 8 July 1944. Council is reported to have returned to the offices of the Duke Power Company and reported the occurrence after completing his run.

(b) Military and civilian authorities arrived about ten minutes after the occurrence and Military Police carried Pvt. Spicely to Duke Hospital where he died. Both military and civilian authorities at the scene of the accident described the crowd as being curious but orderly and that it was completely dispersed at 2045 when a fire broke out in a Higbee Street warehouse.

3. Since this office found no evidence of racial disturbances, a report of the incident was referred to your office noting that an investigation was being conducted and a report would be made to your office as soon as possible. Durham, N. C., Chief of Police and local Agents of the Federal Bureau of Investigation were subsequently contacted and reported that there was no evidence of any disturbances or any indications that there would be. Durham Chief of Police, upon being questioned, stated that
SUBJ: Death of Pvt. Spicely (Negro) Cont'd.  

the bus drivers in the Hayti Section has been followed by police cars on Sunday, 9 July 1944, as a precautionary measure. This practice was discontinued on Sunday afternoon upon no indication of ill feeling on the part of the Negro residents of Durham towards the bus drivers. All sources of information from Durham were universal in their concurrence that in their opinion that any racial disturbances would originate from Camp Butner. Trusted informants from the colored organizations on this post were contacted and stated that justice would be done and that most of the Negro soldiers felt that the bus driver "would get his just dues."

4. On Wednesday 12 July 1944 a report reached this office that there was a building in a secluded section on the outskirts of Durham, N. C., some distance off the Roxboro Road and adjacent to Ellerby Creek, which was being used for storage of arms and ammunition by colored agitators. This office immediately contacted the Federal Bureau of Investigation, which stated that they had investigated this building the latter part of June and had found no evidence of its ever having been used this year. The paths were overgrown and locks on the gates were rusty and there was no evidence of any traffic from the creek to the house. The rumor was believed to have resulted from the fact that Mr. McDougald (Negro) was the owner of the building. McDougald has been very active among the Negroes of Durham. The Federal Bureau of Investigation reported that this property has since been sold to a purchaser whose identity has not been determined.

5. On 13 July 1944, a report reached this office from a Police informant that two colored soldiers, unidentified, made a statement in the Hayti Cafe, Durham, N. C., that "a fuss would be made Saturday night by the colored soldiers from Camp Butner" and also that colored women and the colored soldiers from Camp Butner met Monday and Tuesday on the second floor of the building occupied by the Harlem Tailoring Company at 1113
CONFIDENTIAL

SUBJ: Death of Pvt. Spicely (Negro) Cont'd.  17 July 1944

Pine Street, Durham, N. C., to discuss racial questions. This tailoring company is operated by Jeffrey Smith. Agent Mason was advised to attempt to attend the next meeting if possible.

6. Through all contacts made of trusted informants by this office, it was revealed that Durham Negro residents are not actively interested in the occurrence.

7. This office requested of the colored organizations located on this post that an inventory of the ordnance equipment be made and all equipment was found to be in order with the exception of Summary of Information dated 12 July 1944, Subject: "Missing Weapons and Arms" furnished your office.

8. On Saturday afternoon, 15 July 1944, the military personnel of this office made contacts through trusted informants throughout the colored enlisted personnel located on this post and spent all of Saturday evening circulating in and around Durham, N. C., and uncovered no rumor or talk of racial disturbance. Saturday evening in Durham, N. C., was quite and not out of the ordinary.

9. This office is hereby inclosing copies of statements appearing in local newspapers covering the death of Pvt. Spicely and also a brief on the transportation seating laws of North Carolina, see Section 3337.

WALTER W. BREEN
2nd Lt., A U S
Post Intelligence Officer

Incls: 10
1. Driver Held in Killing of Negro.
2. Bus Driver is Bound Over on Murder Charge.
3. Tight Reins
4. Hearing Waived as Driver is Sent up to Superior Court, etc.
5. Justice Guaranteed
6. A Duty to Perform
7. Mills of the Gods
8. Bus Driver Only Required to Post $2,500 Bond & et al.
10. Brief of STATE v. ELLEN HARRIS

- 3 -
Driver Held In Killing Of Negro

Bus Argument Leads To Shooting In City

Herman Lee Council, 19-year-old Duke Power Company bus driver of Route 6, was arrested early last night and held for investigation in connection with the fatal shooting of Pvt. Booker S. Speedy, Negro soldier of Camp Butner.

Investigating police officers reported that the soldier died at Duke Hospital a short time after he was admitted.

According to police, Council, who was operating a bus on the Fayetteville Street - Watts Hospital route, allegedly shot Speedy twice during an argument about the Negro not moving and sitting at the back of the vehicle when ordered to do so by Council.

DRIVER "THREATENED"

Council said that he ordered them that the soldier got on the bus with a Negro woman in the Hayti section, and when the bus reached Main Street, the driver ordered the Negro to sit in the back of the conveyance. Council declared that the Negro, "who on two other occasions threatened to cut my throat because I told him the North Carolina law required that Negroes sit in the rear of the bus," began an argument about the driver being a 4-F and not fit for military service.

Council, police said, told them that when the bus reached Five Points, on West Main Street, the Negro moved nearer the front of the bus, and when the driver again told him to move to the rear, he started a new argument, directing some of his remarks to two white soldiers who were passengers in the bus.

When the bus reached Club Boulevard and Fourth Street, Council told police that he stopped the vehicle and the Negro got off the bus from the rear entrance, yelled that he was "going to get the driver and shoot the Negro twice with my pistol.

Police said that one bullet pierced the Negro's heart and the second passed through his chest. The soldier was carried to Duke Hospital where he died shortly afterwards.

Council, who said that he completed his route after the shooting, gave himself up to Police Sgt. W. T. Barbee at Five Points.

The driver said that he has been driving a city bus for the past 18 months.

Council was released under bond of $2,500, signed by R. L. Lunders, an official of the Duke Power Company.

Police, at a late hour last night, were continuing the investigation of the case.
The following article appeared in the "Durham Sun" newspaper, Monday, 10 July 1944.

Headline: Bus Driver Is Bound Over On Murder Charge.

Herman Lee Council, 38 year old Duke Power Company bus driver, waived the preliminary hearing in Recorder's Court today on a murder charge in connection with the shooting of Pvt. Booker T. Speedy, Camp Butner Negro soldier Saturday night, and was ordered held for the grand jury under a $2,500 bond.

The bond was signed by R. L. Lindsey, manager of the Durham branch of the Duke Power Company, who Saturday night signed a bond in the same amount pending Council's appearance in Recorder's Court.

The shooting occurred Saturday night about 7:30 o'clock after an argument on the bus which Council was driving.

Council, who admitted shooting the Negro after an argument about where the man should sit in the bus, gave himself up to police.

Police reported that Council said the shooting occurred at the intersection of Club Boulevard and Fourth Street when the Negro, who got off the bus and yelled that he was "going to get the driver who is no better to stop bullets than I am," advanced toward him with his hand in his right pocket. According to investigating officers, Council shot the Negro twice, hitting him in the heart and chest.

Speedy died shortly after arriving at Duke Hospital.

Police said that Council told them that Speedy got on the bus, operating on the Fayetteville Street - Watts Hospital route, in the Hayti section with a Negro woman. According to the officers, Council told them that he ordered the Negro to sit in the rear of the bus. He said that the Negro, "who on two different occasions threatened to cut my throat because I told him the North Carolina law requires that Negroes sit in the rear of the bus", started an argument about the driver being a 4-F and not fit for military service.

Council told police, they said, that when the bus reached Five Points on West Main Street the soldier moved nearer the front of the bus, and started another argument when the driver again asked him to move to the rear. This time, Council was quoted as saying, the negro directed some of his remarks to two white soldiers who were passengers in the bus.

According to police, Council said that when he reached Club Boulevard and Fourth Street and stopped, the Negro got off and started the argument which led to the shooting.

2nd Lt. ABS, Post Intelligence Officer
The following editorial appeared in the "Durham Sun" newspaper, Sunday, 10 July 1944:

Heading: Tight Rein.

Durham fears of racial disturbances of grave proportions were not lessened by the shooting of a Negro soldier Saturday by a city bus driver. The occurrence was of the type which many have anticipated.

