





# Tortured Prisoners Found Dead in Cell

RALEIGH, N.C.—The death of a young woman prisoner, at State Woman's Prison under conditions indicating that she had been cruelly tortured, was responsible for a prison riot here, and has aroused demands for an investigation of the tragedy. Eleanor Rush, 18,

of Albermarle, N. C., who had been sentenced to a six months term for "forcible trespass," was found dead in a solitary confinement cell, gagged and trussed with a leather belt and hand cuff combination.

A local report describing the girl's restraints, said that a towel was rolled, slipped between her teeth, and tied behind her head. Her wrists were handcuffed and fastened to a leather belt around her waist, to prevent her from removing the gag.

She met her death in a six by nine foot cell while the temperature soared in the nineties.

News of her death caused a

commotion among other prisoners who staged a cup-throwing demonstration.

A coroner's report said that death was caused by a spinal injury which may have been incurred in her twisting and turning. Prison superintendent Ivan D. Hinton and three other prison employes who applied the restraints were the last ones with the young girl.

Prison officials defended the punishment by referring a section of the prison code that gives them wide powers "... an officer or employe shall use any means necessary to defend himself or to en-

force observance of prison discipline."

Miss Rush's sole offense the officials reported, had consisted in continuously screaming in the solitary confinement cell where she had been placed after a difference with a prison matron.

"How long must these inhuman punishments continue?" a letter of protest from Winston-Salem, signed by a white worker, asks. "How can we convince the colored people of Asia, Africa, and Latin America how democratic we are if we continue this bestial cruelty against Negro people? ... Is it now safe to kill Negroes?"

This is a clipping from page 16 of the

( ) Daily Worker  
( ) The Worker  
( ) New Leader

Date 9/5/54  
Clipped at the Seat of Government.



## Office Memorandum • UNITED STATES GOVERNMENT

TO : Warren Olney III  
Assistant Attorney General  
Criminal Division

DATE: 9/9/54

FROM : Director, FBI

SUBJECT: IVAN D. HINTON  
ELEANOR RUSH - VICTIM  
CIVIL RIGHTS

RECEIVED  
SEP 13 1954  
CIVIL RIGHTS SECTION

(Reference is made to \_\_\_\_\_ memorandum dated \_\_\_\_\_.)

There is enclosed one copy of the report of Special Agent \_\_\_\_\_ dated \_\_\_\_\_ at \_\_\_\_\_.

A. (X) Please advise whether you desire any further investigation.

B. ( ) The investigation is continuing and you will be furnished copies of reports as they are received.

C. ( ) The investigation which has been requested by you has now been completed. Please advise whether you desire further investigation.

Enclosure ~~✓~~ from "The Worker" dated 9/5/54. Enclosed is one Photostat of a newspaper clipping.

144-54-55

24	SEP 10 1954	RECORD
RECORDS BRANCH		
CRIM.-CIVIL RIGHTS SEC.		

NEW



Director  
Federal Bureau of Investigation

Warren Olney III, Assistant Attorney General,  
Criminal Division

Ivan D. Hinton  
Eleanor Rush - Victim  
Civil Rights

Typed: 9/14/54

September 15, 1954  
WO:LN:rmn

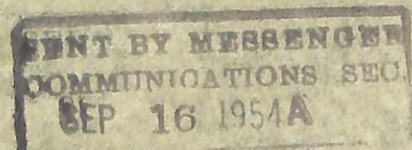
144-54-55 G. E.

Reference is made to your memorandum of September 9, 1954,  
on the captioned subject. Before we determine whether action of any  
kind by the Department is warranted, it is suggested that a preliminary  
check be made as to the reported facts, through the coroner or any other  
appropriate lead which may suggest itself to your local agent. Only  
thus can we avoid the need to rely solely upon the report of the  
Daily Worker in our determination.



9/15/54  
AND  
9/16/54

Records ✓  
Chrono  
Mr. Meltzer  
C. R. Sec.







Hon. Herbert Brownell *mSP*  
Attorney General  
Justice Department  
Washington, D. C.



Steve Paulcorits  
3100 Broadway  
New York 27, N.Y.



60  
Aug 5, 1954  
3100 Broadway  
New York 27, N.Y.

Dear Mr. Brownell <sup>WSP</sup>

I am protesting to you,  
the Cold-Blooded murder of Miss Eleanor  
Rusk at Albernale N.C.

The State Women's Prison  
Authority is responsible for this young  
woman's death.

I urge to investigate  
this so called legal murder in southern  
style and bring these criminals to  
court of justice.

Even the speeches of our  
great statesman's Don't cover, the brutal  
killing of the many innocent Negro-  
man and women.

Yours truly

Steve Rusk



L.m

ORIGINAL DIVISION

SEP 13 1954

RECEIVED

NOTICE

PLEASE  
DO NOT REMOVE THIS SLIP FROM  
THE ATTACHED CORRESPONDENCE  
SINCE IT IS A PERMANENT PART OF  
THE RECORD.

RECORDS  
ADMINISTRATION BRANCH

RECEIVED  
SEP 15 1954  
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144 - 54 - 55	
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CRIM. - CIVIL RIGHTS SEC.	



WO:LM:RMM

114-54-55

H. M. H.  
RECORD  
M  
D

Typed: 9/20/54

September 24, 1954

Mr. Steve Pankovitz  
3100 Broadway  
New York 27, New York

FILED  
BY MWL  
ON SEP 29 1954

Dear Mr. Pankovitz:

This is to acknowledge your letter of August 5, 1954, bearing post mark of September 12, 1954, to the Attorney General relative to the death of Miss Eleanor Rush at the North Carolina State Women's Prison.

The matter is under consideration by the Department and if it develops that a violation of any Federal criminal statute is involved, the Department will take such action as appears appropriate.

Sincerely,

WARREN OLNEY III  
Assistant Attorney General  
Criminal Division

By:

ARTHUR B. CALDWELL  
Chief, Civil Rights Section

Records ✓  
Chrono  
Mr. Meltzer  
C. R. Sec.

RECEIVED AND MAILED  
COMMUNICATIONS SEC.  
SEP 24 1954 D

9/21/54  
Lm.  
A

AKO  
9/24/54



# Carolina Cavalcade

By MARGARETTE WOOD SMETHURST

OPEN ANSWER TO AN OPEN LETTER from Helen Reinhardt, assistant superintendent, Woman's Prison, Raleigh.

Dear Miss Reinhardt: Your letter, dated Sept. 8, was late reaching me due to my absence from home. I found on my return that copies of the letter sent by you to press and radio had been given some public attention before I could have gotten the letter, even if I had been in town.

For the benefit of those who did not read or hear the digest of your letter, I repeat it here in full:

"Dear Mrs. Smethurst,

"During the recent regrettable occurrences at the Women's Prison we have read with a great deal of interest the comments that you have had to make in your newspaper column. We believe that you have attempted to report the conditions as you see them; but, during the three years and over seven months that I have been connected with the institution, I do not recall a single visit that you have made to see for yourself.

"We would like to extend to you an invitation to visit the Women's Prison at your earliest convenience. We would like for you to see the facilities, the inmates at work and at leisure, and to spend as much time as you can and will.

"You will be privileged to select any employe to conduct you on such a tour of inspection and you may feel free to talk with any inmates with whom you will come in contact. They will not have been coached beforehand as to what to say or do. We want you to see things just as they are.

"If you accept our invitation you will see some things of which we are not proud and hope to change in the future. You will see some things of which you, as a citizen of North Carolina and a newspaper woman, can be justly proud. We feel that we will derive much benefit from such a visit because you will then be in position to help us and the other citizens of North Carolina to have the kind of penal institution for women that we all want.

Sincerely yours,  
Helen Reinhardt,  
Assistant Superintendent

Cy: Col. W. F. Bailey  
Mr. Jonathan Daniels  
Radio Station WRAL  
Raleigh Times."

I appreciate this invitation. It is not for me to say that it is an ostentatious public gesture in which the other cheek is turned for private purposes.

What I have written has been gauged by my own conceptions of right and wrong, human decency and public responsibility to and for all wards of the State.

When a little time has elapsed, Miss Reinhardt, when new and civilized rules have been handed down for prison discipline, I may accept your invitation. But I should say, I think, that it is going to be some time, really, before I forget that day at the inquest when not three feet from me, you picked up and PLAYED with the metal claws that subdued Eleanor Bush while she was being handcuffed. Before

I call on you at the prison, I must get used to that memory.

You see, when you fondled the revolting things, things too archaic and brutal to be viewed by average persons without nausea, when you turned the screw bar, opening and closing the bracelet in your lap, then running your own finger around and around the circle, it left something less than a pleasant memory, and not far from horror.

You remember? You picked up one after another of the pair not long after Solicitor Bickett dropped them on the table. And an hour or two afterwards, when I left, you still were playing with one of them.

I shall need a little time to forget that, Miss Reinhardt, but thank you for your invitation.

Sincerely yours,  
M. W. S.



(INCIDENTALLY, "CONFIDENTIAL" - Sept 12, 1954)

**Naive Belief Still Cherished:** Right now, it looks, indeed, as if there "ain't no justice." But I'm naive enough still to cherish the belief that in the long run there is, unescapable and inexorable. "The mills of God grind slowly, but they grind exceedingly small." When we don't see quick results of their unhurried operation, it puts us out of patience. But, even as we chafe, I believe, the results of their ceaseless grinding invisibly and relentlessly are forming. As Emerson, that grand old boy who had such faith in the essential equity of the universe, puts it: "Every secret is told, every crime is punished, every virtue rewarded, every wrong redressed, in silence and certainty . . . It is the whipper who is whipped, the tyrant who is undone." And the whitewashed gagger and shackler who in the end, figuratively but painfully, is shackled and gagged?

**No Adequate Provision for Eleanor's Sort:** The thing which Eleanor Rush's sensational and suspicious death points up most emphatically — next to the necessity, crying more loudly than any of Eleanor's reported screams, for the people of North Carolina to rouse themselves and get the Woman's Prison out of stinking politics — is the fact that there is no adequate provision either at that institution or anywhere else in this State for cases like Eleanor's, which truly are legion: those of psychopathic delinquents who are not actually insane.

**"A PsychoneurATic, a Psychosomatic, and Incurrigible":** "She was a psychoneurATic, a psychosomatic, and incurrigible." Such was the learned diagnosis of Eleanor's ills by Prison Physician Charles Flowers. It was an impressive diagnosis, as much for its pronunciation as for anything else. As a matter of fact, no evidence brought out at the inquest showed that Eleanor had any psychosomatic trouble at all, for psychosomatic disturbances are physical ills supposedly caused by mental or emotional conflicts. A typical example would be a skin eruption suffered by somebody under severe nervous strain and caused by that strain. But by testimony at the inquest, Eleanor was a strong, healthy Negro girl without any physical ills, from whatever cause.

**Obviously a Borderline Psychopath:** But though plainly not "a psychosomatic," even more plainly Eleanor was psychoneurotic — or, as the erudite prison doctor had it, "psychoneurATic." This doesn't mean that she was insane. The authorities at the Negro mental hospital at Goldsboro who twice refused to keep her there doubtless were entirely justified in saying that she was not mentally ill, in the sense of having any definite psychosis. For example, she was not a manic-depressive, nor a schizophrenic, nor a paranoiac. But even a layman with a minimum of knowledge of such afflictions would immediately recognize her, from the history of her case, as a borderline psychopath, a psychopathic personality, and an exceedingly troublesome, potentially dangerous one. (Literally "psychopathic" means sick in soul; that is, sick in the emotional nature: it does not imply any mental defect. There's no evidence that Eleanor was mentally defective.)

**Eleanor's Case Not an Isolated One:** Even the best prisons — among which the North Carolina Woman's Prison by no stretch of the imagination could be included — have difficulty in dealing effectively with such cases, and the mental hospitals, already overcrowded with the definitely insane, have no room for them. Eleanor's case is far from an isolated one. Our deteriorating society is riddled with them, rotten with them. For instance, the four Brooklyn boys who recently slew, tortured, and raped for no ostensible reason in all probability are cases in point.

**What Can We Do About It?** At first glance, the problem of the delinquent or criminal borderline psychopath seems so vast as to be insoluble. But, even so, we must tackle it as best we can. With the case of Eleanor Rush as a horrible example of how NOT to handle it, we must:

1. Separate the State prison system from the State Highway Commission and stop being the only State in the Union in which such a fool combination exists.
2. Employ a competent, thoroughly trained WOMAN as Superintendent of the Woman's Prison. (The idea of a man, especially an old-line prison-camp boss as superintendent of a woman's prison, is, I'm informed, according to the best modern penology, the grossest anachronism.)
3. Employ at least a part-time psychiatrist at the Woman's Prison.
4. Secure a staff as politically free and as well-trained as possible.
5. Realize that you and I and the other citizens of North Carolina should assume our responsibility for the condition of the Woman's Prison, which belongs to the taxpayers of this State, and that to do so is our plain duty toward our unfortunate, if lawless, fellow-citizens incarcerated there.

B. B.

144-54-55



# INCIDENTALLY

By NELL BATTLE LEWIS.

## "BLUE RIBBON" VERDICT

The blue ribbon, as you know, is awarded as first prize for something very special and superlative.

**"Blue Ribbon" Jury:** The Wake County Coroner's jury which found that nobody — but NOBODY — except hapless Eleanor Rush herself was to blame for Eleanor's fatally broken neck on August 20th at the State Woman's Prison here, nary a one of the five able-bodied men who bound and gagged her shortly before she died — was described in several newspaper stories as a "blue ribbon" jury, implying that its members were high class. They were: two former mayors of Raleigh, one of these president of a local hardware store, the other president of a grocery and general merchandise supply company, an employe of a hardware company, the president of a creamery, the president of a machinery supply company, and an employe of an insurance agency — this last, the only Negro member, who, as his father was, is one of the most respectable and respected men of his race in Raleigh. Estimable and outstanding local citizens!

