“Not In New Orleans Anymore”

_A Legal History Regarding the Death of Tom Jones, Jr._

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I. INTRODUCTION

On September 8, 1945, Tom Jones, Jr. boarded a New Orleans Greyhound bus headed for Woodville, Mississippi. Jones and his girlfriend, Ruby Mae Williams, were traveling to visit his family in Locust Hill, a small rural town about 15 miles from Woodville. Upon arriving in Woodville, the bus driver questioned whether Jones had luggage on the bus. When Jones responded with, “yes,” instead of “yes, sir,” the interaction turned violent. The driver hit Jones with his flashlight. Jones hit the driver back with his fist. As the driver ran to retrieve the Town Marshal he threatened Jones that he would kill him. The driver also yelled that Jones was back in Mississippi, not in New Orleans. The driver returned with the Town Marshal who shot Jones three times in the chest. Tom Jones, Jr. died that evening.

Word of the incident quickly arrived at the home of Ms. Millie Jones Arbuthnot, Jones’ mother, in nearby Locust Hill. Upon learning of her son’s death, Ms. Arbuthnot traveled to New Orleans where she sought the assistance of the New Orleans branch of the National Association for the Advancement of Colored People (NAACP) to press the federal government for an investigation. Attention was drawn to the incident through local and national publications such as The Chicago Defender.

After receiving a letter from Attorney Thurgood Marshall of the NAACP, requesting a federal investigation under 18 U.S.C. 51 and 52, the Department of Justice (DOJ) requested that the Federal Bureau of Investigation (FBI) start a file on the case. Agent George A. Gunter of the New Orleans’ FBI field office conducted the majority of the investigative interviews. Agent Gunter had worked on a series of racial violence cases
in Mississippi and had ties to the Mississippi Sovereignty Commission, a government entity that fought to maintain segregation in the state. After interviews with Jones’ past employers and bus passenger witnesses, the DOJ concluded that Jones was a “trouble maker,” possibly drunk on the bus, and had resisted arrest. The DOJ recommended that the FBI stop the investigation. There was never any local investigation.

With limited opportunities to prosecute the case, the Jones family and the NAACP were left with few options for justice. Ms. Arbuthnot, Jones’ mother, was never contacted by the FBI to inform her that the investigation had been dropped. Jones’ death, coupled with a biased federal investigation and the absence of any local inquiry, reflects a common civil rights era narrative. Once again, a black man was killed by a law enforcement officer and a reluctant and partial investigation, shielded from full legal accountability, further enabled racial violence as a tool of political, social, and economic control.

II. BACKGROUND

Woodville, Mississippi

Woodville is located in Wilkinson County in the southwest region of Mississippi. Historically, Wilkinson County has been known as a place of extensive racial conflict, tension, and violence.\(^1\) After the Civil War, white men in Wilkinson County “organized companies of regulators” who aspired to take the law into their own hands to protect persons and property.\(^2\) The armed white militias created a system of terror throughout the black community.\(^3\)

\(^{1}\) The Mississippi Historical Society, Volume 12, 462, *available at* http://mshistorynow.mdah.state.ms.us/.
\(^{2}\) *Id.*
\(^{3}\) *Id.*
By 1850, Woodville was “one of the largest cotton marketing centers in the South.” In *White Violence and the Civil Rights Movement*, David Colby lists factors that potentially led to increased violence perpetuated by whites. Colby identifies a white-dominated cotton production economy and a black population that was nearly equal in size to the white population as factors that heightened white violence. Both factors were relevant to the prevalent violence in Woodville in the 1940’s. The violence led to discrimination and racial tensions that are still prevalent today. In the 1940’s and 1950’s the small town of Woodville was characterized by “extreme amounts of fear, distrust, and hate, along with a genuine desire to keep the races separate at all costs.”

**The Life of Tom Jones, Jr.**

Tom Jones, Jr. was born in Rosetta, Mississippi on July 10, 1921. He was the second youngest of six children and grew up in the small town of Locust Hill, Mississippi where his family owned property. Growing up, Jones worked on the Millbrooks Plantation along with his childhood friends Albert and Willie Bell. In his early twenties, Jones moved away from the racial norms he knew growing up and working on the

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6 *Id* at 39.
7 Interview with Earnest Lee Jones, Brother of Tom Jones, Jr., and Bobby Talbert, civil rights activist, in Woodville, Miss. (Aug. 2, 2013).
10 *Id*.
11 *Id*. 
Millsbrooks Plantation near Fort Adams. He went to live with his aunt and uncle, Irma and Richard Turner in metropolitan New Orleans, where a large number of blacks had flocked to work in the seaport during the 1940’s.