The questions of fact involved and judgment on the case are matters for Durham's legal machinery. Without the evidence, it would be pointless and unwise for any of us to try the issue informally. Regret will be citywide that the incident occurred.

The tragedy is not a racial question. It is a case of one man killing another, a case in which one was in the uniform of the United States Army. Durham's concern is that justice be done in accordance with the evidence.

There is a community responsibility involved. At present, there are 1,500 Negro troops at Butner. Negro soldiers have been stationed here since shortly after the camp was activated. Except for a few minor incidents, chiefly involving Negroes among Negroes, Durham has had no disturbances created by their presence. The Saturday killing was most unfortunate.

It is a solemn reminder to Durham whites and Negroes that racial issues are not susceptible of solution through individual eruptions. It is a warning to all of us to hold a tight rein on our emotions and prejudices. Both whites and Negroes live in Durham. We are going to have to try to live in some degree of harmony in the same community or tragic consequences are in store for us.

A TRUE COPY:

Walter V. H腰en
2nd Lt., A U S
Post Intelligence Officer.

13 July 1944
The following article appeared in the "Durham Morning Herald" newspaper, Tuesday, 11 July 1944:


Charged with the Saturday night pistol slaying of a Camp Butner Negro soldier, Pvt. Booker T. Speedly, Herman Lee Council, 36 years old Duke Power Company bus driver yesterday waived preliminary hearing in Recorder's Court and was bound over to Superior Court under bond of $2,500.

R. L. Lindsey, Duke Power Company official, signed the bond that was in the name amount he signed Saturday to give Council freedom until his appearance in court.

Investigating police officers quoted Council as saying that he shot the soldier twice in the chest with a 38-calibre pistol after the Negro came towards him with his hand in his pocket, and threatened to get him.

Council, who operates the bus run from Fayetteville Street to Matte Hospital, said that Speedly on two or three other occasions threatened to "cut my throat."

The driver said that Speedly was ordered several times to seat from the rear of the bus according to the North Carolina State law, but that the soldier ignored his orders, persisted in cursing him and berating him for not being in the Army.

When the vehicle halted at the corner of Club Boulevard and Fourth Street, Council said that Speedly got out of the back exit of the bus and yelling that he was going to get him, the Negro advanced toward the front of the machine.

Standing on a step of the bus, Council said he pumped two bullets into the soldier when he came threateningly near him.

Sheriff L. O. Belkvi reported that powder burns upon the soldier's shirt attested to the fact that the gun was fired at close range.

Coroner Dr. R. A. Martin reported that Speedly, who was about six feet one inch tall and weighing about 165 pounds, died almost as soon as he was carried to Duke hospital after the shooting.
A Duty To Perform

The shooting to death of a Negro soldier by a bus driver of the Duke Power Company here last Saturday evening strains to a serious degree, but not to the limit, the patience of law abiding Negro citizens of Durham. This the second apparent unnecessary killing of a Negro in this county within the course of thirty days by members of the opposite group, without a doubt, challenges the good citizenship of Negroes in this city, but it will be met, accepted and dispensed with within the bounds of decency and within the bounds of the law. The Negro's attitude in this case will not be one of revenge or violence but of permitting the “law to take its course.” That is our duty as good citizens and it will be performed.

Law abiding Negroes in Durham assume this attitude with the full knowledge of the inadequacy of the law in the dispensation of justice where they are concerned. They are not unmindful of the fact that the annals of North Carolina court history show no instance in which a white man has ever paid the supreme penalty for killing a Negro, and only one in which one has even been convicted for the same offense. The Negro's abiding faith in his own destiny and his belief that those who persecute him will in their own time come face to face with retribution, sustain him in the midst of adversities that often overcome those of other groups.

In addition to the Negro citizens of Durham having a duty to perform in this case, our white citizens also have one of equal magnitude. Upon them and them alone rests the responsibility of leaving no stone unturned to bring to light the whole truth and nothing but the truth in this unfortunate tragedy. Negroes have little or no part in enacting or administering the law in Durham and elsewhere in North Carolina. That is no fault of their own, but the fault of those whose sense of fairness is often more oral than actual. Consequently the responsibility of the Negroes in this case is confined solely within the bounds of maintaining continued hope that justice will be done and not injustice.

The investigation of the Carolina Times into the circumstances leading up to and the actual killing of the Negro soldier disclose that already efforts are being made in journalistic circles to build up a defense for the defendant in the case. We are thankful that these efforts have been apparently confined, for the most part, to overzealous and immature reportorial efforts, rather than to calm and mature editorial procedure. We think both condemnation and absolution of the principals in this case ought to await the findings of sources best prepared to secure them. That duty rests with this newspaper and all others who find it within their scope to convey the incident to their readers.

Respectable white citizens of Durham have a duty to perform in that they should be just as determined to see that full justice is done as Negroes. Any citizen, white or black, who condones wrong merely because the victim of such is not of his own race is a menace to society. Likewise we see no difference in a Negro who hates white people and a white man who hates Negroes.
Mills Of The Gods

BY HENRY CLAY DAVIS

DURHAM--NEGRO PARADISE?

After the grim bus tragedy of last Saturday night, DURHAM Negroes should and probably will stop crowing so loudly about what happens to Negroes in South Carolina or Georgia and try to do something about what happens to Negroes in DURHAM, North Carolina.

There is little doubt that this ugly affair is a plain case of deliberate murder by a man who manifested could be courageous only with a gun in his hand, and it should be handled as murder by the courts which are supposed to dispense justice to all citizens alike.

However, in spite of the fact that a few ambitious Negroes have named Durham the "Friendly City," "The Negro Wall Street," and a lot of other twowhoy, nobody expects this case to be tried on its merit here in Durham any quicker than it would be tried on merit in Alabama or Mississippi because an armed White man has killed a defenseless Negro soldier and because Durham is not different from the rest of the traditional South.

Many Negroes are contending that the Negro soldier should have moved back when ordered to do so by the bus driver as much as North Carolina law but those Negroes are referring not only to the dead soldier but also to every Negro in Durham other than themselves yet they would have felt just as the soldier evidently felt under the same circumstances.

Since it is North Carolina law and since it causes unnecessary tragedy like this it is more than evident that such childish, antebellum legislation needs to be drastically and immediately changed.

No intelligent, self-respecting Negro wants to sit down by white people in Durham or elsewhere and if white people object to sitting down by us they should provide or permit the provision of strictly white and strictly Negro transportation since they make all the laws without our help or sanction.

The Negro race is becoming less and less enthusiastic over having to fight a ruthless enemy on the battlefield and a more ruthless enemy including some of its own members on the home front.

We Negroes cannot make the laws but we can and do vote for men who do make them and it is high time for us to begin voting for the benefit of our race rather than for the benefit of a handful of selfish and unscrupulous Negro "politicians" and the candidates they endorse and work so diligently to elect.

The ballot is about the only defense weapon at our disposal and until we acquire sense enough to use it wisely and definitely silence those of us who would lead our vote astray, neither Durham nor any other place will afford us the protection we, as citizens, have the right to expect.

Driver Only Required
$2,500 Bond In Brutal Slaying Of Soldier

In an effort to bring to the readers of the Carolina Times a true and unbiased account of the slaying of Pvt. Booker T. Spicley, Negro soldier of Camp Butner, here Saturday night around 7:30, a detail of representatives of the Carolina Times have made an exhaustive investigation and present the following story as obtained from statements made by eye witnesses to the killing.

It is stated that Pvt. Spicley boarded a westbound Duke Power Company bus at the corner of Fayetteville and Pettigrew Street, Saturday evening, around 7:15, together with other Negro passengers, and that he took a seat in the front of the bus, together with several other Negro passengers, after which the vehicle proceeded down Pettigrew Street, up Roxboro and down Main to Five Points, where Negro passengers were asked to move to the rear in order to make room for white passengers. Spicley is said to have quarreled with the other Negro passengers without any comment, taking a second seat from the rear. After leaving Five Points and proceeding west down Main Street, the driver asked him to move to the back seat to make room for some white soldiers who had boarded the bus. The Negro soldier got up and took the back seat thereafter, address-

PVT. BOOKER T. SPICLEY of Camp Butner who was shot to death here Saturday night by Herman L. Counsell, Duke Power Company bus driver, because he complained of having to give up his seat in the rear of a bus to a white soldier. Council has been held under $2,500 bond, having waived hearing in the Durham County Recorders Court. Attorney M. Hugh Thompson, well-known Durham attorney will assist in the prosecution.