**Contrast of Blue and White:** Maybe if this blue ribbon jury hadn't been quite so blue, the whitewash they gave the prison authorities wouldn't seem so glaringly and disgracefully white. The fact that men of this calibre could completely exonerate all officials of the Woman's Prison connected with the violent death of this 18-year-old Negro girl and slap the whole blame upon her dead and disjointed head makes their verdict all the more shocking. But shocking though that verdict is, it was by no means unexpected. It is a sign of the general cynicism regarding the political-penal set-up in North Carolina that, even before I went into the court room at the beginning of the inquest, I was told by somebody qualified to know that the whitewash was coming.

**All the Violence on Eleanor's Side (?):** "We find," these blue ribbon jurors found in their blue ribbon verdict, "that Eleanor Rush came to her death due to her violent efforts against necessary restraints while they were being applied and in her subsequent struggles to remove them." The pathologist at Rex Hospital, Dr. Rene Hardre, who performed the autopsy (by far the most impressive witness, to my mind) had testified, you may recall, that according to each of his two theories as to the cause of death, Eleanor's neck had been broken while she was being gagged — the only question being whether the fatal compression of the spinal cord was simultaneous with the dislocation of the vertebrae or came later. But, according to the blue-ribbon verdict, it was all Eleanor's own fault. Guiltless of all violence, innocent of all wrong, were the ten masculine hands which had bound and gagged her.

**Technicality vs. Conscience and Heart:** Technically, in their verdict these estimable jurors were not bound to condemn the violence of the methods used to restrain Eleanor just previous to her death, since the Solicitor had told them that the rules and regulations of the Prison Department and the general administration of prisons were not under consideration. Technically they could sidestep, as they hastened to do. Technically they could, but in good conscience and heart how could they? And whereas, as they sit high up in their respective synagogues on this Lord's Day, their blame of dead Eleanor alone may satisfy them, they can be assured that it's a long way from satisfying many other people in this State. For from first to last this has seemed a very disgraceful business, and it is widely recognized and condemned as such. It's the sort of thing that makes our blue ribbon Christian civilization morally so shaky at present.

**Those Gentle Voices, Those Tender Hands:** Well, the prison crowd got away with it — on the surface and for the time being. Eleanor was no-count and ornery, and hours and hours of the inquest were spent in showing it, although her incorrigibility already was admitted by all. Bright, becoming haloes now encircle the heads of the officials at the Woman's Prison, where nobody ever raises a voice or a hand against an inmate and where even the most refractory prisoner is treated — in the immortal words of Ashley Horne, one of the four guards who bound and gagged Eleanor — as gently as a baby.

None of the Coroner's jury appear to be Jewish.

Sept. 12, 1954

(5)

E.B.

144-54-55



Sent by C.V. Compton  
with letter

to ABC,  
with letter  
made no  
reference  
hereto.

9/29/54

SB

FILED

BY MWL  
On OCT 5 1954



# *Assistant Prisons Head*

## *Says She Advised Use Of Gag*

Cloudy tonight. Wednesday, afternoon thundershowers and not so hot. Expected low tonight, 70; expected high tomorrow, 93. City Final

# THE RALEIGH TIMES

13.

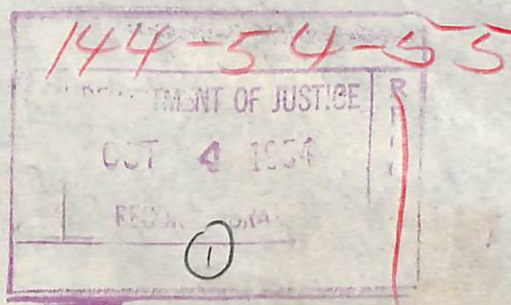
Raleigh, North Carolina, Tuesday, September 7, 1954

Price—5c



**CORONER'S JURY** — Here is the coroner's jury impaneled Monday to investigate the cause of death in the case of Eleanor Rush, 18-year-old Negro inmate of Woman's Prison. Front row, left to right, are James E. Briggs, former Raleigh mayor, and James D. Kilgore, president

of Pine State Creamery. On the back row are: D. S. Avery of Carolina Hardware Company; P. D. Snipes, former mayor here; C. A. Dillon, president of Dillon Supply Company; and David W. Andrews, Negro employee of the Great American Insurance Company. (Times Staff Photo By Madlin Futrell)



144-54-55



# States Muffler Used To Quiet Woman Inmate Later Found Dead

By BETTE ELLIOTT  
Times Staff Writer

Miss Helen Reinhardt, assistant superintendent at Woman's Prison, testified Tuesday at a coroner's hearing on the death of Eleanor Rush, 18-year-old Negro inmate, that she suggested the use of a gag on the girl to quiet her screams.

Eleanor, described as an incorrigible inmate, died of a broken neck August 21, in an isolation cell.

Miss Reinhardt was the last witness called to the stand before the hearing adjourned until 2:15 p.m. A half a dozen witnesses, including three doctors, appeared on the stand Tuesday morning.

The little courtroom on the third floor of the Wake County Courthouse was jammed with spectators and the 65 witnesses who will be called by Solicitor William Y. Bickett. Only about 30 of the crowd of some 150 were Negroes.

Bickett asked the vast majority of the questions, with only an occasional question thrown at witnesses from a jury member, or by J. Wilbur Bunn, who is acting as defense counsel for Prison Superintendent Ivan Hinton.

Miss Reinhardt described in detail how she had assisted in placing a gag on a violent inmate several years ago. A rolled and twisted hand towel was thrust between the prisoner's teeth to quiet her.

## Provided In Rules

The gag, said Miss Reinhardt, had never been used other than in extreme cases, such as that of the Rush girl, and no harmful results had ever been noted before. She added that prison rules, as far as she knew, did not forbid the use of a "muffler," or gag.

Hinton had approached Miss Reinhardt two weeks before Eleanor died to ask his assistant what to do about the girl's screams that disturbed the entire prison. "I told him a gag was effective like these," Miss Reinhardt stated.

She said that fellow inmates, badgered constantly by the incorrigible Eleanor, told her on one occasion "If the prison officials don't do something about, Eleanor, we're going to get her."

Miss Reinhardt testified that Eleanor Rush had served two terms, one for disturbing the peace and one for forcible trespass. During her first term in September, 1953, she was sent to Caledonia Prison Camp but was sent back to Woman's Prison two months later.

The Rush girl's behavior report showed that she had been demoted to B grade for using abusive language and then to C grade for cursing and refusing to obey orders. She was also placed in solitary three times at Caledonia. At a later time, she was examined by a psychiatrist and diagnosed as being "emotionally unstable."

## Prisoner Promoted

After being sent back to Woman's Prison her behavior improved so that she was promoted to B grade again. However, soon after she was put back to C grade for biting a prison employee and destroying property.

Miss Reinhardt also testified that during the time Eleanor was in isolation, she tore the metal bunk from the wall, broke the lavatory, broke out a window, tore up six mattresses, she tore up a half-dozen pillows, mattress covers, sheets, blankets and flooded the cell.

At times the girl also tore off her clothes, and stayed nude in her cell.

During her first term, she was sent to State Hospital in Goldsboro twice, Miss Reinhardt testified. Dr. Ira Long, hospital superintendent wrote to prison officials stating that Eleanor was not insane but had a personality disturbance. The letter was sent to officials here at their request when Eleanor Rush was admitted

to prison for the second time in May, 1954.

Shortly after re-entering prison, Eleanor was demoted to C grade for creating a disturbance and placed in isolation. The isolation cells are in a wing of the hospital and it is customary for all new inmates to stay there until they are processed.

## In Isolation

Miss Reinhardt said that the Rush girl was first placed in isolation from June 1 to August 6, 1954. She was again isolated on August 14 after cursing employees and threatening a matron with a rock and threatening fellow inmates during afternoon count. She also tried to flee when the guards started toward the girl.

On August 18 she was again examined by Dr. Owen and diagnosed emotional unstable.

Miss Reinhardt testified that she was on sick leave at her home about a block away at the time Eleanor Rush died. She said she returned Saturday morning and some inmates told her they had heard the Rush girl had died "of a heart attack."

She said she sensed something was wrong shortly after a ball game began. She had been told some inmates were spreading the word that Eleanor had been killed, a moment but was called back. She said she left the grounds for some of the inmates approached her and asked her: "Why did they kill Eleanor?"

She said she scoffed at the question, and the girls told her that two other inmates in isolation, Mabel Wright and Sue Penland, had told them, "They killed her."

The inmates asked her then to let them see Hinton. She testified that as she went to call him some of the inmates started toward a guard. At that time, Hinton and members of the City Police Department arrived to quell the disturbance, most of which she had not seen, she said, since she was in the process of calling Hinton.

Miss Reinhardt then described events prior to the girl's death. She said that although she was at home, a block away, she heard Eleanor screaming for hours, cursing and calling her and Hinton "disrespectful names." This happened for six nights, she added.

She said officials tried to calm the Rush girl and made every effort to rehabilitate her.

Dr. Walter Neal said she could have broken her neck by jumping off the commode onto the mattress head first.

Prison officials told the physician they had restrained the girl, but did not describe the details of the restraint. Dr. Neal said a gag would have had no bearing on her death, but force applying the gag could have broken it.

## Performed Autopsy

The next witness was Dr. R. Hardre, pathologist at Rex Hospital. Dr. Hardre said he saw the girl on the afternoon of August 21 at the hospital. He performed the Rush autopsy.

The girl was described as small. She was around 5 ft. 2 to 4 inches, and weighed 120 to 130 pounds. Dr. Hardre said she was well developed. He noted a bruise on the left corner of her mouth with a cut inside the mouth but the cut already had been sewn up by the undertaker.

On examining the Rush girl's head, he said it "flopped around" with a bony protuberance sticking out of hollow between the head and neck. The spinal cord was bruised. Dr. Hardre further testified. No other cause of death was noted, other than dislocation of the neck. Dr. Hardre said the girl should have died within several minutes.

Some of the damage could have been made while her body was being moved by the two physicians, he admitted.

Bones were not broken, testimony brought out, and the injury was listed as a dislocation.

Death could have been caused by a lifting of the head and twist-

ing of the head from side to side, it was stated.

After examining the body and seeing the cell, there are two acceptable theories to the Rush girl's death, said Dr. Hardre:

(1) — Dislocation of neck and crushed cord happened at the same time, therefore she could not have done this to herself. It was not self-inflicted. But if she was lying face down and flipped over, she could have injured herself;

(2) — Injury occurred in two steps. Dislocation of the neck does not necessarily cause death. Death is caused by a crushed cord. If the girl's neck had been dislocated, previously, she could easily have caused crushing of her spinal cord. She would try to rub gag off her mouth. With her neck already dislocated, subsequent pressure would cause immediate death.

## Flowers Next

The next witness was Dr. Charles E. Flowers, prison doctor, who was present at the autopsy. His testimony was as follows:

"I concur with Dr. Hardre. Knowing the disposition of the girl, she could have thrown herself against the wall." The doctor said he knew the girl, and that she was well developed and muscular, and added that she was in excellent physical condition. He described her as 5 ft. 5½ inches tall, and very sullen.

He said he examined her when she entered the prison. The Rush girl's medical record shows 5 ft. 7½ inches tall at the time she entered prison. She weighed 149½ pounds upon her entrance there in May. There were negative reports on all part of the examination.

He made a check on the Rush girl while she was in Prison, on the day of July 15, and found her to be in good physical condition. On July 30, Dr. Flowers said the girl weighed 133 pounds.

In describing the girl's cell Dr. Flowers said the inside of the cell was cooler than the outside temperatures. He said he was told of the girl's death on the morning of August 21.

Dr. Flowers was not told of the restraining devices used on Eleanor Rush.

## Bunn Questions Flowers

J. W. Bunn, attorney for Ivan Hinton, then questioned Flowers, who said she was a psycho-neuratic personality, and was incorrigible. The girl was sent to the hospital for the insane at Goldsboro, but their diagnosis stated that she was merely a disciplinary problem.

"I did not prescribe a sedative because an incorrigible person like Eleanor Rush would demand the medicine and would nag the officials. I saw no need for sedatives because was not sick," Dr. Flowers said that the girl's hollering and screaming disturbed the sick patients.

Solicitor Bickett then asked E. R. Brogden, lawyer with the Highway Department, to read regulations governing prisons.

(2)

E. B.

144-54-55



#### Jurors Listed

Members of the jury, who left at 10 a.m. for Woman's Prison, include: David W. Andrews, Negro employee of Great American Insurance Company; P. D. Snipes, former Raleigh mayor and head of P. D. Snipes Grocery; C. A. Dillon, Sr., president of Dillon Supply Company; James E. Briggs, former Raleigh mayor; Dwight Avery of Carolina Hardware Company and James D. Kilgore, president of Pine State Creamery.

The first witness was Dr. G. C. Dixon, who works at the prison. Dr. Dixon arrived at the prison at 12:15 a.m. on August 20, and went to Eleanor Rush's cell, where the girl was found dead. The cell in which the Rush girl was found is about six by nine feet with one window and a transom over the door. The girl was found lying on the floor in the right hand corner of the room. Her body was lying face down, left cheek on the floor, her legs partly on a six-foot long mattress.

Dr. Dixon examined the body and found there was no pulse. He noted that the girl's fingernails were blue. There was no further examination, according to testimony, and Dr. Dixon left the cell and went to the nurse's office to call Dr. Walter Neal.

When Dr. Neal arrived, the body was in the same position as Dr. Dixon had found it. There was no evidence of the girl's wrists being bound, testimony showed.

#### Blood On Cheek

Testimony brought out that the girl was wearing a white dress and was barefooted when she was found. The two doctors examined the body and found no bruises or cuts. There was, however, a small amount of blood on her left cheek, but there was no cut.

Dr. Neal and Dr. Dixon were unable to determine the exact cause of death, it was stated.

The girl's ears and nose were examined, and the doctors noted that the head and neck could be moved in a peculiar manner. The physicians surmised that the Rush girl's neck was broken. Seeing no other injuries, the two physicians moved the body in order to complete the examination. The girl's body was moved to the mattress by the two doctors, who picked her up by the armpits.

