

REPORT ON EVENTS LEADING TO AND FOLLOWING THE  
CONVICTION OF SIXTEEN BLACK YOUTH FOR ALLEGEDLY  
"RIOTING" AT A CHESTER HIGH SCHOOL FOOTBALL GAME

In October, 1968, sixteen young black men, ranging in age from 16 to 25 years, were arrested for fighting at a Chester High School football game. During the melee a white female student and their sixteen year old son were injured.

The brothers were charged with riot, inciting to riot, aggravated assault and battery, conspiracy, nuisance and public nuisance. They were all found guilty by an all white jury. The eight who pleaded guilty were given sentences ranging from  $4\frac{1}{2}$  to 11 years to 6 to 12 years in prison. The eight who pleaded not guilty are either out on \$2,500 bail or in the county jail in lieu of bail.

According to the defendants and others from the community who were eyewitnesses, the following events took place:

Mr. and Mrs. Howard E. Phillips and their son, Howard Jr. were seated in stands directly in back of the group of young men. (Approximately 10. The others formed after the fight was in progress.) Members of the group stood up in front of Howard Jr., who asked them to be seated. Howard Jr. placed his hands on the shoulder of one of the brothers, who turned and struck the younger Phillips. Mr. Phillips attempted to retaliate by striking out at the group with a crutch he was carrying. Following this all three members of the family were involved in the fracas with certain members of the group. As the entire group was leaving, a teacher who is the School Band Director made certain remarks to the group regarding their behavior. A fight ensued, resulting in injury to the teacher. (The press reported that she was beaten unconscious. However, this was inaccurate.) A young man in a truck backed into one of the brothers injuring his wrist. The brother struck the man who was driving the truck. Police arrived and began breaking up the crowds.

Sixteen brothers were taken into custody and charged with inciting to riot, riot, aggravated assault and battery, conspiracy and nuisance. A few of the brothers obtained private attorneys while others were assigned lawyers from the Public Defenders Office. All were under \$2,500 bail pending trial date. Harry Seth received repeated visits from police officers, including one of the captains of the Chester Police Department. He was encouraged to identify other participants in the melee. Refusing to do so, Harry was tried with the fifteen other brothers, on the charges mentioned above, and found guilty.

During the course of the trial eight brothers were advised by their attorneys to plead guilty, suggesting to them that they probably would receive only light sentences of a few months. These eight brothers were all sentenced to terms ranging from  $4\frac{1}{2}$  to 11 years to a maximum of 6 to 12 years.

Eight other brothers were remanded to the County Prison Farm, under \$2,500 bail, to await sentencing in May. This time is given to provide opportunity for attorneys to file appeals. Lemuel Beltraves, one of the brothers, was not with the original group when the fight started but joined them afterwards and attempted to help break it up. At the trial the arresting officers testified that Lemuel attempted to break up the fight, yet he, too, was found guilty. (This point can be found in the trial transcript.)

There are many people in the community who feel that these sentences represent an attempt on the part of Delaware County Judicial System to suppress this county's black community. We feel the brothers should have been charged with fighting and should be tried, and if found guilty, punished accordingly. It is palpably clear that justice for blacks in Delaware County is different than justice for whites. These sixteen young men's crimes were being black. E.g., a few weeks following the sentencing of the brothers, there were similar situations of fights at ball games at Darby-Colwyn and Monsignor Bonner High Schools. (Both predominantly white schools.) At these fights crowbars were used, limbs were broken, and hospitalization was required. The youths involved were fined up to \$100.00 and \$11.00 court costs, and were admonished by the magistrate next time they appear before him for a similar act they will be sent to Media immediately on a charge of inciting to riot. The magistrate said, "You can tell your friends that you are not going to turn Upper Darby into another Chester."

A week following the sentencing, an ad-hoc committee was formed to plan methods to secure a fair, just trial for all brothers concerned. The group is called, "Parents Committee for Justice" and is composed of community organizers working in Delaware County, parents, relatives, friends and others concerned for justice.

For the past three weeks the group has been engaged in fund raising to defray legal cost and related expense, and fact finding. All attorneys, both Public Defenders and private were visited by teams to find out their interest and future intentions. Parents and relatives of the brothers involved were also visited to gain their impression of the entire proceeding.

We are fortunate to have three black law students volunteer to assist the parents committee in any way deemed necessary. Our present plan is to increase the involvement of the total community in recognizing that this travesty of justice cannot be allowed to go uncontested.

We will continue to meet weekly and do everything in our power to mobilize the support from the community via speaking before groups, mailing and distributing brochures, giving the facts in the case as seen through the eyes of the community.

Petitions are currently being circulated requesting the U.S. Department of Justice to conduct a full and thorough investigation of the judicial system of Delaware County and the activities of the Chester Police Department.

Although we do not condone violence engaged in by these young brothers, we certainly understand its true cause. The true causes are the condition under which black people are forced to live in Chester. The facts substantiating this statement have been stated over and over -- public hearings conducted by the Pennsylvania Human Relations Committee and by voluminous reports compiled by a number of interest groups. But still the cries of our frustrated youth fall on deaf ears.

We were not at all surprised when violence erupted at a game. The schools in Chester have been among the chief contributors to a climate that spawns unrest. For years the schools have exploited our black young men. They are encouraged to participate in athletic activities with the promise of college scholarships while being advised to take courses like practical arts that have little terminal utility.

Upon graduation these athletes are unable to accept college scholarships. It has been estimated that the schools gross over \$20,000 a year from athletic events. Yet blacks benefit little from this. The above situation plus the absence of black coaches has been a thorn in the side of the black community. While the football game was in progress a community group was peacefully protesting these conditions. It is our firm belief that the sentences imposed on our brothers was a direct attempt to curtail any challenge of the school's unfair and unjust practices.

A further example of the school's insensitivity to its students was its refusal to take advantage of the Government funds to provide a much needed school lunch program despite the fact that Chester School children are among the neediest in the county. The school, however, saw fit to vote money to send the school board members and the directors to a convention in Miami.

We as black people must assume our first responsibility -- the protection of our families.

PARENTS COMMITTEE FOR JUSTICE