KILLER

Continued from Page One

Counsell's threat and continued to remain on the bus on the rear seat until he reached the corner of Club Road and Fourth Street, where he arose to leave from the rear door, addressing remarks to the driver before he left that "If I have said anything to offend you, I wish to apologize;" whereupon, Counsell is alleged to have invited him to the front of the bus. Upon hearing the invitation, the Negro soldier replied, "If you want to see me, you will have to come outside." Counsell then left the outside of the bus, where the two men came face to face and where Counsell shot him twice, once in the breast and once in the abdomen. The driver then returned to the bus and continued on his route.

As far as representatives of THE CAROLINA TIMES have been able to disclose, there were no threats made against the bus driver by Spicley, nor were there any threats made by Counsell, other than that contained above. Words between the two men appeared never to have reached a point of actual rashness, and several persons expressed surprise that the incident had such a tragic ending, when on the surface it appeared to be of such a frivolous nature.

Counsell has been employed by the Duke Power Company for about 18 months. As

"I got on the bus at Five Points, Chapel Hill and Main Sts., Durham, N.C. at 7:35 P.M. A colored soldier and a colored woman were sitting in the second seat from the back of the bus when I got on. Two other soldiers got on the bus after I did. I sat in one of the seats toward the rear of the bus and the bus driver shouted to the colored woman and soldier to get on the back seat. The colored woman and soldier got on the back seat and the colored soldier said, "I thought I was fighting this war for Democracy." I'm from Pennsylvania and we are not used to things like this." The bus driver said, "Shut up or get off". The bus driver then drove on and the colored soldier said one or two things which were comparable to his first statement. Nothing else took place until the colored woman and soldier started to get off the bus. The woman got off the bus first and the soldier stood in the rear exit and said to the driver, "Hey driver, when you get into uniform we will argue about this."

The bus driver said, "If you want to argue about it now, come up here and I will take a hold of you". The colored soldier said, "I am not going to argue with you on the bus". He then started away. The bus driver then drew a pistol and met the colored soldier at the front door of the bus and shot the soldier twice. The colored soldier fell in the gutter and the bus driver turned around and got back on the bus and pulled the bell cord and got off the bus at the next street. The bus then drove on. The action took place on Club Blvd., Durham, N.C. between 7:40 and 7:45 P.M., 8 June 1944.

At 9 A.M. the defendant was arraigned before the Judge, C. B. Williams, Judge of the General Court Martial of the 3rd Division, and was taken to the Military Police Station with my people to 1916, 1917, and 1921 for information. The defendant, a white and Negro male, was taken and photographed thereupon released. 

A TRUE COPY:

Robert C. Martin

WALTER W. BRENN
2nd L.t., U.S. Army

Gt't Provost Marshal

The defendant went in the defendant's name of the city of Durham, and on 1/12/44 was arrested, having been convicted, and then held in jail. On or about 1/12/44, with four other men, he was in the county courthouse, and while in the county courthouse, the defendant occupied a seat in the front part of the courtroom and was sitting and was sitting on the back seat in the bus. He was then taken to the police station and thereupon released.
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N. C.

GHD-HWBI-127
17 July 1944

SUBJECT: Death of Pvt. Booker T. Spicely (Negro)

TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

ATTN: Chief, Intelligence Branch,
Security and Intelligence Division.

1. The following summary is being forwarded for your information.

2. Pvt. Booker T. Spicely (colored), ASN 33809390, 317th Quartermaster Truck Company, Camp Butner, N. C., as a result of an argument involving the right of Pvt. Spicely to occupy a forward seat in the bus, was shot by Herman Lee Council, bus driver employed by the Duke Power Company, Durham, N. C., after both had disembarked from the bus which Council was driving.

   (a) The incident occurred near the junction of Club Boulevard and Fourth Street, Durham, N. C., at approximately 1940 to 1945, 8 July 1944. Council is reported to have returned to the offices of the Duke Power Company and reported the occurrence after completing his run.

   (b) Military and civilian authorities arrived about ten minutes after the occurrence and Military Police carried Pvt. Spicely to Duke Hospital where he died. Both military and civilian authorities at the scene of the accident described the crowd as being curious but orderly and that it was completely dispersed at 20:45 when a fire broke out in a Rigbee Street warehouse.

3. Since this office found no evidence of racial disturbances, a report of the incident was referred to your office noting that an investigation was being conducted and a report would be made to your office as soon as possible. Durham, N. C., Chief of Police and local Agents of the Federal Bureau of Investigation were subsequently contacted and reported that there was no evidence of any disturbances or any indications that there would be. Durham Chief of Police, upon being questioned, stated that
SUBJ: Death of Pvt. Spicely (Negro) Cont’d. 17 July 1944

Pine Street, Durham, N. C., to discuss racial questions. This tailoring company is operated by Jeffrey Smith. Agent Mason was advised to attempt to attend the next meeting if possible.

6. Through all contacts made of trusted informants by this office, it was revealed that Durham Negro residents are not actively interested in the occurrence.

7. This office requested of the colored organizations located on this post that an inventory of the ordnance equipment be made and all equipment was found to be in order with the exception of Summary of Information dated 12 July 1944, Subject: "Missing Weapons and Arms for your office.

8. On Saturday afternoon, 15 July 1944, the military personnel of this office made contacts through trusted informants throughout the colored enlisted personnel located on this post and spent all of Saturday evening circulating in and around Durham, N. C., and uncovered no rumor or talk of racial disturbance. Saturday evening in Durham, N. C., was quite and not out of the ordinary.

9. This office is hereby enclosing copies of statements appearing in local newspapers covering the death of Pvt. Spicely and also a brief on the transportation seating laws of North Carolina, see Section 3237.

WALTER W. BROWN
2nd Lt., A US
Post Intelligence Officer

Incls: 10
1. Driver Held in Killing of Negro.
2. Bus Driver is Bound Over on Murder Charge.
3. Tight Reins
4. Hearing Waived as Driver is Sent up to Superior Court, etc.
5. Justice Guaranteed
6. A Duty to Perform
7. Mills of the Gods
8. Bus Driver Only Required to Post $2,500 Bond & etc.
10. Brief of STATE v. ELLEN HARRIS

CONFIDENTIAL

- 3 -
CONFIDENTIAL

ARMY SERVICE FORCES
HEADQUARTERS FOURTH SERVICE COMMAND
ATLANTA, GEORGIA
19 July 1944

SUBJECT: Special Assignment for Agent Mason.

TO: Enos C. McClendon, Jr., P. O. Box 466, Savannah, Georgia.

1. Agent Thomas C. Mason has completed his assignment in Durham, North Carolina and will pick up the attached furlough form at your office.

2. Direct that you have Agent Mason prepare a report covering his assignment in Durham and submit to this office in two copies.

By command of Major General UHL:

[Signature]
William C. Hartman, Jr.
Major, Cavalry
Oh, Pers Sec Br., 3 & I Div.

1 Incl:
Furlough form

Assignment of Agent Mason 1st Ind.
(19 Jul 44)

SAVANNAH SIC FIELD OFFICE, Post Office Box 486, Savannah, Ga., 24 July 1944.

TO: Office of the Director, Security and Intelligence Division, Headquarters Fourth Service Command, Atlanta 3, Georgia.

Paragraph two of basic communication complied with.

[Signature]
Enos C. McClendon, Jr.
Special Agent in Charge

1 Incl:
Incl #1 - w/d
Added:
Incl #1 - Memo Report of Agt Mason. (2 copies)

CONFIDENTIAL
CONFIDENTIAL

Savannah, Ga.
23 July 1944.

MEMORANDUM FOR THE OFFICER IN CHARGE:

Subject: NEGRO UNREST
Durham, N. C.

Re: Observation by Undercover Agent.
Durham, North Carolina.