Meanwhile, Coroner M. W. Bennett arrived, and statements were made to him that Eleanor Rush had been put in arm restraints. Coroner Bennett said he could not form an opinion as to how the girl's neck was broken. He was not present at the autopsy. Solicitor W. Y. Bickett brought out leather handcuffs as an exhibit.

Bickett said no one made a statement to him about the gag being used.

The next witness was Dr. Walter Neal, prison surgeon. Dr. Neal was called to the prison between 12:30 and 1 a.m. on the day of the girl's death.

Dr. Neal repeated Dr. Dixon's

testimony.

Testimony by almost 75 witnesses and a 30-page report from the State Bureau of Investigation were expected to reveal the full story of the isolation cell death which touched off a noisy demonstration by three dozen prisoners.

The girl known as a "trouble maker" was found in the cell, her hands strapped with leather cuffs, and a towel thrust between her teeth. Death was attributed to a broken neck.

The coroner's jury, Coroner M. W. Bennett and other principals visited Women's Prison at 9:30 a.m. Tuesday and made a thorough inspection of the death scene. The actual hearing got underway at 10 a.m. and was expected to last several days.

The jury will decide whether or not there was culpable negligence on the part of Prison Superintendent Ivan Hinton, or any other prison officials in handling the girl the night she died.

These are the events that led up to the tragedy, according to officials: Eleanor, serving her second six month sentence at the prison, was placed in a punishment cell for a week after threatening a matron with a rock.

During that time, the girl reportedly slept by day and screamed by night. Her screams, said the officials, disturbed the sleep of sick prisoners, as the isolation wing is part of the prison hospital ward.

#### Destroyed Property

During her confinement, Eleanor allegedly ripped up six mattresses, several pillows, stuffed the debris in the commode, and ripped her bunk from the wall. The bunk was replaced with a mattress on the floor.

On the night of Aug. 21, after six nights of screaming, and under the supervision of Superintendent Hinton, a rolled hand towel was thrust between the girl's teeth and tied behind her neck. The last persons to see her alive were Hinton, two guards, and a prison nurse.

Twenty-five minutes later, one of the guards, making a routine inspection, discovered her body. It was lying face down, half on and half off the mattress. She had, according to officials, evidently broke her neck in the struggle to free herself from the muffler.

An inmate in the cell across from Eleanor's yelled to prisoners the next morning that "Eleanor had been cruelly treated by Hinton."

Immediately, some 35 to 40 women began demonstrating, by yelling, milling around the recreation area, and throwing articles at guards and matrons. The riot was subdued within a few hours, and the ringleaders were removed to maximum security camps.

The incident brought demands from some news columnists that there be sweeping reforms in the prison system. One writer said officials broke rules by using the gag on the girl. Another writer

him that the girl was unconscious when placed in her cell. Officials have denied all accusations.





VIA AIR MAIL

Judge C. V. Compton  
501 Republic Bank Bldg  
Dallas, Tex



# Carolina Cavalcade

By MARGARETTE WOOD SMETHURST

QUESTIONS that have been raised include two revealing insights on methods in vogue at Woman's Prison at the time of the "unfortunate occurrence" which included a broken neck via a "cup towel" in an empty room there.

"What," asked a caller, "have they done with the restraining sheet they used to have?"

Not being familiar with restraining sheets, I asked for enlightenment. I was told that "restraint sheets" are in use in all mental institutions and have sometimes been used at Woman's Prison.

"It restrains without injury," my caller said.

place about 10 days before the cup towel ended everything for Eleanor Rush in that "unfortunate occurrence" now under investigation by the State Bureau of Investigation.

SECOND. More fearsome than most "cup towels" are dogs. As strange as it may seem to those of us who love dogs and favor above all other breeds the bull dog, a big fierce-looking bull with underslung jaw is a terror to the average person. The news that such a dog is a companion of Helen Reinhardt, assistant superintendent of the prison, came to me from a man who encountered the dog and his mistress on a visit to the prison.

"Together, they came into the big reception room and crossed it to Miss Reinhardt's office, which opens off the big one. Miss Reinhardt went into her office and the fierce-looking dog sat in the open doorway, facing me," he said, "and muttered the whole time."

"Does the dog have the run of the place?" I asked.

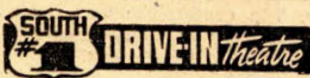
"He had the run of that room! And he showed by his alertness and by the way he walked between her and other people that he had been trained to pounce at a word or a gesture from her—on anybody."

"If not to terrorize the inmates or because she is afraid of them, why would Miss Reinhardt have that big bull dog?" he asked.

CONSCIENCE. "That has been on my conscience as a citizen of North Carolina ever since the day I saw it," he said. "It took me back to Medieval times when they threw prisoners to the lions. A gun at her side or a billy in her hand wouldn't have been nearly so ominous to the inmates."

QUESTION: What will the people of North Carolina do about the addition of perpetual physical jeopardy to prison sentences imposed by law? Additions that may be tacked on by any minor prison official either in personal fear, sadistic pleasure in terrorized helplessness, or for any other reason?

The medieval demonstration took



OPEN 7. STARTS 7:30



# The News and Observer

Yesterday's Paid Circulation

120,879

SIXTY-FOUR PAGES TODAY

RALEIGH, N. C., SUNDAY MORNING, AUGUST 22, 1954.

SIXTY-FOUR PAGES TODAY

Daily, 5c; Sunday, 15c

## wanted In Rose Hill Bank Stickup Try



Mrs. Virginia Troy, wife of using a pair of scissors to territt, a bookkeeper, was and in an effort to hold up ust Company at Rose Hill

## Cashier Yells For Aid And Citizens Respond

ROSE HILL, Aug. 21 (AP) — A quick-thinking bank cashier, steeling his nerves in the face of a pointed pistol, prevented the robbery of the Waccamaw Bank & Trust Co. here today.

Cashier R. S. Troy, learning that a masked gunman was robbing the bank when he reported for work in this eastern North Carolina farming village of 1,000 population, quickly bolted outside and sounded an alarm. The bandit fled in a stolen pickup truck, a flock of aroused townspeople in hot pursuit. He had failed in attempting North Carolina's seventh bank robbery this year.

The gunman, who left a taunting note behind for the FBI, abandoned the truck eight miles west of here and fled into woods. Officers, using bloodhounds and a plane, searched the area throughout the day.

The bandit got into the bank by breaking a small window in the side of the recessed entrance. He waited in the modern brick building of Colonial architecture until the employees arrived for work.

The first to arrive, at about 8:30 a.m., was Joe Hart Scott, a teller. The gunman, who wore white cotton gloves and a white sack or

See BANDIT, Page Ten.

## Girl's Death Sparks Riot In Woman's Prison Yard

'They Killed Eleanor' Is Cry of Rioters; Shattered Glasses Cut Several Police-men and Prison Officials; Girl Died in Solitary, Her Neck Broken, Her Hands Tied; Coroner Bennett Making Investigation

By JIM RANKIN.

Riot broke out in Woman's Prison here yesterday morning when news spread through the yard where 300 inmates were relaxing and playing softball that an 18-year-old Negro prisoner died the night before in solitary confinement.

The women merged into one large group, yelling and screaming, and pressed against the wire fence near the front gate.

Prison officials immediately called for help from Central Prison, Raleigh police and the Wake sheriff's office.

Some of the women screamed, "They killed Eleanor!"

They were referring to Eleanor Rush who was found dead, her neck broken and her hands trussed behind her back, in an isolation cell.

She was found with her feet on her mattress, which lay directly on the floor, and her head on the floor.

State Prisons Director William F. Bailey said that 25 minutes after guards and a nurse trussed up the girl's arms and hands at 11:30 p.m. Friday, she was found dead.

When inmates went outside for their recreation period at 9 o'clock yesterday morning word quickly made the rounds that the girl had been ill-treated by Superintendent Ivan D. Hinton and his four guards. The prison contains about 200 Negroes and 150 whites.

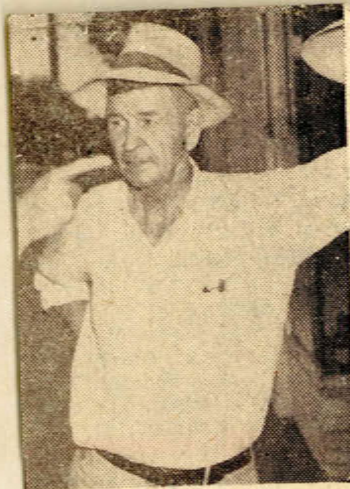
Cut By Glass.



CAPTURED PRISONER—Elease Jackson, 16-year-old Negro of Charlotte, is pictured above with two Central Prison guards yesterday shortly after she climbed over a fence in an escape try at Woman's Prison here. The guards are E. G. Rigsbee (left) and J. C. Phillips. The young inmate, serving a term of 15 to 18 months for breaking, entering and larceny, was described as one of the leaders in a riot caused by a report that an inmate who died Friday night had been mistreated. Elease Jackson said that she was a cousin of the dead woman, Eleanor Rush, 18-year-old Negro from Albemarle in Stanly County. Also see photo on Page Two. (Staff photos by R. W. Stephens.)

## Prisons Chief Investigates Riot; Four Ringleaders Transferred





Mrs. Virginia Troy, wife of using a pair of scissors to Merritt, a bookkeeper, was and in an effort to hold up just Company at Rose Hill right (top) shows Miss rough which bandit entered. tier, a merchant, as he tells chase the robber.

## pression' mpaign Issue

a sorry fashion and in such a way that we have fewer friends in the world."

He said the Republicans this fall will not be able to use the "worn-out and frizzled issue" of communism. Republicans, he asserted are not going to "get away with that old stuff any more" because voters know whether a candidate is a "subversive" or "an honest, good straight-forward American."

The President, in his Springfield speech, gave his Republican Party speech, gave his Republican Party speech, gave his Republican Party

## Cashier Yells For Aid And Citizens Respond

ROSE HILL, Aug. 21 (P) — A quick-thinking bank cashier, steeling his nerves in the face of a pointed pistol, prevented the robbery of the Waccamaw Bank & Trust Co. here today.

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The first to arrive, at about 8:30 a.m., was Joe Hart Scott, a teller. The gunman, who wore white cotton gloves and a white sack or

See BANDIT, Page Ten.

## 'Goat Man' Preaching Today

SELMA, Aug. 21—Charles Chess McCartney, 54-year-old bearded Iowa native who got the goat of the State Highway Patrol with his goats, will preach Sunday afternoon at 4 o'clock just outside the Selma city limits.

Chess and his goatcade butted into Selma late Friday afternoon and are remaining because Chess has "kept the Sabbath for years."

Policeman Roger Strickland of Selma quoted Chess as saying that he had not traveled on Sunday because of his religious beliefs. He is a member of the Pentecostal Holiness Church. He does occasional preaching as a layman.

Chess will deliver his ser-

mon from his junk-laden wagon while his goats munch grass on the green Johnston County meadow. But early Monday morning, he'll hitch up the goats and move toward Kenly.

A large crowd had been on hand throughout the day to talk with Chess, buy his post cards and look over his herd of goats. He has attracted much attention from passers-by on 301. A large crowd is expected to be on hand Sunday.

Chess told Policeman Strickland that he will proceed to Virginia, "but when it starts getting too cold, we'll (Chess and his goats) head for Jefferson, Ga. to spend the winter"

## Markets Opening

The Sandhills markets withdrew from the Middle Belt last year because of a dispute over the opening date.

Tuesday Openings. The other markets in the Middle Belt, Durham, Louisburg, Warren, Oxford and Henderson, will open this season Tuesday. The

Some of the women screamed, "They killed Eleanor!" They were referring to Eleanor Rush who was found dead, her neck broken and her hands trussed behind her back, in an isolation cell.

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When inmates went outside for their recreation period at 9 o'clock yesterday morning word quickly made the rounds that the girl had been ill-treated by Superintendent Ivan D. Hinton and his four guards. The prison contains about 200 Negroes and 150 whites.

Cut By Glass.

Before the arrival three and a half hours later of State Prisons Director William F. Bailey, two women officials and seven policemen and prison guards were cut by shattered glass. About eight of the Negro women inmates fainted in the hot and clamoring

See RIOT, Page Two.

## DEADLINE FIXED IN CENSURE CASE

Senators Agree to Return Verdict In McCarthy-Army Row By August 30

WASHINGTON, Aug. 21 (P) — Senators who SAT in judgment on the McCarthy-Army controversy agreed today to return their verdicts by Aug. 30.

Sen. Mundt (R-SD), chairman of the special Senate subcommittee, reported that it met behind closed doors this morning but failed again to settle on one set of findings.

Indications were that there would be probably more than two reports made on the hectic, 36-day investigation.

Aug. 30 is the same date on which another Senate group headed by Sen. Watkins (R-Utah) is



CAPTURED PRISONER—Elease Jackson, 16-year-old Negro of Charlotte, is pictured above with two Central Prison guards yesterday shortly after she climbed over a fence in an escape try at Woman's Prison here. The guards are E. G. Rigsbee (left) and J. C. Phillips. The young inmate, serving a term of 15 to 18 months for breaking, entering and larceny, was described as one of the leaders in a riot caused by a report that an inmate who died Friday night had been mistreated. Elease Jackson said that she was a cousin of the dead woman, Eleanor Rush, 18-year-old Negro from Albemarle in Stanly County. Also see photo on Page Two. (Staff photos by R. W. Stephens.)

## Prisons Chief Investigates Riot; Four Ringleaders Transferred

By GEORGE A. PENNY.

Four ring leaders in the riot at Woman's Prison were transferred to Caledonia Prison Farm yesterday afternoon and State Prison's Director William F. Bailey promised a complete investigation of the riot and the girl's death which touched it off.

One of the four Negro women who led in the rioting caused another incident by escaping over the wall several hours after the riot was over, but she was returned to Woman's Prison within 10 minutes.

Bailey, whose appearance on the scene nearly four hours after the trouble began brought quiet again to the prison, declared that he will "take the necessary steps to get all the facts."