Jones worked in the shipyards as a longshoreman with the Delta Shipbuilding Company (Delta) and Shipyard Union. In 1942, the 6000 man Delta workforce included 60 blacks, half of them porters and half common laborers. Jones was fired on February 20, 1945 for refusing to pay union fees. In the months prior to his firing, the Shipyard Union raised fees on black union members. When black workers refused to pay the increased fees, which were apparently increased on black workers in disproportion to their white counterparts, the union collaborated with the company to fire the protesting black workers. The Shipyard Union did not require Delta to fire white workers when they were non-compliant with union fees. Hence, Jones’ protest against the union’s discriminatory practices led to his firing by the Delta.

After losing his job with Delta, Jones went to work for the New Orleans Material Company. Jones again confronted work practices he considered unfair and this time organized a number of fellow black employees to “walk off” their jobs working on U.S.

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12 Id.
14 FBI Interview with Irma Turner and Richard Turner, Jones’ Aunt and Uncle, in New Orleans (Nov. 20, 1945) (on file in the DOJ record at NARA).
15 Id.
17 Report from FBI Special Agent George A. Gunter on the FBI Investigation of David McDonald and Buddy Dawson to the Department of Justice (Feb. 12 1946) (on file in the DOJ record at NARA).
18 Internal Strife Within Union is Cause of Action, LOUISIANA WEEKLY, Nov. 4, 1944, at 1.
19 Id.
20 Id.
21 Report of FBI Special Agent Gunter on the FBI Investigation of David McDonald and Buddy Dawson to the Department of Justice (Feb. 12 1946) (on file in the DOJ record at NARA).
Navy bombs during World War II.\textsuperscript{22} It is unclear whether Jones organized workers to walk off the job due to the unfair practices against black workers or due to labor safety related to building bombs for the U.S. Navy.\textsuperscript{23} Regardless of the exact reason for his protest, it is clear that Jones was a leader and organizer of black employees in New Orleans. Jones went on to work for the T. Smith Stevedoring Company.\textsuperscript{24} He continued to have a reputation for being outspoken at his position at the T. Smith Stevedoring Company.\textsuperscript{25}

**III. THE INCIDENT**

**September 8, 1945**

On September 8, 1945 Tom Jones boarded a bus at the Teche Greyhound station in New Orleans with his girlfriend Ruby Mae Williams.\textsuperscript{26} They were headed to visit Jones’ mother, Millie Jones Arbuthnot, his stepfather, Benny Arbuthnot, and his younger brother, Earnest Lee Jones. These family members lived in Locust Hill in the Woodville area.\textsuperscript{27} Upon arriving at Woodville, Jones and Ms. Williams left the bus and Jones went

\textsuperscript{22}Id.
\textsuperscript{23}NEIL A. WYNN, *The African-American Experience During World War II*, Rowman and Littlefield Pub., Lanham, MD, 49 (2010). (In 1944 there were two ship explosions in California at Port Chicago which demonstrate dangerous work conditions for the work crew predominately made up of African American workers. "Two ships, being loaded with ammunition by black seamen working as stevedores in Port Chicago, California, blew up. Enormous blasts damaged 300 buildings and resulted the deaths of 320 people, including 202 ammunition loaders and their 9 white officers. When the remaining men were ordered to resume loading ships the following month, 258 of them refused on grounds that they were improperly trained and inadequately protected for work. In September 50 were charged with mutiny, and after a 6-week trial, they were convicted and sentenced to between 5 and 15 years in prison with dishonorable discharges. An appeal by the NAACP led to a reduction in the sentences, and the men were released under a general amnesty in 1946. President Clinton granted the final 'mutineer' a full pardon in 1999.")
\textsuperscript{24}Report of FBI Special Agent Gunter on the FBI Investigation of David McDonald and Buddy Dawson to the Department of Justice (Feb. 12 1946) (on file in the DOJ record at NARA).
\textsuperscript{25}Id.
\textsuperscript{26}Williams Aff. 1:3-4: Sept. 1945.
\textsuperscript{27}Interview with Earnest Lee Jones, and Bobby Talbert, in Woodville, Miss. (Aug. 2, 2013).
to retrieve his luggage.\(^{28}\) Four friends of Jones - Albert Bell, Willie Bell, Prentiss Gaines, and William Lee Ferguson – were at the bus stop to provide Jones and Williams a ride to Locust Hill.\(^{29}\)