In compliance with orders from the Director, Security & Intelligence Division, Headquarters Fourth Service Command, Atlanta, Ga., this Agent proceeded to Durham, N. C., on the 12 July 1944 to make an observation of the establishments that negroes frequent. Observation was conducted for the purpose of ascertaining whether or not negroes were being influence or encourage by agitators to misconduct themselves, after one soldier from Camp Butner was shot and killed Saturday night 8 July 1944 by a white civilian bus driver. Further to secure an accurate account of the conditions as they actually exist in the city of Durham. Observation extended from 13 July 1944 through 20 July 1944. Mission was accomplished in the undercover capacity of a civilian seeking a job in the industrial city.

This Agent was informed by a soldier from Camp Butner, N. C., that the majority of the soldiers stationed at Butner were alarmed when the news reached Camp and the soldiers that were already in the city of Durham; that one of their fellow soldier had been shot and killed by a white civilian bus driver. Further stated that some of the soldiers at Butner attempted to obtain ammunition and guns while in their angry mood. Soldier gave his name as Pvt. Atkin who stated that he was in a different company from the deceased soldier. According to Atkin the bus driver was still in jail and he was assure that the civilian court would play fare a settle the matter.

Many complaints were registered by the negroes about the white bus driver being released from jail under such a small bail. Comparisons were made by complaintants of descripences shown negroes in giving white a easier bail and a small charge for murder. According to negroes soldiers, they did not mind fighting but resent the fact that they were not treated as soldiers of the United States Army, and believed such a condition resulted from the southern policy. In view of the above situation there were no indication of serious undercurrents of ill feeling.

According to information received the negroes of Durham and the soldiers of Butner were apparently satisfied with the decision of the court. There were no indication of unrest among the negroes, and no evidence of feeling among the negroes reaching any serious bulk and amounted to nothing more than the usual complaints prevailed among negroes. Also no indication of agitation were found among the soldiers or civilians thatts leading to any racial disturbance in the city of Durham.

Thomas C. Mason, Agent SIC.
MEMORANDUM FOR THE OFFICER IN CHARGE:

Subject: NEGRO UNREST
Durham, N. C.

Re: Observation by Undercover Agent.
Durham, North Carolina.

In compliance with orders from the Director, Security & Intelligence Division, Headquarters Fourth Service Command, Atlanta, Ga., this Agent proceeded to Durham, N. C., on the 12 July 1944 to make an observation of the establishments that negroes frequent. Observation was conducted for the purpose of ascertaining whether or not negroes were being influence or encourage by agitators to misconduct themselves, after one soldier from Camp Butner was shot and killed Saturday night 8 July 1944 by a white civilian bus driver. Further to secure an accurate account of the conditions as they actually exist in the city of Durham. Observation extended from 13 July 1944 through 20 July 1944. Mission was accomplished in the undercover capacity of a civilian seeking a job in the industrial city.

This Agent was informed by a soldier from Camp Butner, N. C., that the majority of the soldiers stationed at Butner were alarmed when the news reached Camp and the soldiers that were already in the city of Durham; that one of their fellow soldier had been shot and killed by a white civilian bus driver. Further stated that some of the soldiers at Butner attempted to obtain ammunition and guns while in their angry mood. Soldier gave his name as Pvt. Atkin who stated that he was in a different company from the deceased soldier. According to Atkin the bus driver was still in jail and he was assure that the civilian court would play fare a settle the matter.

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CONFIDENTIAL

Thomas C. Mason, Agent SIG.
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N. C.


TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

ATTN.: Chief, Intelligence Branch,
Security and Intelligence Division.

1. Inclosed newspaper clipping appeared in Durham Morning Herald, Wednesday, 19 July 1944.

2. This office expects Council will appear late in July, 1944 for trial, in Durham Superior Court, but according to Informant in Court, the case will be held over until September 1944 Session.

WALTER W. BRESN
2nd Lt., A U S
Post Intelligence Officer

Incl: 1
Newspaper Clipping
Grand Jury Finds True Bill Against Herman Lee Council For Death Of Negro Soldier

Bus Driver Released Under $2,500 Bond; Commissioners Taken To Task In Report

A true bill of murder was returned yesterday by the Durham County Grand Jury against Herman Lee Council, 36-year-old resident of Route 6, and driver of a Duke Power Co. city bus. Council, who is free under bond of $2,500 pending trial in Superior Court, is charged with the pistol slaying of Pvt. Booker T. Specialty, Camp Butner Negro soldier, on July 6, after an alleged argument over the North Carolina bus seating law.

The shooting took place at the corner of Club Boulevard and Fourth Street after the soldier is alleged to have advanced on Council with his hand in his pocket.

Negro Attorneys C. J. Gates and M. R. Thompson, employed by the family of Specialty to assist in the prosecution of Council, said yesterday that they plan today to make a motion to Superior Court Judge John J. Burner that Council's bond be increased to $10,000.

Specialty, whose home is at Blackstone, Va., was prior to induction in military service, assistant business manager of Tuskegee Institute at Alabama.
SPIIB (17 July 1944)
SPIEGEL, Booker
(17 July 44)
HEADQUARTERS FOURTH SERVICE COMMAND, ASF, Atlanta, Georgia, 17 July 1944.

TO: Commanding General, Third Service Command, Baltimore, Maryland.

Attention: Director, Security & Intelligence Division.

1. Forwarded in compliance with request set forth in paragraph 3, basic communication, inviting attention to enclosed Summaries of Information.

2. If any information concerning activities of the National Association for Advancement of Colored People in regard to this case is received by your headquarters, request same be forwarded.

For the Commanding General:

STACY KIRPF,
Colonel, G. S. C.,
Director, Security & Intelligence Division.

Incl:
CI-E2 dtd 7-10-44, 7-10-44, 7-11-44, 7-12-44.

CONFIDENTIAL
SPFIB 17074-FH

SUBJECT: SPICELY, BOOKER

TO: Commanding General
    Rq. Fourth Service Command
    Atlanta 3, Georgia

ATTENTION: Director, Security & Intelligence Division

1. Security and Intelligence Division, this headquarters, has received reliable information that BOOKER SPICELY, a Philadelphian serving in the Army, was shot and killed in Durham, North Carolina 10 July, by bus driver while leaving the bus, after previously having refused to allow a white person to occupy his seat when the bus driver requested him to do so.

2. It is alleged that NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE (NAACP) is taking case under advisement.

3. Request report of information available be forwarded to this headquarters.

For the Commanding General:

F. S. DOLL
Colonel, GSC
Dep Dir, S & I Div - Intol Br.
OFFICER: ERI  Date  7/17  File No.  
SUBJECT:  
SPICELY, Booker  

lst  Ind.  Letter  Extra Copies  

TO: III S.C.  

BODY OF COMMUNICATION AND INSTRUCTIONS TO CLERK:  

1. Forwarded in compliance with request set forth in paragraph 3, basic communication, inviting attention to inclosed Summaries of Information.  

2. If any information concerning activities of the National Association for Advancement of Colored People in regard to this case is received by your headquarters, request same be forwarded.  

For the ag 

ak  

Incl:  
CF-E2 Rpts dtd 7-10-44, 7-20-44, 7-11-44, 7-12-44  

Please write LEGIBLY and do NOT CROWD - Use another sheet.  

List Inclusions, Are copies necessary for out files?  

Yea  No.
HEADQUARTERS FOURTH SERVICE COMMAND

Subject: Racial Incident, Shooting of Negro Soldier, Durham, N.C., on 8 July 1944 at about 1040.

Place: Atlanta, Georgia.

Date: 12 July 1944.

Summary of Information:

The following is a summary of facts reported by 2nd Lt. Walter W. Green, Post Intelligence Officer, Camp Butner, N.C., at 1600 on 12 July 1944:

The racial situation in Durham, N.C., and Camp Butner, N.C., appears to be favorable in spite of the shooting of the Negro soldier, Private Booker Spicely of Camp Butner, N.C., at 10:40 on 8 July 1944 by a white bus driver of the Duke Power Company. Members of Pvt. Spicely's company, the 3717th QM Truck Company, were reported by the first sergeant to be very orderly and he believed they would continue to remain that way. No restrictions have been imposed upon troops. Meanwhile Negro leaders appeared to be moving cautiously in Durham, insisting that justice be exercised. C. C. Spaulding, wealthy Negro who is president of the North Carolina Mutual Insurance Company, is urging that the driver's bond be increased. The driver was released under $2,500 bail on the charge of manslaughter. Preliminary hearing was waived. The Federal Bureau of Investigation, conducting a limited investigation, does not anticipate further trouble.