"I feel," he said, "that a lot of facts ought to come to the surface to clean this thing up."

The dead girl is Eleanor Rush, 18, a Negro from Albemarle in Stanly County. She died in an isolation cell of the prison's re-

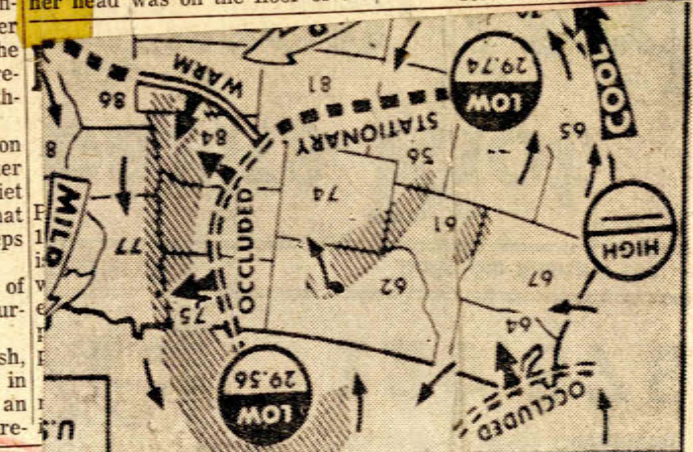
ception center Friday night. Her body was found at 11:55 p.m., approximately 25 minutes after she had been trussed in restraining action taken with Supt. I. D. Hinton, Guards Ashley Horne and Paul Jones and Nurse Ilo Vinson present.

Her arms were still bound when the body was found, and her head was on the floor of the

cell while her feet were on the mattress. Wake Coroner Marshall Bennett ordered an autopsy and, after it was completed, Dr. C. E. Flowers, the prisons physician, came to the conclusion the girl had died of a broken neck.

Dr. Flowers said there were no bruises or other marks of vio-

See PROBE, Page Two.



## Goldsboro

By MOSES ROUNTREE.

GOLDSBORO, Aug. 21 — Louise Overman, pretty brunette daughter of Mr. and Mrs. John Lee Overman, Goldsboro, Route 1, is

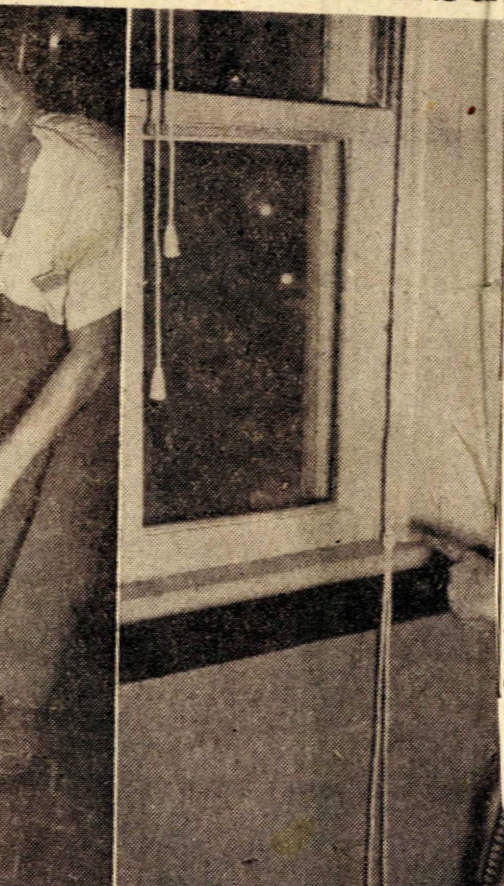
THE NEWS AND OBSERVER, RALEIGH, N. C.



# The New

FOUR PAGES TODAY

In Rose Hill Bank St



Bridge-Belt Archway Association decided the markets will operate on a 50 per cent basis until Sept. 8, date on which the Middle Belt ended last year.

A. R. Talley of Quay Springs, president of the Sandhills group, said the U. S. Trading Service had informed him that the Sandhills markets would operate on a similar basis.

See MARKET Page Ten.

Scheduled to begin consideration of a list of charges made against McCarthy (R-Wis) to support demands that he be censured by the Senate for his official conduct.

Watkins announced after a private meeting with McCarthy's lawyer, Edward B. Williams of Washington, that the hearings would start on schedule as far as he knows now. The two men discussed procedural matters.

## Today's Index

### News

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Deaths ..... Sec. I, Pg. 10  
Earl Wilson ..... Sec. I, Pg. 9  
Serial Story ..... Sec. IV, Pg. 6  
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Weather Map ..... Sec. I, Pg. 2

## Under the Dome

**GOVERNOR** — Anyone having business with the Governor this week will have to look for him outside Raleigh. He's on vacation at the coast (exact spot unannounced) and isn't due back in the office until next week. With him on the rest trip are Mrs. Umstead and their daughter, Merle Bradley.

All they did, they explain, was to advise Motor Vehicles Department and the Highway Patrol that patrolmen take some risk when they make arrests without warrants.

The question arose in interpretations of the much-discussed State Supreme Court decision in the case of State vs. Mobley. In that case, the court dealt with a man charged with drunkenness drivers and other violators of the

See DOME, Page Ten.

Day of 1954" in ceremonies here today highlighting the eighth annual Wayne County Farmers Day, sponsored by the Goldsboro Junior Chamber of Commerce.



SIXTY-FOUR PAGES TODAY

Yesterday's

120

Daily,

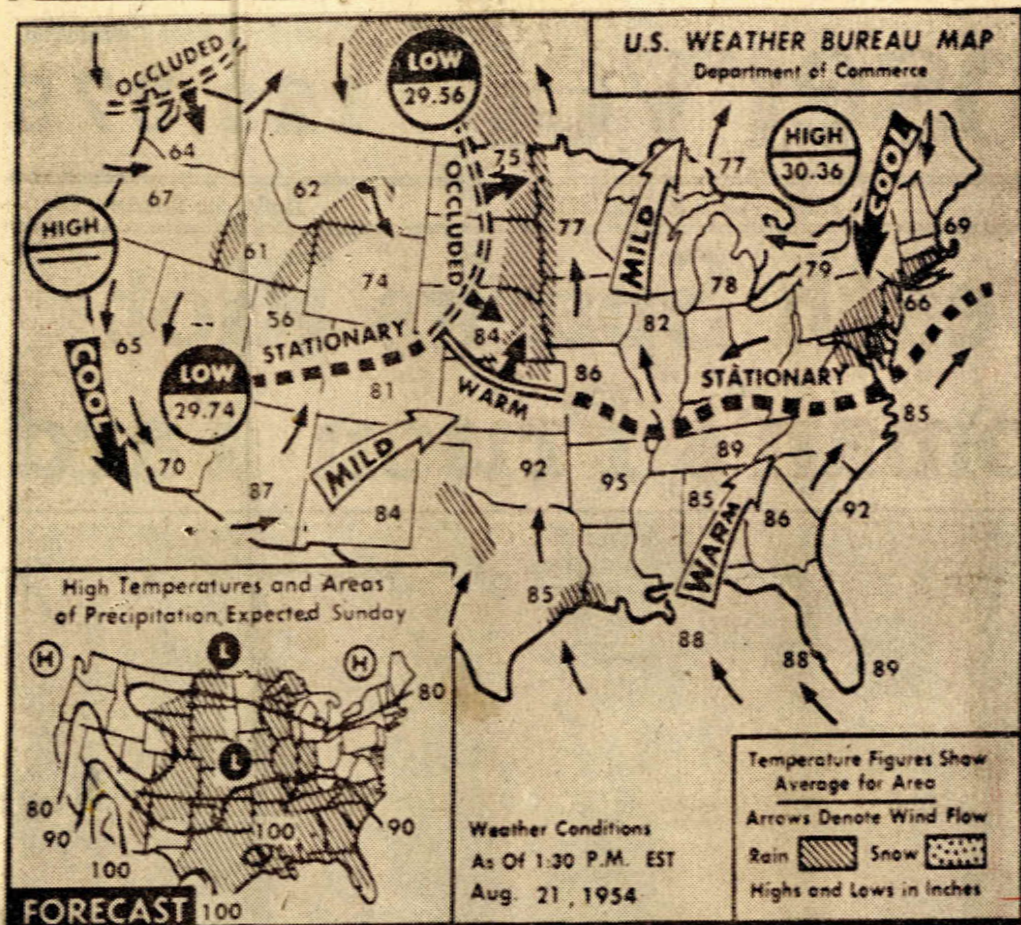
## Death Sparks Ri oman's Prison Y



died the night before in solitary confinement.

The women merged into one





The weather forecast for North Carolina is continued warm today and tomorrow with a few afternoon and evening thundershowers in the vicinity of Raleigh. Moderate southerly winds are predicted today with a high temperature in the low 90s and a low in the low 70s. A warmer trend is expected today in the western states and New England while it will be

slightly cooler in the Central Plains. Fair to partly cloudy weather is forecast for the nation but showers are expected in warm tropical air in southern states and most of the central part of the U. S. No precipitation is forecast for northeast and southwest states. Only a few showers will fall in the northwest, occurring in the Rockies and Cascades. (AP Wirephoto.)

## RECORD

(Continued from Page One.)

said the net result would contribute to their attempts to win a majority

freedom from restrictions on their operations and parity without huge surpluses hanging over their heads."

Humphrey said he intends to tell Minnesota voters "this little story

dramatically amended to retain government control over patents for another five years.

Democrats could claim credit, also, for supplying some of the

## WEATHER

	High	Low	Prec
Asheville	89	63	.94
Charlotte	93	67	.32
Cherry Point	95	75	
Elizabeth City	95	72	.06
Greensboro	90	67	.50
Hatteras	87	79	
Raleigh-Durham	92	69	.58
Wilmington	94	77	

WASHINGTON, Aug. 21 (AP)—Weather Bureau report of temperature and rainfall for the 24 hours ending 7 P.M. in the principal cotton growing areas and elsewhere:

STATION	H. L.	Pr.	STATION	H. L.	Pr.
Albany	73 53		L. Rock	95 71	.01
Amarillo	87 65	.04	L. Angeles	78 63	
Atlanta	90 70		Louisville	87 68	
Atl. City	72 66	.71	Memphis	91 70	.25
Birmingham	89 67		Meridian	92 70	.75
Boston	72 64		Minn.-St. P.	79 65	
Buffalo	81 56		Mobile	93 71	.64
Ch'nooga	93 69		Monterey	93 72	.23
Chicago	83 67		Montreal	76 48	
Cincinnati	84 62		N. Orleans	90 72	
Cleveland	85 58		New York	72 64	.48
Columbus	82 58		Montreal	76 49	
Dallas	97 79		N. Orleans	90 72	
Denver	87 56		New York	72 64	.48
D. Moines	83 63		Norfolk	87 71	.01
Detroit	80 57		Philadelphia	86 68	.40
Duluth	73 37		Phoenix	96 81	
Fresno	— 54		Pittsburg	78 64	
Galveston	89 79	.19	Portland	75 54	
Houston	88 75	.23	Richmond	82 70	.02
Ind'polis	82 61		St. Louis	90 67	
Jack'ville	93 74		San Antonio	79 64	
Kan. City	91 71		San Fran.	73 54	
Key West	92 78	.48	Savannah	93 68	
Knoxville	95 69		Seattle	70 54	.25
			Tampa	91 71	
			Wash'ton	73 69	.18

**MARINE FORECAST.**  
Moderate southerly winds along the North Carolina coast today.

**NORTH CAROLINA TIDE TABLE.**  
Aug. 22, 1954.  
Eastern Standard Time.

Highs	Oregon Inlet.	Lows
1:10 a.m.	7:24 a.m.	
1:57 p.m.	8:39 p.m.	
	Beaufort.	
2:05 a.m.	8:19 a.m.	
2:52 p.m.	9:34 p.m.	
	Southport.	
2:04 a.m.	8:18 a.m.	
2:48 p.m.	9:17 p.m.	

mates hurled water glasses against the bars.

Many of the women inside the cell block shouted, "Eleanor was killed!"

Several of the demonstrators questioned said the riot started when news of the young Alabarle girl's death circulated in the yard. She was sentenced in Stanly County last May to six months for forcible trespass.

Wake Coroner Marshall Bennett said he learned from prison officials that the girl "couldn't be controlled," and was sent to the State mental hospital for Negroes in Goldsboro twice, but that each

## News In Brief

# EDC Rift Deepens; Altitude R

BRUSSELS, Belgium, Aug. 21—Six foreign ministers met today to discuss the French plan to revamp the European Defense Community treaty with the European army even as a special American envoy sought to save their conference. Defense, economic and political experts had been assigned by the

they are bent on reaching an acceptable formula, will have to carry their negotiations into next week—or call a new conference soon. That might spell yet another postponement of the French parliamentary debate on ratification, due to start Aug. 28.

David K. Bruce, special U. S. envoy to European projects, con-



**PRISONERS MOVED**—Four Negro inmates at Woman's Prison here were transferred late yesterday to Caledonia Prison Farm. The four, who were being held in the solitary confinement of cells in the Reception Center Building here, were described as influencing a riot at Woman's Prison yesterday.



in both houses.

### 'Crucial' Farm Bill.

The controversial farm bill hammered through Congress with White House pressure could be crucial. Some politicians regard it as the one issue most likely to determine which party takes over on Capitol Hill next January, or whether there is a division of control with one house Democratic and the other Republican.

This issue involves substitution of the system of flexible price supports favored by the President for rigid, high level props under basic field crops.

As a sample of how Republican and Democratic candidates will meet the issue, Sens. Ferguson (R-Mich) and Humphrey (D-Minn) gave a newsman previews of what they intend to tell the voters in their states.

Ferguson, who heads the Senate Republican Policy Committee, said he is going to call the attention of the farmers to the fact that rigid, high level supporters were "born out of war and the necessity to produce food and supplies for our allies."