The bus driver, Buddy Dawson, asked Tom Jones if he was sure he had luggage on the bus.\(^{30}\) As related in the affidavits of Albert Bell and Ruby Mae Williams, when Jones responded, “Yes,” Dawson became enraged because Jones did not say “Yes, sir,” and Dawson said to Jones, “You are in Mississippi and not New Orleans.”\(^{31}\) Dawson then struck Jones in the head with his flashlight.\(^{32}\) Dawson swung at Jones again, and Jones blocked the blow with his raised forearm.\(^{33}\) Jones responded to the second blow by swinging his fist and hitting the driver in the face.\(^{34}\)

According to their affidavits, Ms. Williams and Bell observed Dawson return to the bus, yelling, “You black son of a bitch, I am going to kill you.” He returned with a blackjack that he attempted to use to hit Jones.\(^{35}\) After he swung and missed Jones several times, Dawson left the scene to retrieve the local Town Marshal, David McDonald, who approached Jones with his gun raised.\(^{36}\)

McDonald yelled three times, “Nigger, where is the knife?” and twice, “Nigger, what do you mean hitting a white man?”\(^{37}\) Jones responded twice that he did not have a

\(^{28}\) Williams Aff. 1:12-14: Sept. 1945.
\(^{29}\) A. Bell Aff. 1:3-5: Sept. 1945.
\(^{30}\) A. Bell Aff. 1:9-10: Sept. 1945.
\(^{34}\) Williams Aff. 2:33-34: Sept. 1945.
knife.\textsuperscript{38} McDonald, holding Jones by his shirt collar, shot Jones in the chest three times from six to twelve inches away.\textsuperscript{39}

In Ms. Williams’ affidavit she notes that after Tom Jones fell to the ground from the third shot, she asked Albert Bell if they could do anything.\textsuperscript{40} Bell responded that they could try to get an ambulance.\textsuperscript{41} It can be inferred that it was unsafe for Tom Jones’ friends to approach him immediately after he fell, since the marshal and Dawson were still on the scene. Ms. Williams also noted that she witnessed McDonald and Dawson stand over the body for some time and she saw them laughing.\textsuperscript{42} No one sought medical attention.\textsuperscript{43}

\textit{Coroner Corroboration}

On the evening of September 8, Tom Jones’ aunt, Irma Turner from New Orleans, called Obie Jones, a coroner at the Standard Burial Association in Woodville.\textsuperscript{44} She informed him of her nephew’s death and asked that he retrieve Jones’ body from the bus stop.\textsuperscript{45} That night, Obie retrieved Jones’ body and later transferred his remains to the National Funeral Home where Coroner Matt Walker examined Jones’ body.\textsuperscript{46} It is unclear what happened in the time period between Tom Jones being shot and Obie Jones’s arrival. Nor is it clear how long other people remained at the scene. However, the

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\textsuperscript{38} A. Bell Aff. 1:23-24: Sept. 1945.
\textsuperscript{39} Williams Aff. 2:48-56: Sept. 1945.
\textsuperscript{40} Williams Aff. 3:58-61: Sept. 1945.
\textsuperscript{41} \textit{Id}.
\textsuperscript{42} Williams Aff. 3:63-64: Sept. 1945.
\textsuperscript{43} Williams Aff. 3:64-65 Sept. 1945.
\textsuperscript{44} FBI Interview with Obie Jones, coroner at Standard Burial Association, in Woodville (Nov. 14, 1945) (on file in the DOJ record at NARA).
\textsuperscript{45} \textit{Id}.
\textsuperscript{46} \textit{Id}. FBI Interview with Matt Walker, National Funeral Home coroner, in Woodville (Nov. 16, 1945) (on file in the DOJ record at NARA).
\end{flushleft}
evidence shows that Jones was not taken to the hospital and that he was reported dead by the time that Obie Jones got to the bus stop that evening.

In his examination, Coroner Matt Walker noted that the entry points of the bullet wounds on Jones’ body corroborated the same description Albert Bell gave in his affidavit.  Both Bell and Walker stated that Jones was first shot on the right side of his chest from a close distance, followed by two shots to Jones’ left side of his chest. Coroner Walker found coordinating entry and exit wounds.