Investigation was continued by military authorities. White witnesses were, for the most part, reluctant to make a signed statement concerning the incident.

The following is the text of a signed statement made by Miss Carrie Jackson, Negro:

I got on the bus at Pedigree street, Durham, at 7:45 P.M. when I got on the bus, a colored soldier also got on the bus and sat with me. We were sitting on the second seat from the back of the bus and more people got on the bus. The bus driver told us to sit in the last seat of the bus. This we did. The other soldier who was with me asked the white soldiers why he had to

Evaluation

-of source of information

Reliable

Credible

Questionable

Undetermined

Distribution:

4-DIR of Empl, AST

L-SB

L-FBI, Charlotte, N.C.

1-File

CONFIDENTIAL

DR127
CONFIDENTIAL

SUMMARY OF INFORMATION - Continued
Subject: Racial Incident, Shooting of Negro Soldier, Durham, N. C.,
on 8 July 1944 at about 1940.

get up out of his seat and let them have it. The white soldiers
didn't say anything, but laughed. The bus driver said to the
colored soldier - "You'd better keep cool if you want to ride
in this bus." The colored soldier - "You can put me off it
then." The bus driver then said, "I'll get something that will
put you off." Nothing more was said until after we arrived at
the corner of 4th Street and Club Blvd. When we stopped the
colored soldier stood at the back door of the bus and said,
"Bus driver, if I have done anything wrong, I beg your pardon."
The bus driver then told the soldier to come up to the front of
the bus. The colored soldier said, "No, you come on outside".
The colored soldier then walked out the back door of the bus and
up to the front door. The bus driver then came out of the bus
with a pistol in his hand and shot the colored soldier. I
heard the shot and I was so frightened that I ran up 4th Street
toward my home, when I saw the bus driver with the pistol I
was so frightened I started to run. I looked back and saw the
soldier lying by the side of the road and I also saw the bus
driver got back into the bus and drove on.

The following is the text of a signed statement made by
PFC Robert C. Martin (White), ASK 35189402, HQ, Co., 25th, 425th
Battalion, N. C.:

I got on the bus at Five Points, Capitol Hill and Main Streets,
in Durham, N. C., at 7:55 P.M. A colored soldier and colored
woman were sitting in the second seat from the back of the bus
when I got on. Two other soldiers got on the bus after I did.
I sat in one of the seats toward the rear of the bus and the
bus driver shouted to the colored woman and soldier to get on
the back seat. The colored soldier and woman got on the back
seat and the colored soldier said, "I thought I was fighting
this war for democracy. I'm from Pennsylvania, and not used
to seeing things like this." The driver said, "Shut up or get
off." The bus driver then drove on and the colored soldier
said one or two things which were comparable to his first state-
ment. Nothing else took place until the colored woman had to
got off the bus. The woman got off the bus first and the
colored soldier stood in the rear exit and said to the driver,
"Hey, driver, when you get into uniform we will argue about
this." The bus driver said, "If you want to argue about it
now come on up here and I'll take hold of you." The colored
soldier said, "I'm not going to argue with you in the bus."
He then started away. The bus driver then drew a pistol and
shot the colored soldier at the front door of the bus and shot
the soldier twice. The colored soldier fell in the gutter and
the bus driver turned around and got back in the bus, put the
pistol away and drove off on the bus. I pulled the bell cord
and got off the bus at the next street. The bus then drove on.
The action took place at Club Boulevard in Durham between 7:40
and 7:45 P.M., 8 July 1944.
SUMMARY OF INFORMATION - Continued

Subject: Racial Incident, Shooting of Negro Soldier, Durham, N.C., on 8 July 1944, at about 1200.

The following is a summary of facts given by Mr. Clark Wilson, Negro, who resides at 1501 Club Boulevard. Wilson stated he was waiting at the corner of Club Boulevard and Fourth Street when he noticed soldiers at the rear of the bus. He couldn't hear any conversation due to the fact that he was too far away. He said the bus driver started to get out of the front of the bus and as he did a soldier walked around a tree. When he came around the tree, the bus driver fired two shots into the soldier. He said that in his opinion the soldier had been shot down like a dog, but he added that he felt the matter would be handled by the law and would be interested in seeing that the bus driver received a fair trial. Wilson said eye witnesses were Charlie Brown of 1501 Club Boulevard, who was sitting on the corner of his house with a Rev. Thomas. Both are Negroes.

The following is a summary of facts given by Pvt. Willie Edwards, Negro, A.S.N. 83701903, Co. A, 609th Engineer Bn., Camp Butner, N.C. Pvt. Edwards said the bus driver told Spicely to move to the back when more white people boarded the bus. The soldier moved back to the next to the last seat in the rear. A white soldier took the seat he vacated and Spicely asked the soldier why he had had to move, adding: "We're both wearing the same uniform." Then Fourth Street and Club Boulevard was reached several passengers dismounted. Pvt. Edwards got off first and was standing looking around. Spicely got off and started to walk toward the front of the bus. The bus driver jumped out of the bus, pistol in hand. Pvt. Edwards saw the pistol, he started toward the driver who backed up about two steps and fired two shots. Spicely fell to the ground after the second shot. The driver then got back in the bus. Edwards said no words were exchanged and neither appeared to have been drinking.

The following is a summary of facts given by Miss Mildred Eds Faulkner, 1233 Broadway, Durham, N.C. When Miss Faulkner said that when she boarded the bus the driver was telling Spicely to move to the rear. Spicely is reported to have said: "When you get into my outfit, I'll take care of you," or words to that effect. The driver is reported to have replied: "Well, that's all right." She said that when the driver got off the bus he had a gun in his hand. That is as far as she went.

The following is a correction in the spelling of names in Summary of Information re: Subject dated 11 July 1944: L. E. Austin, owner and publisher of the Carolina Times, Negro newspaper; C. C. Spaulding, referred to above; and R. L. McDougal, vice-president of the Farmers Mechanics Bank, Durham. All are Negroes.
CONFIDENTIAL

ARMY SERVICE FORCES
Headquarters Fourth Service Command
Atlanta, Georgia

15 July 1944

SPEI:
(15 July 44)
Special Agent in Charge,
Federal Bureau of Investigation,
Charlotte, North Carolina.

RE: Racial Incident, Shooting of Negro Soldier, Durham, N. C., on 8 July 1944.

Dear Sir:

The enclosed communication is forwarded for your information and such action as you consider advisable.

Very truly yours,

WILLIS M. WRIGHT, JR.
Colonel, G. S. C.,
Chief, Intelligence Branch,
Security & Intelligence Division.

Enc:
1st S/T dtd 12 July 44
SPICE (11 July 44) 3rd Inf.
HEADQUARTERS, CAMP BUTNER, NORTH CAROLINA, 15 July 1944.

TO: Commanding General, AST, Headquarters Fourth Service Command, Atlanta, Georgia. (ATTN: Chief, Intelligence Branch, Security and Intelligence Division)

1. Attention is invited to preceding endorsement.

H. M. POOL
Colonel, Infantry
Commanding
POST INTELLIGENCE OFFICE, ASF, HEADQUARTERS, CAMP BUTNER, NORTH CAROLINA,
14 July 1944.

TO : Commanding General, ASF, Headquarters, Fourth Service Command,
    Atlanta 3, Georgia.

ATTN. : Chief, Intelligence Branch, Security and Intelligence Division.

THRU : Commanding Officer, ASF, Headquarters, Camp Butner, North Carolina.

ATTN. : Post Adjutant.

1. As desired in Par. 2 of basic communication, this Officer wishes to report as follows:

On the evening of 8 July 1944 Director, Security and Intelligence Division, this station, then in Durham, N. C., received criminal report of incident from the Military Police that a colored soldier, Private Booker T. Spicely was shot by bus driver, H. L. Council. Pvt. Spicely was shot between 1940 and 1945 on the same evening. The Military Police arrived about ten minutes later and took Pvt. Spicely to Watts Hospital, a short distance from the scene of the shooting, but since colored patients were not admitted there they proceeded on to Duke Hospital. Pvt. Spicely died upon arrival. Many curious morbid spectators were continually arriving at the scene but were being dispersed by the Military Police and Civil Police until about 2045 when they dispersed quickly since a fire had broken out in an in-town warehouse and stable at that time. Civilian and Military Police reported that the crowd though curious was orderly.