"Now we have to get back to a peacetime farm program, one of flexible price supports in which we can produce our surplus in

that I think illustrates this Republican administration's philosophy:

"Secretary of Labor Durkin, who asked the President to keep his campaign commitments to labor, resigned when those promises were broken; Secretary of Agriculture Benson who counseled the President to break his commitments to the farmers is still in the cabinet."

Humphrey contended that the President promised continued high level supports in the 1952 campaign. Eisenhower has said he never committed himself to any fixed figure.

Congress refusal to consider revision of the Taft-Hartley Act actually was dictated by Senate Democrats who sent the bill back to committee because they did not like the amendments the Republicans proposed.

Eisenhower's failure to win a three-year extension of the reciprocal trade agreements act, with power to lower some tariffs, apparently also will be heard from in the campaign. Congress extended the act for only one year without changes in the tariff authority.

Other major presidential proposals which went down the drain included statehood for Hawaii, a government health reinsurance plan, the vote for 18-year-olds, a

tax revision measure, excise tax revisions, a foreign aid program cut 800 million dollars under presidential requests and the St. Lawrence Seaway authorization.

The Democrats also gave Eisenhower a victory in helping kill off in the Senate a proposal by Sen. Bricker (R-Ohio) to limit treaty-making powers.

Majorities in both parties were behind such measures as social security expansion, unemployment compensation increase, a compromise increase in the national debt limit, emergency drought loans, cotton acreage adjustment, expansion of commodity credit borrowing power, and a hospital construction program.

Democrats forced through a bill to strip the Communist party of legal rights, but Eisenhower's lieutenants prevented action to ban the party outright on the grounds that this would interfere with pending prosecutions under the Internal Security Act.

Both parties joined in support of bills to provide peacetime death sentences for espionage, to take away citizenship rights of persons who join in espionage conspiracies and a measure to give immunity to certain witnesses before congressional investigations.

## RIOT

(Continued from Page One.)

cell blocks. No one was injured seriously.

The white women prisoners went quietly to their cells when ordered by Superintendent Hinton.

However, many of the Negro prisoners defied the order and had to be herded into their building by officers who formed a human chain.

Once inside, most of them went into two large cell blocks on either side of a corridor which splits the building in half. About four of them, including two "C-graders," who seemed to be ring-leaders of the riot, stayed in the corridor.

The babble of voices in the cell blocks rose to a deafening pitch as these two women taunted the guards and officers, throwing

time she was returned to prison here. "A nurse said she had brought water to the girl several times—only to have it thrown back in her face," Bennett said.

The coroner said he was told that the girl had been violent and screaming shortly before she died and that her arms had been tied behind her back.

Enough of the details of the death sifted down through the prison yard next morning to start the uprising. The riot continued until 12:45 p.m. when Prisons Director Bailey arrived.

The pandemonium quavered and fell into almost complete silence when Bailey strode into the littered corridor between the two cell blocks.

"What are you crying about?" he asked one woman weeping against the bars. "You girls sit down and be quiet," he told the others. The women lining the bars scurried around setting up folding chairs, and seated themselves.

"Now, what's this all about?" he asked. The babble of voices rose again until he raised his hand for silence.

"You all know that I can't talk to all of you at once," he said. "I want each side here (meaning each cell block) to choose two women to speak for you. We'll go over to the office and talk."

One side selected two, but the other side wanted the two ring-leaders who held reign in the corridor before being hustled off, kicking and screaming, to isolation cells just before Bailey showed up.

Bailey agreed to talk to the four representatives and ordered that the dining room be opened and the rest of the women sent to dinner. They filed out peacefully.

Coroner Bennett said he was not ready last night to make a ruling in the girl's death, but would continue his investigation.

## PROBE

(Continued from Page One.)

lence on the woman's body and Prisons Director Bailey said the doctor surmised that she "ran into a wall of the cell and broke her neck" although there were no marks to indicate that he

guards lined a path from the main gate of Woman's Prison to a bus used in the transfer. The inmates moved were Elease Jackson, who attempted to escape after the riot; and Coreen Williams, Bobby Jordan and Mabel Wright, all of whom were being held in solitary confinement because of previous escapes.

block building. She was loud and boisterous in the line, it was stated and a matron asked her to be quiet. Her answer was to pick up a rock, which she refused to put down when ordered to do so by the matron.

Later a guard had to go into the cell block and get the rock away from her. She then was placed in solitary confinement "until her conduct improved."

The inmates did not work yesterday, and a group of them went out to play softball near the building where Eleanor Rush died and other inmates were being held.

Among those confined near her was Mabel Wright, a 19-year-old Negro from Fayetteville, who had been captured after escaping about two weeks ago with three other inmates. The others were Bobbie Jordan and Coreen Williams, both also captured, and Gwendolyn P. Rhone of Elizabethtown, who is still at large.

Mabel Wright, it was reported, called to some of the ball players. She told them that her friend, Eleanor Rush, had been "cruelly treated" by the prison officials before she died. Mabel Wright had a cell across the corridor from Eleanor Rush, but the small glass window in the solid door had been covered with paper so she could not see out. However, small iron-grilled vents were open above the opposite cell doors.

The Wright woman was at the prison for the third time to serve a term given her for vagrancy, assault and resisting arrest.

Her listeners got excited and went to Assistar Supt. Helen Reinhardt, who was on the yard, and started asking questions about the matter, including why the Rush woman's body had been taken to Rex Hospital instead of St. Agnes Hospital for negroes here. Finally some 30 inmates, both white and Negroes, became so agitated and started crowding so closely around Mrs. Reinhardt that she retreated to the nearby "hospital building" to call Supt. Hinton.

After Mrs. Reinhardt found refuge inside the building, the inmates started rioting at the central

getting her out of that building, and the call went to Central Prison for some of the guards on duty there to return.

A few minutes later, a guard on the gate yelled to Supt. Hinton and Prisons Director Bailey that Elease Jackson had gone over the back fence.

The word came seconds before the Central Prison van with extra guards arrived, and in minutes they had fanned out around the place. The woman was caught near Rock Quarry Road and hustled in a waiting car back to the prison.

Prisons Director Bailey had refused reporters permission to talk to any of the inmates involved in the riot, and declined to allow photographs of them to be taken.

Eloise Jackson was available briefly for questions and a picture after she broke out of the place, however, and truthfully gave her age and the reason she was serving time.

Asked if she was not young to be causing "such a commotion," she replied: "They killed my cousin."

She was referring to Eleanor Rush, and replied when asked "how" was Eleanor Rush killed, "Mr. Hinton put a towel in her mouth, tied it around her neck, and choked her to death."

While sitting between two guards, awaiting transfer to Caledonia Prison Farm with three others from the confinement block, she remarked that Woman's Prison was "a nice place, but the people ain't nice."

The inmate was hauled off in

a Central Prisons bus with her companions at 5:35 p.m. for Caledonia. The other prisoners were Coreen Williams, Bobby Jordan, and Mabel Wright. Supt. Hinton thought that things at the prison would be quieter with them transferred to some other place.

Yesterday morning there were 157 white women and 205 Negro women at the prison. The count was five less last night.

## ACOUS HEARING AID C

Hotel Cherry  
WILSON  
Tuesday, Aug. 24

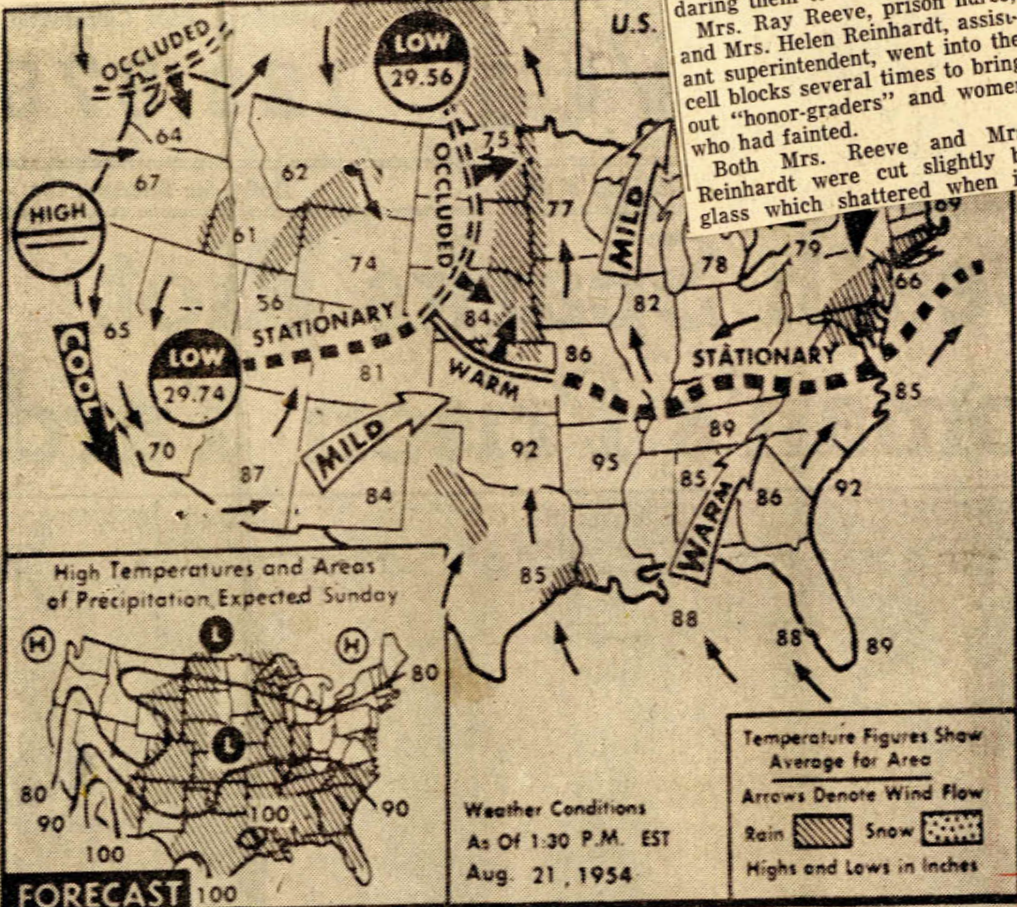
Hotel Goldsboro  
GOLDSBORO  
Thursday, Aug. 26

Hours — 12 to 5 P. M.  
Evenings by  
Appointment

ACOUSTICON  
J. A. GOODMAN,  
405 Lands Bldg.

Prison Yard  
Prisons Riot  
AGES TODAY  
Daily, 5c; Sunday, 15c  
120,879  
Yesterday's Paid Circulation





water glasses, curling irons and ashtrays through the door at the men outside.

The two women, who appeared to work themselves and the jeering and screaming inmates into a fanatical pitch, threw toilet paper and other articles at the men outside, cursing them and daring them to come inside.

Mrs. Ray Reeve, prison nurse, and Mrs. Helen Reinhardt, assistant superintendent, went into the cell blocks several times to bring out "honor-graders" and women who had fainted.

Both Mrs. Reeve and Mrs. Reinhardt were cut slightly by glass which shattered when in-

head had hit the wall or the ceiling. Prisoners were summoned to help it.

Hinton said that restrain leather cuffs were put on the young woman about 11:30 p.m. because she had been "hollering, banging on her door" and otherwise creating a disturbance.

One of the girls blamed Hinton for the death of the young prisoner. She claimed that Hinton "put a towel in her mouth, tied it around her neck, and choked her to death."

Supt. Hinton said that the woman was all right when he last saw her, but that she "kicked the door three or four times" after he and the nurse and guards left her cell.

Records showed that Eleanor Rush was first admitted to Woman's Prison on September 15, 1953, to serve a six months sentence given her on an assault charge. That term proved to be a rather stormy one for her and prison officials, according to the records. She was transferred to Caledonia Prison Farm within about a week, it was reported, and there tried to kill a matron.

Her conduct caused her to be sent to the State Hospital at Goldsboro on December 22, 1953, and she was sent back to Woman's Prison on February 17, 1954, as a "disciplinary problem" rather than a mental case. She went back to the hospital on February 22, 1954, and was discharged from there last March 19 at the end of her sentence.

She came back to the prison last May 10, to begin a six months sentence for forcible trespass at Altemar.

The woman had been in solitary confinement, according to Supt. Hinton, since August 14 when she was in a "counting line" after a meal to go back into the cell 1

mates against t. Many o cell block killed!"

Several questioned when news young Altemar girl's death circulated in the yard. She was sentenced in Stanly County last May to six months for forcible trespass.

Wake Coroner Marshall Bennett said he learned from prison officials that the girl "couldn't be controlled," and was sent to the State mental hospital for Negroes in Goldsboro twice, but that each

Prisoners Directory said that the leaders of women, four whites and four blacks, told him that the rioting staged to call his attention to death of the Rush woman. They were identified as, white Julia Austen Crosby, 36, serving eighth term at the prison; Liz Ford, 34, serving her sixth; Sa Cole, 18, a "C" grade first-termer; and Mary Peace, 32, a 11-termer; and Negroes: Wylene Wallace, 34, a first-termer; Elez Jackson, 16, a first-termer; Bob Jordan, 20, a first-termer; and Addie Mae Poe, 30, a third-termer. They were all questioned during the early afternoon.

The prisons director said that disciplinary action would be taken against the leaders, and one of them shortly thereafter broke out of solitary confinement on a ruse and made her bid for freedom over the fence.

She was Elese Jackson of Charlotte, who was committed to the prison last February 22 to serve a sentence of 15-18 months for breaking and entering and larceny. She will be 17 years old next November 6.

The water had been turned off in the solitary confinement cells in the Reception Center building, it was stated, because those held there Friday had flooded that portion of the building.

Elese Jackson "wanted water," and Mrs. Jack Byrd, a matron, and a guard started into her cell with some ice water. She rushed out, knocking down the matron, and hot-footed it to the cell-block building across the yard.