**IV. NAACP INVOLVEMENT**

*New Orleans Branch of the NAACP*

The New Orleans Branch of the NAACP took on Jones’ case. After her son Tom Jones was killed, Millie Jones Arbuthnot, Jones’ mother, left Locust Hill and stayed with her brother and sister-in-law in New Orleans, Irma and Richard Turner. While in New Orleans she likely worked with the NAACP counsel to create her affidavit and helped to gather information from Ruby Mae Williams and Albert Bell.

The NAACP drew attention to the case, which was covered in local and national black media. On October 6, 1945, the New Journal and Guide featured the case under the headline “Say Mississippi Youth Murdered In Cold Blood.” The article noted that the New Orleans branch of the NAACP, alongside the New Orleans Newspaper Council,

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48 *Id.*
49 *Id.*
50 Interview with Earnest Lee Jones and Bobby Talbert, in Woodville, Miss. (Aug. 2, 2013).
51 *Id.*
52 *Say Mississippi Youth Murdered In Cold Blood*, NEW JOURNAL AND GUIDE (Oct. 6, 1945).
sought local support for a federal investigation into Jones’ death.\textsuperscript{53} It is not clear whether the New Orleans NAACP or any other organizations circulated the story to the press. Articles covering the story of Jones’ death appeared in the Louisiana Weekly, Chicago Defender, Natchez Democrat, Jackson Advocate and Pittsburgh Courier.\textsuperscript{54} The local and national press attention reinforced the New Orleans’ NAACP’s attempts to obtain a federal investigation.

\textit{The Request for a Federal Investigation}

After gathering affidavits from Arbuthnot, Williams, and Bell, Attorney Thurgood Marshall (then counsel for the NAACP), wrote to U.S. Attorney General Tom C. Clark requesting a federal investigation.\textsuperscript{55} In his letter to Attorney General Clark, Attorney Marshall included the affidavits, a death certificate for Jones to the effect that the cause of death was that he was “shot by a city officer,” and copies of the bus tickets from Jones and Williams.\textsuperscript{56} Marshall’s letter also requested that a federal investigation be pursued under Title 18 of the United States Code Sections 51 and 52.\textsuperscript{57}

18 U.S.C. § 52, which later became 18 U.S.C. § 242, set forth a criminal offense; to “whoever, under the color of any law, statute, ordinance, regulation, or custom willfully subjects any inhabitant of any State…to deprivation of any rights, privileges, or

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\textsuperscript{53} \textit{Id.}
\textsuperscript{56} \textit{Id.}
\textsuperscript{57} \textit{Id.}
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immunities secured or protected by the Constitution.” 58 18 U.S.C. § 51, later 18 U.S.C. § 241, made it a conspiracy when “two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution.” 59

In the Jones case, charges under 18 U.S.C. § 51 and 52 were appropriate. David McDonald (as listed on Jones’ death certificate) was a city police officer, and thus a state actor. 60 Jones was deprived of his life and his constitutional right to due process. Further, the involvement of Buddy Dawson as a co-conspirator made applicable 18 U.S.C. § 51. Attorney Marshall’s request for a federal investigation under the color of law and conspiracy statutes appeared to be well founded; Assistant Attorney General Theron L. Caudle responded to the letter informing him that the Department would conduct an investigation. 61

V. THE DEPARTMENT OF JUSTICE FILE

On October 11, 1945, Assistant Attorney General Caudle wrote to J. Edgar Hoover, Director of the FBI, and requested a federal investigation to determine whether there were charges to be brought under 18 U.S.C. § 51 and 52. 62

60 Death Certificate, Tom Jones, Jr., Mississippi Bureau of the Census (Sept. 9, 1945) (on file in NAACP Records at Harvard Lamont Library).
62 It is important to note that for the purpose of this research the Department of Justice (DOJ) file was retrieved from the National Archives and Records Administration (NARA); the full FBI files, however, have yet to be located by the agency. Thus, the information contained in the DOJ file may not reflect the full extent of interviews conducted by the FBI.
FBI Special Agent George A. Gunter

Four primary FBI agents investigated Jones’ death. They were Agent Mahlone Walters, Agent Royal L. Stauffer, Agent Nat A. Pinkston, and Agent George A. Gunter. Special Agent Gunter from the New Orleans FBI field office conducted most of the interviews in Woodville and New Orleans for the Jones investigation. Agent Gunter’s role in the investigation is significant, since there is evidence that Agent Gunter used violent tactics and threats to intimidate civil rights leaders and witnesses in his investigations. He also had connections to the state sanctioned pro-segregation entity, the Mississippi Sovereignty Commission.