The Director, Security and Intelligence Division considered the case strictly a criminal matter. Council, after discharging passengers from the bus, returned to the bus company's depot and reported the occurrence.

At 0800, 10 July 1944, this office, upon being informed of the occurrence, contacted the Military Police, Civilian and Federal authorities and a digest was then made of their reports and Summary of Information prepared and set to your office. Since the occurrence as reported could not be considered as an incident under the provisions of Par. 2 a (1) or Par. 2 a (3) of W. D. Letter, AG 600.93 (11 Jan 44) OB-S-B-M, dated 19 Jan 44, Subject: Counterintelligence Spot Reports, the provisions of Par. 2 g of the above letter were deemed not to apply. Since then this office has been in constant telephonic contact with your office.

Incl. n/c

WALTER W. BRENN
2nd Lt., A U S
Post Intelligence Officer
POST INTELLIGENCE OFFICE, ASF, HEADQUARTERS, CAMP BUTNER, NORTH CAROLINA,
14 July 1944.

TO: Commanding General, ASF; Headquarters, Fourth Service Command,
Atlanta 3, Georgia.

ATTN: Chief, Intelligence Branch, Security and Intelligence Division.

THRU: Commanding Officer, ASF, Headquarters, Camp Butner, North Carolina.

ATTN: Post Adjutant.

For: Commanding Officer.

1. As desired in Par. 2 of basic communication, this Officer wishes
to report as follows:

The Director, Security and Intelligence Division, this station, then in Durham, N.C., received criminal report of
incident from the Military Police that a colored soldier, Private Booker T.
Spicely was shot by bus driver, N. L. Council. Pvt. Spicely was shot
between 10:40 and 11:45 on the same evening. The Military Police arrived
about ten minutes later and took Pvt. Spicely to Watts Hospital, a short
distance from the scene of the shooting, but since colored patients were not
admitted there they proceeded on to Duke Hospital. Pvt. Spicely died upon
arrival. Many curious crowded spectators were continually arriving at the
place but were being dispersed by the Military Police and Civil Police until
about 2:30 when they dispersed quickly since a fire had broken out in an inter-
room warehouse and stable at that time. Civilian and Military Police reported
that the crowd though curious was orderly.

The Director, Security and Intelligence Division considered the
case strictly a criminal matter. Council, after discharging passengers from the
bus, returned to the bus company's depot and reported the occurrence.

At 0800, 10 July 1944, this office, upon being informed of the
occurrence, contacted the Military Police, Civilian and Federal authorities
and a digest was then made of their reports and summary of information pre-
pared and sent to your office. Since the occurrence as reported could not
be considered as an incident under the provisions of Par. 2 a (1) of Par. 2 a
(3) of W.D. Letter 600,923 (11 Jan 44) G-5-E-4:4, dated 19 Jan 44, Sub-
ject: Counterintelligence Spot Reports, the provisions of Par. 2 a of the
above letter were deemed not to apply. Since this office has been in
constant telephonic contact with your office.

For compliance with paragraph 2 through this Headquarters by
later than 14 July 1944.

By order of Colonel P.O.:

WALTER W. BRUESCH
2nd Lt., A.U.S.
Post Intelligence Officer

Incl: n/c

1 Incl - n/c
CONFIDENTIAL

ARMY SERVICE FORCES
HEADQUARTERS FOURTH SERVICE COMMAND
ATLANTA, GEORGIA
11 July 1944

SPlIB
(11 July 44)

Subject: Shooting of Negro Soldier, Durham, N. C., 8 July 1944.

To: Commanding Officer,
Camp Butner, North Carolina.

ATTENTION: Post Intelligence Officer.

1. Attention is invited to inclosed Summary of Information re Subject
dated 10 July 1944.

2. It is desired that this Headquarters be advised of the reason your
office failed to notify this office re Subject in compliance with Paragraph 2
(d) of War Department letter AG 600.915 (11 Jan 44) CB-S-8-M, dated 19 January
1944, Subject: Counterintelligence Spot Reports.

By command of Major General UHL:

Incl:
S/I re Subj dtd 10 July 44

SPIIB
(11 Jul 44)
HEADQUARTERS, CAMP BUTNER, NORTH CAROLINA, 13 July 1944.

TO: Post Intelligence Officer, Camp Butner, N. C.

For compliance with paragraph 2 through this Headquarters by
not later than 14 July 1944.

By order of Colonel POOL:

1 Incl - n/c

CONFIDENTIAL
CONFIDENTIAL

SPIES (11 July 44) 3rd Inf.

HEADQUARTERS, CAMP BUTNER, NORTH CAROLINA, 16 July 1944.

TO: Commanding General, ASF, Headquarters Fourth Service Command, Atlanta 5, Georgia. (APTN: Chief, Intelligence Branch, Security and Intelligence Division)

1. Attention is invited to preceding endorsement.

E. W. Foote
Colonel, Infantry
Commanding
MEMORANDUM CARRIER SHEET

USE ONE SIDE ONLY

DATE: 16 July 1944

SUBJECT: RACIAL SITUATION, DURHAM, N. C.

FROM: S & I DIV.

(1) C of S

Please note and return.

JWF, Maj., Inf., AC, TB, SID

[Signature]

17 July 44

[Signature]

Noted

cps

SAVE PAPER—SAVE CLIPS

CONFIDENTIAL
CONFIDENTIAL

WAR DEPARTMENT

FOURTH SERVICE COMMAND
(Office of Headquarters)
(Place)
16 July 1944

Subject: RACIAL SITUATION, DURHAM, N. C.

Summary of Information:

Rechecks in Durham, N. C. on this date revealed that situation is about the same. Local authorities and other informers do not anticipate any trouble. At 1650 on this date a report was received from Agent Mason who states that so far there are no rumors of anything. Mason says that he is right in with the gang and feels that he is getting correct information and that if there is anything he is in a position to find out all about it.

Evaluation of source
- Reliable
- Credible
- Questionable
- Undetermined

Evaluation of information
- B

Previous Distribution:
1-C of 3
4-Dir of Intel
2-PBI Charlotte N.C.
2-File
1-ONI Charleston S.C.

CONFIDENTIAL
CONFIDENTIAL

ARMY SERVICE FORCES
Headquarters Fourth Service Command
Atlanta 3, Georgia

11 July 1944

SPIE
(11 July 44)
Special Agent in Charge,
Federal Bureau of Investigation,
Charlotte, North Carolina.

RE: Racial Incident, Shooting of Negro
Soldier in Durham, N. C.

Dear Sir:

The enclosed communication is forwarded for your information and such action as you consider advisable.

Very truly yours,

WILLIS M. EVERETT, JR.,
Colonel, G. S. C.,
Chief, Intelligence Branch,
Security & Intelligence Division.

Incl:
Sec 8/1 dtd 11 July 44

- 1 -
Racial Incident, Durham, N. C.

The checkup on 13 July 1944 in the case of tension in Durham, N. C. is very slight at present. One or two remarks have been reported by individuals of making trouble on this coming Saturday night, but no remarks can be traced of having been made along this line since Monday.

Agent Thomas B. Mason, SIC, 4th SvC, reported to the Raleigh District, SIC Office on this date and has been placed in Durham, N. C. on undercover assignment.

--- Known to the FBI who have checked it and have found nothing untoward in regard to it. In regard to the finding ammunition in the man's locker in 169th Engineer Combat Bn. Some of it was carbine. One box of carbine ammunition was found, a quantity of .22 ammunition and also fairly large quantity of M1 ammunition. The gun that was found dismantled was a carbine. A pistol, colt, U. S. Army, which has been surveyed as the only guns that were missing from that organization. Colonel O'Connor is making a thorough check of all the outfit in his organization, 16th Corps, and will report to us tomorrow on it.