Supt. Hinton expected trouble

# Deepens; Alt

x foreign ministers say today to they are acceptable carry the week-or soon. The reports from conference of liamenta due to s David appeared the ministers, if envoy t



**PRISONERS MOVED**—Four Negro inmates at Woman's Prison late yesterday to Caledonia Prison Farm. The four, who were being confined of cells in the Reception Center Building here, were

## RECORD

(Continued from Page One.)

aid the net result would contribute

freedom from restrictions on their operations and parity without huge surpluses hanging over their heads." Humphrey said he intends to tell

dramatically amended to retain government control over patents for another five years.

Democrats could claim credit, also, for supplying some of the



# Carolina Cavalcade

By MARGARETTE WOOD SMETHURST

**TORTURE.** The higher the mercury goes and the more oppressive the humidity becomes the more I agree with a Raleigh real estate man who said to me Tuesday, "Even if they hadn't hurt that little colored gal, just being penned up in that close room in such weather was torture." We were speaking of the death at Woman's Prison of Eleanor Rush.

On such a day as yesterday when this was written while the thermometer at my house read 98 degrees with all windows open and the fan going, the thought of any human being being confined for seven days and nights in furnacelike heat, with the water cut off, is beyond comprehension.

With many others, I can remember the "sweatbox deaths" of North Carolina prisoners of 20-odd years ago. I also remember the "whitewashings" that followed. Eleanor Rush's six-month sentence, which turned out to be a sentence of death, is a stark reminder that what could happen to a badly adjusted child at the Woman's Prison may happen anywhere in the State prison system so long as prisons and prison camps are staffed with untrained and incompetent personnel.

There is no place in North Carolina for State torturers. There can be no excuse for the continuance of a regime in which death stalks the man or woman temporarily deprived of liberty for crime.

**REMEMBER** the 19-year-old boy who lost both eyes while serving the last lap of a short road sentence in 1952? That was blamed on buckshot. I said then and say again that the State of North Carolina cannot put a gun and buck ammunition into the hands of a guard and then penalize the guard for using it. But nothing was ever more certain than the need to be sure that the hands, the aim, the head and the character of those to whom such responsibility and such weapons are trusted are carefully scrutinized beforehand. They should be certified through training.

**NOR** will anyone deny that solitary confinement cells are a necessary part of prison discipline. It isn't the physical fact of disciplinary measures that shocks us. It is, rather, the placement of the power to use and over-use these death traps into the hands of persons who by their uncorrectible errors prove their unfitness to have the authority over helpless people.

Anybody who has lived a lifetime with our sort of summer heat who doesn't sense the need to fit the length of punishment to human endurance in a sweatbox room or cell, even if the water had not been turned off, could hardly be called "competent."

And we scorn the Chinese who stripped General Deane, THEIR war prisoner, in zero weather!



FROM THE DESK OF  
C. V. COMPTON

I am wondering  
if I can be given  
any suggestions as  
to the proper course  
I should follow in  
my efforts to change  
conditions in  
some of our prisons.

Frankly I am at  
a loss to suggest the  
proper procedure when  
allegations by Keepers  
is reported to me —  
b. b. b.



## Death Hearing

Coroner Marshall W. Bennett yesterday announced the scheduled public inquest into the death of Eleanor Rush will be held at 10 a.m. Tuesday in the third floor courtroom at Wake County Courthouse.

The hearing had been set at Woman's Prison. Bennett said the location was changed because the courthouse would provide better accommodations for the expected large crowd of witnesses, officials, lawyers, reporters and spectators.

Bennett added, however, that he and a coroner's jury will visit Woman's Prison and the cell in which the Negro girl died in advance of the hearing. He said the visit would be made at 9:30 a.m., in time to permit the coroner's jury to return to the courthouse for the start of the proceedings.

Eleanor Rush, 18-year-old former domestic from Albemarle, was found dead in an isolation cell at Woman's Prison around midnight August 20 after she had been gagged and strapped in leather restraining cuffs. An autopsy showed she died of a broken neck.

N+O - 9/3/54



## CLASS OF SERVICE

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W. P. MARSHALL, PRESIDENT.

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1954 SEP 3

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The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

DA195 D-B JA 059

(R-REGA433) PD=RALEIGH NCAR. 3 220PMC=

JUDGE C V COMPTON=

:(501 REPUBLIC BANK BLDG) DAVID BLDG RF DAL=

WILL ACCEPT EMPLOYMENT REPRESENT DECEASED INMATE  
WOMANS PRISON AT INQUEST TUESDAY FOR FIGURE MENTIONED  
CONFIRM WITH CHECK VIA AIR MAIL SPECIAL=

LIMUEL H DAVIS ATTORNEY=

*Have not employer Mr. Davis*  
*Lab. 6*

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE



# Wake Coroner to Ask For Probe Of Girl's Death In Prison Cell

By JIM RANKIN.

Wake County Coroner Marshall Bennett announced yesterday that he will call for an inquest into the mysterious death of an 18-year-old Negro prisoner Friday night at Woman's Prison.

The death touched off a three and a half-hour riot Saturday morning among the 350 white and Negro inmates.

Young Eleanor Rush, "problem child" of the prisons system, was found dead shortly before midnight Friday—25 minutes after prison officials say they tied her hands to her sides and left her in the cement-walled room.

The last persons to see her alive said Prisons Director William F. Bailey, were Woman's Prison Superintendent I. D. Hinton, Guards Ashley Horne and Paul Jones, and Nurse Ilo Vinson.

These four said they went to the isolation cell and bound the

girls' arms because she was creating a disturbance.

Her arms were still bound when she was found dead 25 minutes later. Prisons Doctor C. E. Flowers said she died of a broken neck.

Dr. Flowers theorized that she may have fallen and hit her head against the cell wall. He and Coroner Bennett said they could find no bruises on her head or other marks of violence.

Bailey said yesterday he had requested written reports from all prison employes and inmates who have knowledge of the woman's death and the ensuing riot. He said the reports should indicate what other courses his investigation will follow.

Bailey said ringleaders of the riot Saturday morning will be disciplined. Four of them were transferred to Caledonia Prison Farm Saturday afternoon and approximately 30 more were moved out of Woman's Prison yesterday.

Interest in the prison boiled over in Raleigh yesterday as cars blocked traffic in the vicinity

Sunday afternoon. Raleigh police were called to the scene to clear and direct traffic.

Coroner Bennett said he will meet today with Solicitor William Y. Bickett to decide on a time and place for the inquest. The coroner said, "I want all the facts brought out into the open."

Prison records show that the young Negro girl had been in solitary confinement for seven days before her death. Serving a six-month term for forcible trespass, she was sent to prison on May 7 and reduced to "C-grade" on June 1 for creating a disturbance in the cell block.

The records also show that the girl had her first serious brush with the law when she was 16 years old. The record vaguely refers to a "jail term" for fornication and adultery.

She had served two terms in Woman's Prison: The term she was serving when she died and another six-month term from Stanly County in 1953 for drunkenness and disturbing the peace.

She entered prison September 1, 1953, and was transferred to Caledonia Prison Farm three weeks later. She was sent back to Raleigh on November 9 and then sent to the State mental hospital for Negroes in Goldsboro as a mental case on December 22.

Dr. I. C. Long of the hospital said she was not a mental case, but did have a "personality trait disturbance." She was returned to Raleigh on February 16.

Just eight days later she was returned to Goldsboro and her prison sentence expired two days later.

She reentered the prison system about two months later after her forcible trespass conviction and stayed there until she died.

Her personal history report at the prison department describes her as "the product of a broken home."

The interviewer's report further describes her as, "A wild, young girl; product of a broken home; dependent upon welfare aid; lacked food and clothing as a child; often humiliated because of poverty; claims step-father made 'passes' at her; stares without blinking, straight into interviewer's eyes, with some brazenness."

The report concludes: "But, may make good citizen yet—if handled right."



## Question

The State will await with the greatest interest the results of the investigation by the SBI of the recent occurrences at the Woman's Prison. Many questions need to be answered.

One, for instance: Was the young woman prisoner whose spinal cord was snapped already dead when those who were handling her left the cell?

And, if not, how did they happen to find her dead in the cell so soon afterward?



1605 St. Mary's Street  
Raleigh, North Carolina  
September 3, 1954

Judge C. V. Compton,  
501 Republic Bank Bldg.,  
Dallas, Texas.

Dear Judge Compton:

Immediately after our conversation today, I called Mr. Lemuel Davis, Raleigh attorney, and asked that he write you directly in regard to representing Eleanor Rush, deceased, and the side of her people and fellow-inmates at Woman's Prison at the inquest into her death in an isolation cell. She was found 25 minutes after being ~~aged~~ and handcuffed, by three men and a nurse, and left in the empty room. Her spinal cord was ~~severed~~, her neck broken. The riot was staged by the prisoners the next morning in the recreation yard. Both white and colored inmates took part in the riot, and 30 women of both races were spirited away to a prison farm more than 100 miles from Raleigh, immediately after riot was over. Prison officials are now saying that the riot was not a riot, but they will not deny that the sheriff, the Raleigh police force and a truck full of guards from the State Prison for men were called in to quell it.



When the coroner arrived at the Prison, the gag had been removed and the leather handcuffs had also been taken off the dead girl, (18 years old and a repeater). No mention of the gag was made to the coroner and no admission of that phase of the killing was made until the News and Observer, the local morning paper for which I write a column, broke the story. Up to that time, the prison lawyer had "theorized" that Eleanor Rush broke her neck by butting the wall.

The body was found by <sup>the</sup> ~~to~~ coroner to have been moved from its position in death, half on and half off the mattress on the floor, to a position of "repose" fully on the mattress.

A week after the death, when the paper broke the gag story, prison officials freely admitted the girl was gagged and claimed that a "cup towel" was thrust in her mouth between her teeth and tied at the back of her neck.

All this is to bring you up to date on the background of the riot, staged in fury over the girl's mistreatment and death. But for the riot, it is indeed doubtful if the circumstances of the Negro girl's death would have been known at all to the public.

In appreciation of your interest in humane prison reform in America, which I share, I want to



thank you for your offer to provide counsel. I recommended Mr. Davis not only because he is a good lawyer (there are many good lawyers) but primarily because he has demonstrated his interest <sup>in wiping out</sup> in the thing we wish to wipe out - "barbarism." Further, he is in no way connected with the present administration, either county or State.

At present, the prison administration in N. C. is loaded with political appointees. It has been under constant fire for mismanagement and incompetence largely due to the fact that in our State, the prison department is a division of the Highway Department, a department much more interested in free labor for roads than in rehabilitation of human resources. But I do not wish to bore you.

Thank you again for your interest.

Sincerely yours,

Margaret Wood Smethurst  
(Mrs. Frank Smethurst)

P. S. I have not been able to reach Mrs. Waters, but will keep trying.

M.W.S.







September 15, 1954

Mr. C. V. Compton  
501 Republic Bank Bldg.  
Dallas 2, Texas

Dear Sir:

Re: Alleged violation of Civil Rights  
Statutes by Officers of State Prison  
at Charlotte, N. C., Aug. 22, 1954.

Your letter and enclosures addressed to me as United States Attorney, Washington, D. C., re above captioned matter were forwarded to me from Washington and received by me this morning. Your letter to me is dated September 8, 1954.

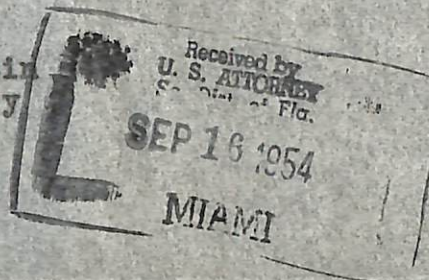
I never was United States Attorney in Washington, but was United States Attorney of the Southern District of Florida, but resigned and my services were terminated August 7, 1953. I have turned over your letter and everything that came with it to my successor, Mr. James L. Guilmartin, United States Attorney for the Southern District of Florida, with headquarters at Miami, Florida, who will reply to your letter addressed to me on the 8th instant.

Yours truly,

Herbert S. Phillips

Copy to:

Mr. James L. Guilmartin  
United States Attorney  
P. O. Box 928  
Miami, Florida





C. V. COMPTON INVESTMENTS

501 REPUBLIC BANK BLDG.  
ST-1864 — RA-4790  
DALLAS 2, TEXAS

September 24, 1954

Mr. James L. Guilmartin  
United States Attorney  
P. O. Box 928  
Miami, Florida

Dear Sir:

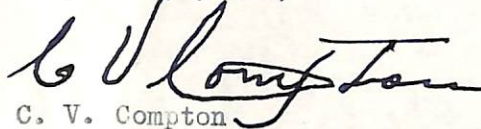
I have a letter from Mr. H. S. Phillips, Attorney, Tampa Florida, stating that a letter with enclosures, sent to him, was forwarded to you.

This letter was intended for Mr. Arthur B. Caldwell, Chief, Civil Rights Section, Criminal Division, Washington, 12, D.C .

Mr. Caldwell, as well as myself, will appreciate your sending him the letter and clippings.

Thanking you in advance, I am

Very truly yours,

  
C. V. Compton

CVC/j



Miami, Florida.  
September 27, 1954.

JLG/ppg

Department of Justice,  
Washington 25, D. C.

Attention: Chief,  
Civil Rights Section,  
Criminal Division.

Re: Alleged violation of Civil Rights  
Statutes by Officers of State Prison  
at Charlotte, N. C., Aug. 22, 1954.

Dear Sir:

At the request of C. V. Compton, Esquire, of 501 Republic Bank Building, Dallas 2, Texas, and in accordance with his letter to me of September 24, 1954, I am forwarding to you material which Mr. Compton inadvertently addressed to the former United States Attorney of this district, Honorable Herbert S. Phillips, at Washington, D. C., which was forwarded to Mr. Phillips who, in turn, forwarded the enclosures to me.

Apparently these clippings were in the first instance intended for your office, and they are enclosed herewith. To complete your file, I am enclosing a copy of Mr. Phillips' letter to Mr. Compton of September 15, 1954, and the original letter to me from Mr. Compton dated September 24, 1954.

Very truly yours,

JAMES L. GUIMARTIN,  
United States Attorney.

cc: Hon. Herbert S. Phillips,  
P. O. Box 1793, Tampa, Fla.