In the early 1960’s, civil rights leader Robert Moses attested to the violent tactics of Agent Gunter. In 1961, after Gunter discovered that Moses was sending reports to the DOJ that conflicted with Gunter’s own investigations on civil rights cases, Gunter threatened that if Moses interfered with Gunter’s career, he would kill Moses. Combined with his threats to civil rights leaders such as Moses, Gunter’s connections to the Sovereignty Commission reveal that his investigations of civil rights era cases of racial violence were corrupted by deep personal bias.

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63 Memorandum from J. Edgar Hoover, Director of the FBI. On the investigation of David McDonald and Buddy Dawson (April 19, 1946) (on file in the DOJ record at NARA). Also see correspondence, interviews, and memorandums sent from the FBI to the DOJ.
64 Id.
65 Investigative Report to W.L. Hollowell, Superintendent at State Penitentiary, from W. Webb Burke, member of the Mississippi Sovereignty Commission (March 15, 1973) (on file on the Mississippi Department of Archives & History website, http://mdah.state.ms.us/).
66 Compilation of Notes from Plater Robinson, Education Director at the Southern Institute for Education and Research to the Civil Rights and Restorative Justice Project, 8-9 (Jun. 20, 2011).
67 Id.
Agent Gunter led multiple investigations of police racial violence in southwest Mississippi in addition to the Jones case. The FBI files in these cases build a consistent narrative of the victim as a violent and unpredictable nuisance who invited harm at the hands of law enforcement. Thus, in analyzing the DOJ file on the Jones investigation, one must acknowledge the context and background of the agents conducting the interviews and the biases Gunter and others brought to their investigations.

*Interviews with Jones’ Past Employers*

The FBI interviews sent to the DOJ rely heavily on Jones’ previous employers in the New Orleans’ Shipyards. Gunter interviewed five of Jones’ previous employers. All of the previous employers and supervisors describe Jones as a “smart aleck,” “trouble-maker,” and “ringleader among the negroes working.” Fellow black employees and co-workers that Jones worked with were never interviewed.

Further, in these interviews with past employers, two of the employers mention that they saw Jones using a knife. In the first interview with the white supervisor Albert

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68 DOJ File on Samuel Mason Bacon, File Number 144-41-78 (March 16, 1948 to July 18, 1948). (on file in the DOJ records at NARA). (Samuel Mason Bacon was traveling on bus to Natchez, MS. He was taken off the bus in Fayette, Miss., by local law enforcement for purported disorderly conduct (his crime was refusing to move out of the white seated section). He was taken to the local jail and was shot in custody by a police agent. Agent Gunter was the primary FBI investigator and collected files that showed Bacon as erratic and a disturbance. The FBI file interviews corroborate the narrative that Bacon used an axe stored in his jail cell to attack the police officer who then was forced to shoot Bacon in self-defense. The narrative of the Bacon file is similar to the Jones file, in that it paints a picture of erratic and dangerous men who forced police officials to use self-defense).

69 Id.

70 Report of FBI Special Agent Gunter on the FBI Investigation of David McDonald and Buddy Dawson to the Department of Justice (Feb. 12 1946) (on file in the DOJ record at NARA).

71 Id.


73 FBI Interview with Albert W. Belcher, Manager at the New Orleans Material Company, and Eugene Cager, Foreman at the T. Smith Stevedoring Company in New Orleans (Nov. 20, 1945) (on file in the DOJ record at NARA).
W. Belcher, of the New Orleans Material Company, Belcher noted to Gunter that Jones always carried a “very large knife” with a five to six inch blade that contained a switch blade that could open instantly.\footnote{FBI Interview with Albert W. Belcher, Manager at the New Orleans Material Company in New Orleans (Nov. 20, 1945) (on file in the DOJ record at NARA).}

Although Eugene Cager, a black supervisor foreman, described Jones as slow and troublesome, he went on to say that Jones, “never caused anyone trouble,” and that all stevedores carried knives for their work.\footnote{FBI Interview with Eugene Cager, Foreman at the T. Smith Stevedoring Company in New Orleans (Nov. 20, 1945) (on file in the DOJ record at NARA).} Cager was the only non-white previous employer interviewed. The rest of the interviews place more emphasis on Jones being a troublemaker and always carrying a long knife. Overall, the FBI reports paint a consistent picture, based upon the interviews with past employers, portraying Jones as a “troublemaker” who was quite attached to his knife.