(Col. O'Connor, Ca, 7 Det. 16th Corps.)
CONFIDENTIAL

WAR DEPARTMENT

FOURTH SERVICE COMMAND
(Office of Headquarters)
Atlanta, Georgia

Subject: Racial Incident, Shooting of Negro Soldier in Durham, N.C., on 8 July 1944 at about 1030.

Summary of Information:

The following information was telephoned to this Headquarters by Agent Willis of the Raleigh (N.C.) SIC Field Office at 1848 on 10 July 1944:

On the 8th of July 1944 at about 1030 P.M. Booker Thomas Spicesly (Negro) of 3713th Quartermaster Company, Camp Butner, N.C., was shot by Mr. H. L. Council, bus driver for the Duke Power Company. The Negro soldier died as a result of the shooting and the bus driver has been released on bond. It is reported that the soldier boarded the bus in Hati section near Fayetteville Street, Durham, N.C., and did not sit in the back of the bus as provided under North Carolina law. When the bus became crowded with white people the bus driver asked him to move to the back, which he did, but he cursed the bus driver and also threatened him. When the bus arrived at the corner of Fourth Street and Club Boulevard the soldier left the bus, still cursing the bus driver and the bus driver is reported to have gone to the door of the bus and the soldier started toward him, threatening him. It was then that the soldier was shot.

As a result of this incident the racial situation has become much worse. Tension has been rather high among the Negroes in Durham. Reports have been made that Negro soldiers at Camp Butner were going to attack the bus drivers and get even with them. The tension is subsiding and local law enforcement agencies state that the situation is getting better. The bus company is still operating normally but informant at the bus company reports that a number of the drivers are afraid to drive in the Negro section and that they do not believe that the situation is any better. All informants believe that if nothing happens over this coming weekend the worst will be over. The local FBI Agent, Raleigh, N.C., is cognizant. This office will keep in touch with the situation and report any new developments.

Previous Distribution: 
None

Distribution:

- FBI, New York, N.Y.
- FBI, Washington, D.C.
- FBI, St. Louis, Mo.
- FBI, Chicago, Ill.

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ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hq., Camp Butner, N.C.

SUBJECT: Death of Enlisted Man.

TO: Commanding General,
ASF, Headquarters,
Fourth Service Command,
Atlanta 3, Georgia.

ATTN.: Chief, Intelligence Branch,
Security and Intelligence Division.

1. Transmitted herewith is Summary of Information, re Subject.

2. Forwarded for any action you deem necessary.

Incl: 1
Summ. of Inf., re Subj. (dupl)

WALTER W. HIGON
2nd Lt., A U S
Post Intelligence Officer

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
KNOXVILLE FIELD OFFICE

CONFIDENTIAL
CONFIDENTIAL

ARMY SERVICE FORCES
FOURTH SERVICE COMMAND
Post Intelligence Office
Hp., Camp Butner, N. C.

SUBJECT: Death of Pvt. Booker T. Speddy, (Colored)
ASN 33809308, 3717th Q.M. Truck Co.,
Camp Butner, N. C.

TO: Commanding General,
ASF, Headquarters
Fourth Service Command
Atlanta 3, Georgia

ATTN: Chief, Intelligence Branch,
Security & Intelligence Division.

1. Transmitted herewith is Memoranda covering investigation
for possible racial disturbances that may result from the death of
Private Booker T. Speddy, (Colored) ASN 33809308, who was shot on
8 July 1944, Durham, N. C., by a white bus driver.

2. Enclosed are two clippings from the Durham, N. C., papers
concerning the racial situation in Durham, N. C.

3. All local agencies are cooperating with this office and any further
developments that may arise, concerning racial disturbances, from the incident
Subject, will be reported to your office.

4. This office expects that colored newspapers will give this incident
a big write up and seeing as some of the B. M. colored, on this Post receive
such newspapers as the Afro-American, Baltimore, Md., Pittsburgh Courier,
Pittsburgh, Pa., Chicago Defender, Chicago and Peoples Voice, New York City,
New York, the mails will be closely watched for subscribers and the reaction
of articles written will be observed and reported.

For the Post Commander:

By

2nd Lt., A U S
Post Intelligence Officer

2 Inc:
1. Memoranda report (duplicate)
2. Clippings Newspapers
CONFIDENTIAL

ASF, Headquarters
Camp Butner, N. C.
11 July 1944

MEMORANDUM FOR THE OFFICER IN CHARGE:

Subject: Death of Pvt. BOOHER T. SPECELY, ASN: 33809306, 3717th Q. M. Truck Co., Camp Butner, N. C.

Re: Investigation for possible racial disturbance resulting from the death of Pvt. SPECELY (Colored).

On 10 July 1944, this Agent, at the request of the Director, Security and Intelligence Division, Camp Butner, North Carolina, made an investigation for possible racial disturbance, that may result from the death of PVT. B. T. SPECELY, ASN 33809306, 3717th Q. M. Truck Co., Camp Butner, N. C., a colored E. M., who was shot by a white bus driver, Herman Lee Council, employee of the Duke Power Co., Durham, N. C., after dismounting from a bus which Council was driving, at the corner of Club Boulevard and Fourth Street, Durham, North Carolina, on 8 July 1944, or on or about 1940.

This Agent checked the local Police Department, through Chief of Police King, and Lt. Leary, Chief of Detectives, Durham, North Carolina; Chief King stated that he expects no trouble from the incident as far as racial disturbances are concerned and that the only gathering he knows of concerning the death of SPECELY, was shortly after the incident occurred, a small crowd gathered at the scene, mostly colored, but that they consisted of people who were curious and no threats were heard expressed or any agitation took place. The crowd broke up according to Chief King, when a fire broke out about 21:00, on Rigbee Street, Durham, N. C. Lt. Leary agreed with Chief King and stated that he did not expect any repercussions from the incident. This Agent checked the F. B. I. to see if they had uncovered any movement for racial disturbance, the two agents, representing the F. B. I. in Durham, N. C., stated that they had made a thorough check of the incident and definitely felt that there would be no demonstrations concerning racial disturbances. This Agent checked the neighborhood where the death of SPECELY occurred and found that it is a negro settlement, consisting of about a hundred negro families, with white middle class families bordering both sides of the district. This Agent found that the topic of conversation in the colored district where the incident occurred, seems to be what will happen to Council, will he be convicted, or will he go free? This Agent found that the older negroes, in the district where the incident occurred have accepted the affair as another shooting and that nothing will come out of it. The younger element of the district are curious to know what the Army is going to do about the trial, but at no time did this Agent hear any statements of racial disturbance or what should be done with the bus driver. This negro community knows many of the enlisted men in the 3717th Q. M. Truck Co. This Agent uncovered that chief among the prominent negroes of Durham, N. C., who are interested in the incident are: L. E. Austin, publisher, Carolina Times, negro paper; C. C. Spaulding, President, North Carolina Mutual Insurance Co and R. L. McDougall, Vice Pres., Farmers & Mechanics Bank, all these negro men are well known for being champions of the negroes rights in Durham, N. C. This Agent checked the colored E. M. on the bus and found that no agitation had as yet taken place although there had been talk of what would be done with the bus driver. This Agent checked the
SPECELY (cont.)

237th Q. M. Truck Co., Camp Butner, North Carolina, a colored organization, with white officers, which SPECELY formerly was assigned to as a truck driver. This Agent found that SPECELY was popular with the men of the outfit and was not considered belligerent; that SPECELY was born in Blackstone, Va., and was living in Philadelphia, Pa., at the time of his induction into the Army; that SPECELY was considered a high type negro in his outfit, having a brother a Dean of the Business School, Tuskegee Institute, Tuskegee, Ala.; that the E. H. of the 3717th Q. M. Truck Co., feel that justice will be done and that, Council will be convicted and the sentence he will receive will be heavy; This Agent interviewed the C. O. of the 3717th Q. M. Truck Co., a white officer but he felt that the men could better express there own sentiments. This Agent could locate no men in the organization who could be considered agitators or anyone who was previously under suspicion for being a trouble maker.

THOMAS C. McCARRICK
2/Sgt., CMP
Intelligence Branch
Security & Intelligence Division
1. This Article aired in the Durham Sun, Durham, N.C., in the editorial section on 10 July 1944.