Hon. C. V. Compton.



*Mr. Meltzer*  
United States Department of Justice

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA

Miami, Florida.  
September 27, 1954.

JLG/ppg

Department of Justice,  
Washington 25, D. C.

Attention: Chief,  
Civil Rights Section,  
Criminal Division.

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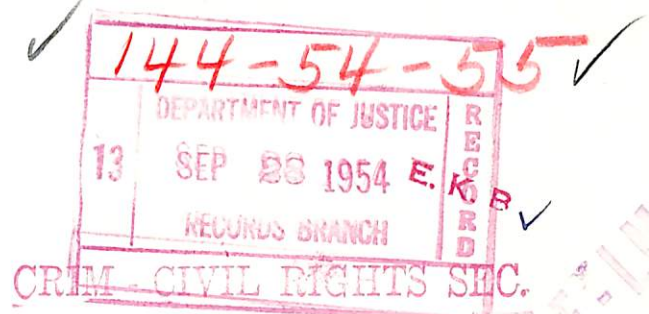
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Very truly yours,

*James L. Guilmartin*  
JAMES L. GUILMARTIN,  
United States Attorney.

*clippings etc  
in envelope*  
cc: Hon. Herbert S. Phillips,  
P. O. Box 1793, Tampa, Fla.

Hon. C. V. Compton.





# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

**CHARLOTTE**

REPORT MADE AT <b>CHARLOTTE</b>	DATE WHEN MADE <b>9/29/54</b>	PERIOD FOR WHICH MADE <b>9/23, 24, 27, 28, 29/54</b>	REPORT MADE BY <b>PAUL D. SCHILLER : IRS/RD</b>
TITLE <b>IVAN D. HINTON; ELEANOR RUSH - VICTIM</b>			CHARACTER OF CASE <b>CIVIL RIGHTS</b>

**SYNOPSIS OF FACTS:**

Victim, inmate of North Carolina State Women's Prison, Raleigh, N.C., found dead in isolation cell on 8/21/54. Prior to discovery of body, victim had been placed in isolation cell at direction of subject, Warden of Women's Prison, and had been placed in a restraining belt and had been gagged with a towel. Autopsy report reflects cause of death to have resulted from a dislocation of the neck with subsequent compression of the cervical cord. Conclusion of autopsy reflects neck could have been dislocated while gag was being applied or could have been dislocated by victim in her attempt to dislodge gag. Coroner's Jury reviewed circumstances surrounding death and held victim came to her death due to her violent efforts against necessary restraint while they were being applied and in her subsequent struggle to remove them. Files of N. C. Prison Department reflect victim was continuous trouble-maker while prisoner and considered incorrigible. USA JULIAN T. GASKILL, EDNC, Raleigh, N. C., states he is of opinion that no Federal violation exists. Identification record and description of victim and description of subject set forth.

- C -

**DETAILS:** This investigation is predicated upon a letter received by the Director, FBI, from Warren Olney III, Assistant Attorney General, Criminal Division, dated September 15, 1954, requesting that an inquiry be conducted into the death of the victim, which occurred while she was incarcerated in North Carolina State Women's Prison, Raleigh, North Carolina.

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
<p style="text-align: center;">COPIES OF THIS REPORT</p> <p><b>3 - Bureau (SD)</b></p> <p><b>1 - USA, Raleigh</b></p> <p><b>1 - Charlotte (44-303)</b></p>		<div style="text-align: right; color: red; font-size: 1.2em;">144-54-55 ✓</div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <div style="font-size: 1.5em; font-weight: bold;">26</div> <div style="font-weight: bold;">OCT 12 1954</div> </div> <div style="text-align: center;"> <div style="font-weight: bold;">DEPARTMENT OF JUSTICE</div> <div style="font-weight: bold;">RECORDS BRANCH</div> </div> </div> <div style="margin-top: 5px; font-weight: bold;">             CRIM. - CIVIL RIGHTS SEC.           </div> </div>

PROPERTY OF FBI—THIS REPORT IS LOANED TO YOU BY THE FBI, AND NEITHER IT NOR ITS CONTENTS ARE TO BE DISTRIBUTED OUTSIDE THE AGENCY TO WHICH LOANED.



Governor WILLIAM B. UMSTEAD, State of North Carolina, was advised on September 23, 1954, of inquiry in this matter.

AT RALEIGH, NORTH CAROLINA

Mr. WILLIAM F. BAILEY, Director of Prisons, North Carolina State Prison Department, was contacted at his office in Raleigh at the beginning of this investigation on September 23, 1954. Mr. BAILEY stated that he would cooperate in this investigation in any manner requested and stated that all of the facilities and personnel of his Department were at the disposal of the reporting Agent.

Mr. BAILEY was asked to relate the circumstances, as he knew them, which led up to the death of the victim. He stated that victim was incarcerated at Women's Prison at Raleigh on August 20, 1954, serving a six months sentence for Trespass, having been sentenced from Stanly County, North Carolina. BAILEY stated that, on the evening of August 20, 1954, victim refused to follow the instructions of a matron at the prison and threatened the matron with a rock.

IVAN D. HINTON, Warden of Women's Prison, ordered victim to be placed in an isolation cell until such time as she could change her attitude and regain her composure. After being placed in isolation, victim continued to carry on and was screaming and swearing to an extent that the noise was disturbing all of the other prisoners in the area.

According to BAILEY, Warden HINTON then went to the cell of the victim with two guards and a matron and attempted to quiet the victim. Victim was throwing herself around the cell and tearing it up in such a manner that Warden HINTON had a restraining belt placed on the victim's hands for her own protection and to protect the prison property.

Mr. BAILEY continued that victim continued her loud screaming, which could be heard throughout all of the dormitories of the prison, due to the location and construction of the isolation section, until Warden HINTON returned to victim's cell and assisted the guards in placing a cloth towel around victim's head and across her mouth so as to gag her. Victim strongly resisted the placing of this gag and was able to remove it shortly after it had been placed on her.



Warden HINTON then returned to victim's cell and, with the assistance of guards, was able to replace the gag. During this visit, victim became very violent and it was necessary to restrain her with force in order to place the gag. BAILEY stated that the gag was placed and when Mr. HINTON and the guards left the cell, victim was standing in the middle of her cell.

According to Mr. BAILEY, about thirty minutes later, a guard was checking by victim's cell and noticed her lying on the floor of the cell. The guard opened the cell door and examined victim and found that she was dead. The prison doctor was immediately called and he pronounced victim dead from what appeared to be a broken neck.

Mr. BAILEY stated that he had been appointed as Prison Director approximately fifteen months ago and has been in the process of overhauling prison rules and regulations since that time. He stated the prison system in North Carolina has never had a written rule forbidding the use of gags, but he had not been aware of the fact they were being used in the system up until the above described incident.

Mr. BAILEY further advised that subject HINTON has been employed in the North Carolina Prison System since August 21, 1933, as a Camp Superintendent and Warden, and throughout this period has compiled an excellent record. He is a strong believer in rehabilitation and has handled Negro and white prisoners, both male and female.

The files of the Identification Division, North Carolina State Prison Department, as made available by Mr. J. D. WILSON, Director, reflected that victim had first been received in the North Carolina Prison System on September 15, 1953, from Stanly County, to serve a six months sentence for Drunk and Disturbing the Peace. On October 10, 1953, the record reflected the victim had been transferred from Women's Prison to Caledonia Prison Farm and reduced to B Grade and given three to ten days in solitary confinement for "poor work."

On October 15, 1953, victim was reduced to C Grade and given three to ten days in solitary confinement for "cursing and refusing to follow orders." On November 1, 1953, victim was given three to ten days in solitary confinement for "threatening another prisoner with a bottle." Victim was back at Women's Prison on December 15, 1953 and was placed on detention for "disorderly conduct."



The record further reflected that victim was again received at Women's Prison on May 10, 1954, from Stanly County to serve a six months sentence for Trespass. On June 10, 1954, victim was demoted to C Grade and placed in isolation for "creating a disturbance in cell block and threatening employees." Victim was again placed in isolation on August 14, 1954, for "disorderly conduct, refusing to obey matron, and threatening matron with a rock." This was the period of confinement which victim was serving at the time her death occurred.

Mr. M. W. BENNETT, Coroner, Wake County, North Carolina, advised that he was notified early in the morning of August 21, 1954, that ELEANOR RUSH, Victim, had been found dead in her cell at Women's Prison. He stated that he ordered the body removed to Rex Hospital in Raleigh for an autopsy and the autopsy was performed that same date. Mr. BENNETT made available a copy of the autopsy report and it is quoted in part as follows:

"Date of Death: 8/21/54  
Date of Autopsy: 8/21/54  
Authorized by M. W. Bennett

"Pathological Diagnosis:

1. Dislocation of cervical column between skull and atlas, post-traumatic.
2. Transverse laceration of posterior longitudinal ligaments, post-traumatic.
3. Compression of cervical spine, post-traumatic.
4. Bruises and lacerations of left corner of mouth, post-traumatic.
5. Contusion of scalp, left frontal region, post-traumatic.
6. Pulmonary Tuberculosis.
7. Bilateral chronic salpingitis.
8. Scars on left forearm and left thigh.

"Signed: R. Hardre, M. D., Rex Hospital

"Summary of Autopsy:

"Autopsy revealed death to have resulted from a dislocation of the neck with subsequent compression of the cervical cord.

"This allowed two sets of theories as to the course of events:



- "1. Neck was dislocated while prisoner was being gagged and compression of the cord occurred immediately, resulting in rapid death. In this case, those handling prisoner would have been aware of injury and death.
- "2. Neck was dislocated while prisoner was being gagged, but the dislocation was not advanced enough to put pressure on the cord. Those handling the prisoner may not have been aware of injury. Subsequently, it would require less force to increase the dislocation and cause fatal compression of the cord. Such force could have been applied by the prisoner pushing or rubbing her face against the wall in an attempt to roll the gag out of her mouth."

Mr. BENNETT advised that a full investigation of the circumstances leading up to the death of victim was ordered by North Carolina State's Solicitor and this investigation was conducted by the North Carolina State Bureau of Investigation. Mr. BENNETT stated that he convened a Coroner's Jury at Raleigh on September 7, 1954, and the hearing of evidence lasted through September 8, 1954. He stated that this jury was made up of two former mayors of Raleigh and four additional men who were all prominent in business and professional circles in Wake County. BENNETT stated that he allowed any and all persons to testify in this hearing who felt that they had any information of value to add to the hearing. Mr. BENNETT made available a copy of the findings of the Coroner's Jury and it is being set forth below:

"ELEANOR RUSH was definitely incorrigible and very difficult to control. Her conduct caused her to be placed in confinement many times. On the night of August 20, 1954, her behavior was such that it was necessary to restrain her for the benefit of inmates in the building and also herself. We find that ELEANOR RUSH came to her death due to her violent efforts against necessary restraint while they were being applied and in her subsequent struggle to remove them."

Signed: P. D. SNIPES  
JAMES E. BRIGGS  
J. D. KILGORE -- Foreman  
DWIGHT AVERY  
DAVID W. ANDREWS  
C. A. DILLON



Mr. BENNETT stated that he felt that every effort possible was made to obtain every pertinent detail regarding the death of victim and felt that the hearing and inquest was the most thorough and complete which he had ever held.

United States Attorney JULIAN T. GASKILL, Eastern District of North Carolina, Raleigh, North Carolina, was presented the facts of this case, as revealed by instant investigation, and he stated that it was his opinion that no violation of the Federal Civil Rights Statute had been incurred by the subject. He stated that it was his opinion that the Coroner's inquest and the findings of the Coroner's Jury had been most complete and fair and stated that he would require no additional investigation into this matter by this Bureau.

The following is the Identification Record of the victim, as contained in the records of the North Carolina State Prison Department:

	ELEANOR RUSH	FBI #633 282 R
9/15/53	6 Months	Drunk and Disturbing the Peace
5/10/54	6 Months	Trespass

The following is a physical description of victim, as contained in the records of the North Carolina State Prison Department:

Name:	ELEANOR RUSH
Race:	Negro
Sex:	Female
Born:	7/4/37
Age:	18
Height:	5' 7"
Weight:	145
Build:	Medium
Complexion:	Medium
Hair:	Black
Eyes:	Brown
Scars & Marks:	3 small cut scars right leg; scar over right eyebrow.



The following is a physical description of subject, as obtained from his employment file at the North Carolina State Prison Department:

Name:	IVAN D. HINTON
Race:	White
Sex:	Male
Age:	59
Born:	10/11/95
Height:	5' 10"
Weight:	190
Build:	Medium
Hair:	Brown
Eyes:	Blue (Wears Glasses)
Scars & Marks:	None listed
Address:	Warden, Women's Prison, Raleigh, North Carolina,

- C -



~~100-2-15~~

A-5-1

October 1, 1954



Mr. C. V. Compton  
501 Republic Bank Building  
Dallas 2, Texas

Dear Mr. Compton:

The White House Office has referred your letter of September 24, 1954, to the Department for acknowledgment. You allege certain irregularities in connection with the death of one Eleanor Rush, an inmate of the State Prison for Women, in Raleigh, North Carolina. You suggest an investigation.

As State institutions and their inmates are governed by the State laws, the Federal Government is without authority to intervene in such matters. It does not appear, therefore, that the Department of Justice can be of any help in this instance. However, if you have not already done so, it is suggested that you appeal to the proper State authorities concerning the possibility of investigating the death of the person in question.

Your letter is returned.

Sincerely yours,

S. A. ANDRETTA  
Administrative  
Assistant Attorney General

Inclosure No. 88736

1ba





## Office Memorandum • UNITED STATES GOVERNMENT

TO : Warren Olney III  
Assistant Attorney General  
Criminal Division

RECEIVED

DATE: 10/8/54

FROM : Director, FBI

OCT 15 1954

OCT 15 1954

CIVIL RIGHTS SECTION

CRIMINAL DIVISION

SUBJECT: IVAN D. HINTON

ELEANOR RUSH - VICTIM

CIVIL RIGHTS (your ref 144-54-55, LM)

(Reference is made to your memorandum dated 9/15/54.)