**Interviews with Witnesses and Woodville Residents**

Agent Gunter conducted interviews with two bus passengers who witnessed Jones’ death. The first witness, a white man named Robert Milton Boyd, said that Jones was on the bus with fellow passengers drinking.\footnote{FBI Interview with Robert Milton Boyd, bus passenger (Dec. 19, 1945) (on file in the DOJ record at NARA).} He said that he got off the bus when the altercation took place and that he saw Jones with a long knife while Jones was talking to the bus driver.\footnote{Id.} Further, Boyd said that he convinced Jones to put the knife away and went with the sheriff to get Town Marshal McDonald.\footnote{Id.} None of the other witness interviews or affidavits mention that there was a bus passenger who accompanied the bus driver to retrieve the police officer.
The interview of fellow bus passenger Thelma W. Coghlan comes closest to corroborating the details gathered from witness Boyd.\textsuperscript{79} Coghlan notes that she too saw Jones with a large knife while he was with the bus driver and that Jones at some point in the altercation “stepped back and put the knife out of sight or hid it some way.”\textsuperscript{80} She went on to state that after being shot in the chest the first time, Jones continued to lunge towards the officer to attack him.\textsuperscript{81} Then after being shot a second time, Jones again lunged towards Town Marshal McDonald.\textsuperscript{82} Had there been a trial, the defense attorney’s response to Coghlan’s claims might have brought in expert testimony to rebut them. Specifically, a forensics expert could have addressed whether it is realistic that a person shot twice in the chest from 6-12 inches away could continue to lunge at the individual firing shots.

The Boyd and Coghlan interviews offer unrealistic descriptions of Jones’ physical capabilities after being shot. Each of the two interviewees also mentions a “long-knife.”\textsuperscript{83} The references to a knife are important because it is the most significant support for a claim that Jones posed a threat to the bus driver.

When called to investigate the scene, Woodville Deputy Sheriff Claud Henderson, stated that he determined from speaking to people at the scene that Jones had lunged at Dawson and McDonald with a knife.\textsuperscript{84} In his interview with Agent Gunter, Henderson also stated that he did not find a knife upon examining the body at the scene and the

\textsuperscript{79} FBI Interview with Thelma W. Coghlan, bus passenger (Nov. 14, 1945) (on file in the DOJ record at NARA).
\textsuperscript{80} Id.
\textsuperscript{81} Id.
\textsuperscript{82} Id.
\textsuperscript{84} FBI Interview with Claud Henderson, Deputy Sheriff Woodville, (1945) (on file in the DOJ record at NARA).
surrounding areas.\textsuperscript{85} He opined that Ms. Williams removed the knife from Jones’ body after he was killed and fled the scene with it.\textsuperscript{86} However, in their affidavits both Ms. Williams and Albert Bell both stated that they were unable to approach Jones after he had fallen because Dawson and McDonald lingered over Jones’ body after he died.\textsuperscript{87}

Agent Gunter interviewed two members of the Woodville community to attest to Jones’ reputation. First, Agent Gunter interviewed J.A. Escher who claimed to have known Jones since Jones was a baby.\textsuperscript{88} Escher stated that Jones had grown more quick tempered and intolerant with things at home since he moved away to work in the shipyards.\textsuperscript{89} He had heard from people in the community that they thought something bad would happen to Jones because of the “belligerent attitude” he had shown when he came home to the Woodville area.\textsuperscript{90} Escher also stated that because Jones was six feet tall and powerfully built, people were afraid of him.\textsuperscript{91}

Agent Gunter also interviewed Jimmie Leslie of the Fort Adams community.\textsuperscript{92} Leslie shared that Jones had a “poor reputation” in the community and in Leslie’s opinion Jones was “good for nothing.”\textsuperscript{93} Agent Gunter put a particular emphasis on gathering interviews that dealt with Jones’ reputation. It is unclear from the DOJ report whether Leslie and Escher were white or black, but it must be assumed they were white because the agent’s practice was to make a note of the race of black interviewees.