Tight Rein

Durham fears of racial disturbances of grave proportions were not lessened by the shooting of a Negro soldier Saturday by a city bus driver. The occurrence was of the type which many have anticipated.

The questions of fact involved and judgment on the case are matters for Durham's legal machinery. Without the evidence, it would be pointless and unwise for any of us to try the issue informally. Regret will be citywide that the incident occurred.

The tragedy is not a racial question. It is the case of one man killing another, a case in which one was in the uniform of the United States Army. Durham's concern is that justice be done in accordance with the evidence.

There is a community responsibility involved. At present, there are 1,500 Negro troops at Butner. Negro soldiers have been stationed here since shortly after the camp was activated. Except for a few minor incidents, chiefly involving Negroes among Negroes, Durham has had no disturbances created by their presence. The Saturday killing was most unfortunate.

It is a solemn reminder to Durham, white and Negro, that racial issues are not susceptible of solution through individual eruptions. It is a warning to all of us to hold a tight rein on our emotions and prejudices. Both whites and Negroes live in Durham. We are going to have to try to live in some degree of harmony in the same community or tragic consequences are in store for us.

2. This article appeared in the Durham Morning Herald, Durham, N.C., on 11 July 1944.

Justice Guaranteed

Human life is precious. There is no substitute for life itself. Whenever life is snatched by violence, provoked or unprovoked, there is a sense of tragedy that is involved and often overwhelming.

All of Durham is distressed over the death of the Camp Butner soldier who came to an untimely end Saturday evening at the hands of a local bus driver who believed that in his line of duty he had no choice. He felt a responsibility for the lives of the other passengers of his bus, as well as a sense of fear for his own life.

Fortunately, we live in a city where justice may be guaranteed. The driver of the bus will have a fair trial, and no military nor civilian concern need be exercised over that. Whatever defense the trial may develop in behalf of the driver; whatever series of evidence the law may be able to present against him—all of these will be aired in a free and open court.

There can be no fear that race will over-burden the evidence. This was an instance of one citizen—a civilian, against another citizen, albeit a transient citizen—a soldier. No one regrets the tragedy more than the man who pulled the trigger. He counts on justice in the courts, and we have confidence the courts will give him that. Those who share concern for the life that is gone, and his memory, may have the same assurance.

We live in a democratic country, in a State that has been noted for its fairness to all races, and in a city that has enjoyed as enviable relationships as are to be found anywhere. For these facts we can be grateful, and our knowledge of these facts gives us the assurance that the ends of justice—predicted upon a full review of all the facts—will be met.
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WAR DEPARTMENT

Post Intelligence Office
(Office of Headquarters)
Camp Butner, N. C.
(Place)
10 July 1944
(Date)

Subject: Death of Enlisted Man.

Summary of Information:

This office is in receipt of information that a Private Booker T. Specely (Colored), ASN 33809309, 3717th CM Truck Company, Camp Butner, North Carolina, was shot by a white bus driver, Herman Lee Council, who was employed by Duke Power Company, Durham, North Carolina, after dismounting from the bus which Council was driving at the corner of Club Boulevard and Fourth Street, Durham, North Carolina, about 7:40 to 7:45 P. M. on 8 July 1944.

Information received by this office is that bus driver and colored enlisted man had words while on the bus and when colored enlisted man dismounted, the bus driver pulled revolver and shot colored enlisted man, who died enroute to Watts Hospital, Durham, North Carolina.

Investigation is being conducted and report will be made to your office as soon as possible.

Previous Distribution:

Distribution: 

Evaluation 
of source 
Reliable.
Credible.
Questionable.
Undetermined.

STD

STD

12721
CONFIDENTIAL

ARMY SERVICE FORCES
Headquarters Fourth Service Command
Atlanta 3, Georgia

11 July 1946

SPIIB

(11 July 46)

Special Agent in Charge,
Federal Bureau of Investigation,
Charlotte, North Carolina.

RE: Racial Incident, Shooting of Negro Soldier in Durham, N. C., on 8 July 1946.

Dear Sir:

The enclosed communication is forwarded for your information and such action as you consider advisable.

Very truly yours,

WILLIS M. EVERETT, JR.
Colonel, G. S. C.,
Chief, Intelligence Branch,
Security & Intelligence Division.

Incl:

1st S/I ctd 10 July 46
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WAR DEPARTMENT

HEADQUARTERS FOURTH SERVICE COMMAND
(Office of Headquarters) 39 W WABEline
Atlanta, Ga, Georgia (Place)

Subject: Racial Incident, Shooting of Negro Soldier in Durham, N. C., on 8 July 1944 at about 9:30.

Summary of Information:

The following additional information concerning subject was telephoned to this Headquarters by Lt. Breen, Camp Butner, N. C. at 4:30 P.M. EWT, this date.

Pvt. Spicely, the soldier shot, was born and brought up in Blackstone, Virginia, was inducted in Philadelphia, Pa., and was primarily business administration executive in the Tuskegee Institute. He had a very good reputation with his company, wasn't considered to be a belligerent person at all, and it is believed that further investigation being made will show that he was in line of duty and his pass was in order. He was brought to Ward Hospital while still alive. They took a blood count and they are taking another one now, but the first one showed negative as far as alcohol was concerned. Witnesses believe that the bus driver was at fault, inasmuch as he shot the man while he was on the street after he had gotten off the bus. Three quarters of the witnesses are colored but there were two white witnesses there and they testified about the same way. The rest of the white passengers on the bus refused to make any comment.

Two editorials that appeared in the paper in regards to the racial situation at Camp Butner as a result of this incident are being sent to Headquarters Fourth Service Command. The Company Commander and observers in the camp area seem to feel there will not be any trouble. They are, however, of the opinion that justice must be done in this particular case. In Durham, where this occurred, a check was made among the older people and they seem to think the man will be acquitted and they are rather expecting an acquittal.

The younger colored people seem to have the idea that justice will be done. Many people are talking about obtaining justice, and three people in Durham, L. E. Carton, owner and operator of the Carolina Times, a negro newspaper, C. E. Spalding, president of the North Carolina Mutual Insurance Company, and R. L. McDougal, vice-president of the Farmers Mechanics Bank of Durham, are particularly insistent.

Evaluation

- of source
  Reliable
  Credible
  Questionable
  Undetermined

- of information
  2

Previous Distribution:

Distribution:
1- Dir of Intel, ASF
3- C of S
1- ISB
2- FBI, Charlotte, N.C.
1- File, 4th SVC

CONFIDENTIAL
OFFICER: EHI  
DATE 7/10  
FILE NO.  

SUBJECT: 
Shooting of Negro Soldier, Durham, N.C., 8 July 1944  

Ind. x  
Letter  
Extra Copies  

TO: CO Camp Butner NC Attn PIO  

BODY OF COMMUNICATION AND INSTRUCTIONS TO CLERK:  

1. Attention is invited to inclosed Summary of Information re Subject dated 10 July 1944.  

2. It is desired that this Headquarters be advised of the forward your office failed to notify this office in compliance with paragraph 2 (d) of War Department letter AG 600.913 dated 19 January 1944, Subject: Counterintelligence Spot Reports.  

By Command of  

Incl:  
S/I re Subj dtd 10 July 44  

Please write LEGIBLY and do NOT CROWD. Use another sheet. 

List Indoctrines, Are copies necessary for Cot files?  

Yes  

CONFIDENTIAL

11 July 1944

SUBJ
(11 July 44)

Subject: Shooting of Negro Soldier, Durham, N. C., 8 July 1944.

To: Commanding Officer,
Camp Butner, North Carolina.

ATTENTION: Post Intelligence Officer.

1. Attention is invited to inclosed Summary of Information re Subject
dated 10 July 1944.

2. It is desired that this Headquarters be advised of the reason your
office failed to notify this office re Subject in compliance with Paragraph 2
(d) of War Department letter AG 800-213 (11 Jan 44) CH-3-G-M, dated 19 January
1944, Subject: Counterintelligence Spot Reports.

By command of Major General UHL:

WILLIS M. EVERTT, JR.,
Colonel, G. S. G.,
Chief, Intelligence Branch,
Security & Intelligence Division.

Incl:
3/I re Subj std 10 July 44