\textsuperscript{85} Id.
\textsuperscript{86} Id.
\textsuperscript{88} FBI Interview with J.A. Escher, family friend of Jones’ family, (1945) (on file in the DOJ record at NARA).
\textsuperscript{89} Id.
\textsuperscript{90} Id.
\textsuperscript{91} Id.
\textsuperscript{92} FBI Interview with Jimmie Leslie, Woodville area community member, (1945) (on file in the DOJ record at NARA).
\textsuperscript{93} Id.
No Local Investigation

Information obtained from the DOJ records and from interviews with local Woodville residents is mixed as to the official position of the Town Marshal David McDonald. There were no interviews with the shooter David McDonald or Buddy Dawson in the DOJ file. Despite numerous FBI reports and memoranda to the DOJ that list the subject as an investigation of civil rights violations by these individuals: “David McDonald and Buddy Dawson – Civil Rights and Domestic Violence,” there was no investigation into the character or reputation of either man. In contrast, there are numerous interviews regarding Jones’ reputation and character. The death certificate, prepared by local Woodville Justice of Peace and Coroner J.W. Lee, lists McDonald as a city officer. In as much as Woodville was a small town, it is likely that the local Justice of the Peace knew of David McDonald, and correctly listed him as a city law enforcement officer.

The DOJ file makes note of a Woodville Sheriff, Richard Whitaker, and a Deputy Sheriff, Claude Henderson. Sheriff Whitaker notes that he did not know the details of the Jones incident nor the reputation of Jones. It can be inferred that if there had been a local investigation into the death of Jones, Sheriff Whitaker would have known

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94 DOJ file on David McDonald and Buddy Dawson, file number 144-41-47. (Oct. 11, 1945 to May 1, 1946). (on file at NARA).
95 Death Certificate, Tom Jones, Jr., Mississippi Bureau of the Census (Sept. 9, 1945) (on file in NAACP Records at Harvard Lamont Library).
97 FBI interview with Richard Whitaker, Woodville Sheriff, (1945) (on file in the DOJ record at NARA).
something about the case and McDonald’s role in Jones’ death. This author could find no records of the matter at the Wilkinson County Courthouse.\textsuperscript{98}

\textit{The DOJ Terminates the Investigation}

After receiving multiple FBI memorandums and reports detailing the interviews noted above, a memo was sent on May 1, 1946 from the DOJ to the FBI concluding that the evidence collected did not support DOJ action.\textsuperscript{99} The memo relays a version of events, accumulated from interviews conducted mostly by Agent Gunter that suggests that Jones brought the fatal shooting upon himself. The memo states that Jones and Dawson knew each other from having grown up in the Woodville area and that Jones was seen by “numerous” people on the bus with a “long knife.”\textsuperscript{100} The FBI memo dated May 1, 1946 notes that Officer McDonald entered the scene asking for the knife, and that eyewitnesses claimed that Jones had thrown it in a ditch.\textsuperscript{101} However, there were no interviews in the DOJ file to support the allegation regarding the “ditch.”\textsuperscript{102}

The Gunter memo notes that Jones then raised his fist as if to hit the officer, pushed the officer’s gun aside multiple times, and “uttered statements indicative of a resistance to the arrest.”\textsuperscript{103} The memo concludes that Jones’ fists were raised to fight McDonald, who then shot Jones three times.\textsuperscript{104} It finally notes that due to Jones’ resistance to arrest and his attempts to attack McDonald, there were no grounds for

\textsuperscript{98} Author’s call to the Wilkinson County Courthouse, legal clerk informed that the records do not date back to 1945 and there were no records relating to a David McDonald, Buddy Dawson, or Tom Jones, Jr. (July 25, 2013).
\textsuperscript{99} Memorandum from Mahlon L. Walters, DOJ Agent to the Files. On the investigation of David McDonald and Buddy Dawson (May 1, 1946) (on file in the DOJ record at NARA).
\textsuperscript{100} Id.
\textsuperscript{101} Id.
\textsuperscript{102} Id.
\textsuperscript{103} Id.
\textsuperscript{104} Id.
federal charges under 18 U.S.C. § 51 and 52.\textsuperscript{105} All witness interviews made clear that Jones did not have a knife at the time McDonald entered the scene.\textsuperscript{106} The May 1, 1946 memorandum concluded the federal investigation.

VI. UNDOING THE COVER-UP AND RESTORING JUSTICE

Death Certificate

It appears people within the Woodville community, likely those connected to Buddy Dawson and David McDonald, may have sought to cover up the truth about the killing of Tom Jones, Jr. The cause of death on the death certificate changed.\textsuperscript{107} The initial recorded death certificate collected by the NAACP in October 1945 noted that the cause of death was “shot by city officer.”\textsuperscript{108} However, the death certificate present on file with the Mississippi State Department of Health, which was submitted to the agency on January 1, 1946, leaves the cause of death blank.\textsuperscript{109}

The altered death certificate was submitted to the Mississippi State Department of Health at the time the FBI was conducting its investigation. A correction of the error on the death certificate so that it reads as did the original would be one way that the truth about Tom Jones’ death could be restored.

\textsuperscript{105} Id.
\textsuperscript{106} DOJ file on David McDonald and Buddy Dawson, file number 144-41-47. (Oct. 11, 1945 to May 1, 1946). (on file at NARA).
\textsuperscript{108} Death Certificate, Tom Jones, Jr., Mississippi Bureau of the Census (Sept. 9, 1945) (on file in NAACP Records at Harvard Lamont Library).
\textsuperscript{109} Death Certificate, Tom Jones, Jr., Mississippi State Department of Health (Jan. 22, 1946) (on file with the Mississippi State Department of Health).
Jones’ Burial

It is unclear where Tom Jones’s body was buried. In an interview with Jones’ youngest brother, Earnest Lee Jones, he noted that the Jones family was unsure where his brother’s remains were buried.\footnote{Interview with Earnest Lee Jones, Brother of Tom Jones, Jr., and Bobby Talbert, civil rights activist, in Woodville, Miss. (Aug. 2, 2013).} Earnest Lee Jones said that his family attempted to have his brother buried in the same cemetery as their father, Tom Jones, Sr., at the Pleasant Valley Cemetery outside of Woodville.\footnote{Id.} However, Earnest Lee Jones was told that when the burial company went to bury his brother someone had instructed them to leave the remains in a nearby ditch away from the actual cemetery instead of in the premises with a marker.\footnote{Id.} Tom Jones’ remains could be located and a headstone might be provided to memorialize his life.

VII. CONCLUSION

Tom Jones grew up in the southwest region of Mississippi. Deeply engrained racial hierarchy defined the region at the time of Jones’ death. When Jones left Woodville to work in the New Orleans shipyards, it is clear he gained a new perspective on the potential for black workers to speak out, to organize and affect labor and social conditions. It appears that this new perspective led him to stand up for himself in the shipyards, but it was a flashpoint in Woodville. The DOJ records suggest that bus driver Buddy Dawson knew Jones from Woodville, and made it clear to Jones that he was “not in New Orleans.” Dawson’s statement conveys an implicit message that the customs and norms of Woodville require black subservience to whites, including the obligatory “sir” after answering any question “yes” or “no.”

\footnote{110 Interview with Earnest Lee Jones, Brother of Tom Jones, Jr., and Bobby Talbert, civil rights activist, in Woodville, Miss. (Aug. 2, 2013).}
\footnote{111 Id.}
\footnote{112 Id.}
Justice failed Jones as evidenced by the corrupted FBI investigation into the civil rights charges against Dawson and McDonald. The DOJ file is replete with character and reputation evidence against Jones, virtually all from white witnesses or former employers. The series of interviews, which referenced such topics as “a long knife,” alleged drinking, and Jones’ reputation as a “trouble maker,” opened the door for the DOJ to conclude that Jones resisted arrest, and that the shots fired by McDonald were justified. However, the record also makes clear that Jones was unarmed at the point when McDonald, the shooter, entered the scene. Moreover, even if Jones had been a troublemaker and had resisted arrest, shooting him three times from a distance of 6 to 12 inches was unjustifiable.

The Jones family was left with no options to pursue justice. Jones’ brother, Ernest Lee Jones said that his mother and family have never been contacted about Jones’ death or about the substandard federal investigation that was carried out. The case of Tom Jones, Jr.’s death on September 8, 1945, epitomizes the need for restorative justice to tell a fuller story of a life silenced by racial violence.

113 Interview with Earnest Lee Jones, on August 3, 2013.