There is enclosed one copy of the report of Special

Agent Paul D. Schiller dated 9/29/54  
at Charlotte.

A. ( ) Please advise whether you desire any further investigation.

B. ( ) The investigation is continuing and you will be furnished copies of reports as they are received.

C. (X) The investigation which has been requested by you has now been completed. Please advise whether you desire further investigation.

Enclosure

*✓* Facts of this case  
are just as consistent  
with innocence as with  
guilt of a civil rights violation  
L.M.

144-54-55	
DEPARTMENT OF JUSTICE	
23	OCT 12 1954
RECORDS BRANCH	
CRIM. - CIVIL RIGHTS SEC.	
R	E
C	C
R	R
D	D

*D.R.W.*

*all info  
no further action  
not close  
Waller*



WO:LM:rmn

144-54-55 M. S.

Typed: 10/21/54

October 25, 1954.

Julian T. Gaskill, Esquire  
United States Attorney  
Raleigh, North Carolina

Re: Ivan D. Hinton  
Eleanor Rush - Victim  
Civil Rights

Dear Mr. Gaskill:

Enclosed herewith you will find a copy of a self-explanatory memorandum of even date to the Federal Bureau of Investigation on the captioned subject.

Sincerely,

WARREN OLNEY III  
Assistant Attorney General  
Criminal Division

By:

ARTHUR B. CALDWELL  
Chief, Civil Rights Section

Enclosure No. 57529 ✓

Records ✓  
Chrono  
Mr. Meltzer  
C. R. Sec.





Typed: 10/21/54

Director  
Federal Bureau of Investigation

October 25, 1954.  
WO:LM:rm

Warren Olney III, Assistant Attorney General,  
Criminal Division

144-54-55 M. S.

Ivan D. Hinton  
Eleanor Rush - Victim  
Civil Rights

~~RECORD~~

Reference is made to your memorandum of October 8, 1954,  
to which was attached copy of report of Agent Paul D. Schiller,  
dated September 29, 1954, on the captioned subject. No further  
investigation is desired and we are closing our files on the  
matter.

10/21/54  
dm - *[Handwritten initials]*  
10/25/54  
Records ✓  
Chrono  
Mr. Meltzer  
C. R. Sec.  
USA, Raleigh





## NOTICE TO CLOSE FILE

144-54-55  
FILE NUMBER

Ivan D. Hinton  
CASE TITLE

TO: RECORDS ADMINISTRATION BRANCH

YOU ARE ADVISED THAT THE ABOVE NUMBERED FILE HAS BEEN CLOSED  
AS OF THIS DATE.

SIGNATURE

DATE



*L. Melby*  
*10/18/54*  
*144-54-55*

28	DEPARTMENT OF JUSTICE OCT 26 1954 RECORDS BRANCH	RECORD
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C. V. COMPTON,  
501 Republic Bank Building,  
DALLAS 2, TEXAS.



Mr, Arthur B. Caldwell  
Chief, Civil Rights Section  
Criminal Division  
Department of Justice,  
Washington, 25, D. C.



LM

C. V. COMPTON INVESTMENTS

501 REPUBLIC BANK BLDG.  
ST-1864 — RA-4790  
DALLAS 2, TEXAS

144-54-55

November 5, 1954

RECEIVED

NOV 8 1954

CIVIL RIGHTS SECTION

Mr. Arthur B. Caldwell  
Department of Justice  
Civil Rights Section  
Washington, 25, D. C.

Re: Alleged violations of Civil Rights  
Statutes of Officers of State Prison,  
Charleston, N. C.

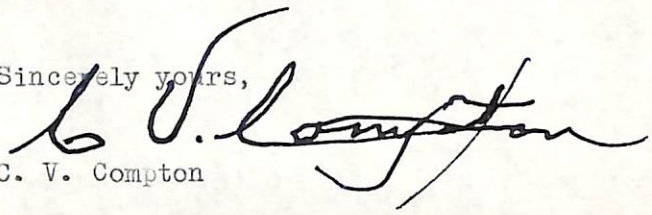
Dear Mr. Caldwell:

It is hard for me to believe that Mr. Andretta speaks the authoritative voice of the Attorney General. If he does, I am greatly hampered in my work.

I immediately called the reporter who wrote the story of the homicide, and then communicated with an attorney there, who was recommended, but naturally did not employ him when I received Mr. Andretta's letter. I should have given you this information in my letter dated November 3rd.

Sincerely yours,

C. V. Compton



CVC/j

FILE - LM

27	144-54-55	DEPARTMENT OF JUSTICE	F
		NOV 8 1954	E
		RECORDS BRANCH	C
		/ D.R.W.	O
		CRIM.-CIVIL RIGHTS SEC	D



9/28

*Justice*

*Received &  
Lemon's correspondence  
in W. H. Hill 9.28.54*

C. V. COMPTON INVESTMENTS

501 REPUBLIC BANK BLDG.  
ST-1864 - RA-4790  
DALLAS 2, TEXAS

*C*

September 24, 1954

Respectfully referred for  
appropriate reply. Not  
acknowledged by this office.

*James M. ...  
Assistant to the President*

The Honorable Ike Eisenhower  
President of the U. S.  
Washington, D. C.

Dear Sir:

After thorough investigation I shall report to you that  
Elanor Rush, a citizen of the United States, met her death  
at the hands of prison-keepers, August 20, 1954, at the  
State Woman's Prison, Raleigh, N. C.

There is proof beyond a reasonable doubt, that state employees  
broke the prisoner's neck while she was being gagged.

Further, we believe that the State of North Carolina will not  
prosecute the guilty parties, and that the culprits will go  
unpunished if the Federal Authorities take no action.

We hope, that midst your many other important duties, you  
will give due regard to this matter over which you have control.

Yours very truly,

*C. V. Compton*  
C. V. Compton

CVC/j

<b>INCLOSURE</b>	
<b>Nº</b>	<b>88736</b>
<b>FROM</b>	
<b>Department of Justice</b>	
7-849	

U. S. GOVERNMENT PRINTING OFFICE

*144-54-55*

DEPARTMENT OF JUSTICE		R E C O R D
NOV 8 1954		
RECORDS BRANCH		
CRIM.-CIVIL RIGHTS SEC.		



Department of Justice  
Washington

October 1, 1954

~~100-2-45~~

~~A-5-1~~

Mr. C. V. Compton  
501 Republic Bank Building  
Dallas 2, Texas

Dear Mr. Compton:

The White House Office has referred your letter of September 24, 1954, to the Department for acknowledgment. You allege certain irregularities in connection with the death of one Elanor Rush, an inmate of the State Prison for Women, in Raleigh, North Carolina. You suggest an investigation.

As State institutions and their inmates are governed by the State laws, the Federal Government is without authority to intervene in such matters. It does not appear, therefore, that the Department of Justice can be of any help in this instance. However, if you have not already done so, it is suggested that you appeal to the proper State authorities concerning the possibility of investigating the death of the person in question.

Your letter is returned.

Sincerely yours,



S. A. ANDRETTA  
Administrative  
Assistant Attorney General

Inclosure No. 88736

R.E.

144-54-55



C. V. COMPTON,  
501 Republic Bank Building,  
DALLAS 2, TEXAS.



Mr. Arthur B. Caldwell  
Department of Justice  
Washington, 25, D. C.



C. V. COMPTON INVESTMENTS

501 REPUBLIC BANK BLDG.  
ST-1864 - RA-4790  
DALLAS 2, TEXAS

RECEIVED

RECEIVED

NOV 9 1954

NOV 8 1954

CIVIL RIGHTS SECTION

CRIMINAL DIVISION

November 3, 1954

Mr, Arthur B. Caldwell  
Chief, Civil Rights Section  
Washington, D. C.

Re: Alleged violations of Civil  
Rights Statutes of Officers of  
State Prisons, Charleston, N.C.

Dear Sir:

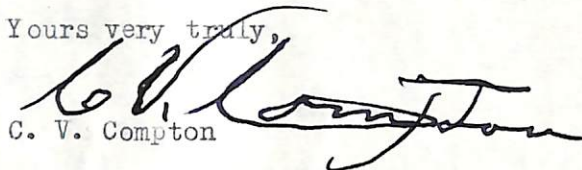
I am just wondering if you ever received clippings referred  
to in letter addressed to you by Mr. James L. Guilmartin,  
dated September 27, 1954, a copy of which is enclosed herewith.

Will you advise me if we should make further investigations  
about the murder of Eleanor Rush. I am still being urged to  
come to North Carolina.

Best wishes.

Yours very truly,

C. V. Compton



CVC/j

144-54-55

27	DEPARTMENT OF JUSTICE	REC'D
	NOV 8 1954	D.R.W.
	RECORDS BRANCH	
	CRIM. - CIVIL RIGHTS SEC	



NO:IM:rwu

144-54-55 R.E.

RECORDED

Typed: 11/15/54

November 18, 1954

Mr. C. V. Compton  
501 Republic Bank Building  
Dallas 2, Texas

Re: Eleanor Rush - Victim  
North Carolina State Women's Prison  
Civil Rights

Dear Mr. Compton:

This is to acknowledge your letters of November 3 and 5, 1954, to the undersigned.

We have received from United States Attorney James L. Guilmartin, the press clippings referred to in your letter of November 3.

Responsive to your letter of November 5, we may state that the Department receives thousands of communications each day and the Office of the Administrative Assistant Attorney General attempts to relieve the case load of the Department's enforcement divisions, by responding to much of the correspondence which does not appear to be such as would normally be handled by the other Divisions of the Department. Due to a mixup in the Filing Classification Section, your letter of September 24, 1954, to the President was sent to Mr. Andretta instead of to the Civil Rights Section of the Criminal Division of the Department.

This matter had in fact been called to the attention of the Civil Rights Section by the Federal Bureau of Investigation on September 9, 1954. At our request an investigation was made. The report reflected that after the victim threatened a matron with a rock and was placed in an isolation cell, she continued to scream and swear to such an extent that the noise disturbed all the other prisoners in the institution. Attempts to quit her down were unsuccessful. She was allegedly throwing herself around in the cell and tearing it up in such a manner that the Warden directed that a restraining belt be placed on her hands for her own protection and to protect the prison property and that a cloth towel be placed around her head and across her mouth so as to gag her. She resisted the placing of this gag and was able to remove it shortly after it was placed on her. It was necessary to restrain her with force to replace the gag, because of her violence. Having been left standing in the middle of her cell, a guard thirty minutes later in checking cells noticed her lying on the floor and found her dead.

Records  
Chrono  
Mr. Meltzer  
C. R. Sec.  
Mr. Andretta

RECORDED AND MAILED  
NOV 18 1954 MP SEC

4/6/54  
DL  
CVR  
4/17/54



An autopsy reflected that the cause of death was a dislocation of the neck with subsequent compression of the cervical cord and that the dislocation could have occurred while the gag was being applied or could have occurred by her attempts to dislodge the gag. This latter aspect of the matter would leave the Department with a set of facts which were as consistent with innocence as with guilt of a Civil Rights violation and we necessarily have closed the case in our files.

Sincerely,

WARREN OLNEY III  
Assistant Attorney General  
Criminal Division

By: ARTHUR B. CALDWELL  
Chief, Civil Rights Section



S. A. Andretta, Administrative  
Assistant Attorney General

Typed: 11/15/54

Warren Olney III, Assistant Attorney General,  
Criminal Division

WO:IM:ram

November 18, 1954

144-54-55

Letter of September 24, 1954 to  
the President from C. V. Compton,  
Dallas, Texas.

R. E.  
RECORDED

Reference is made to your reply of October 1, 1954, to the  
above letter. Enclosed is copy of self-explanatory letter of even  
date to Mr. Compton.

We appreciate that there are situations such as presented by  
Mr. Compton's letter in which it is sometimes difficult to determine  
whether there has been a violation of a Federal criminal statute.  
While it is true that generally speaking state institutions and their  
inmates are governed by State laws only, there is an exception where  
State officials acting under color of their offices deprive inmates  
of life, liberty or property without due process of law. (See U. S. V.  
Jones, 207 F. 2nd 735.)

Accordingly, it is suggested that whenever a communication  
reflects such a possible occurrence, it should be sent to the Civil  
Rights Section for attention. Presumably when you wrote to Mr. Compton  
you were not aware that the Department was at that time conducting an  
investigation of the death of Eleanor Rush, the victim.

In any event it is suggested that your reply to him which is  
contained in Departmental file No. 100-2-45 may appropriately be placed  
in file No. 144-54-55 so that all material on the case may be in one place.

Enclosure No. 61376

11/15/54  
WAS  
AWP  
11/17/54

SENT BY MESSENGER  
COMMUNICATIONS SEC.  
NOV 18 1954 MP

FILED  
BY NELSON  
O. DEC 3 1954

Records ✓  
Chrono  
Mr. Meltzer  
C. R. Sec.



144-54-55

RECEIVED

DEC 6 1954

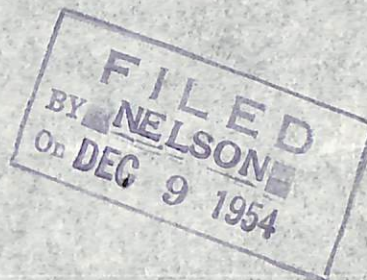
RECEIVED  
NOV 8 1954  
CIVIL RIGHTS SECTION

CRIMINAL DIVISION  
Miami, Fla.  
September 27, 1954.

JLS/ppg

Department of Justice,  
Washington 25, D. C.

Attention: Chief,  
Civil Rights Section,  
Criminal Division.



Re: Alleged violation of Civil Rights  
Statutes by Officers of State Prison  
at Charlotte, N. C., Aug. 22, 1954.

Dear Sir:

At the request of C. V. Compton, Esquire, of 501 Republic Bank Building, Dallas 2, Texas, and in accordance with his letter to me of September 24, 1954, I am forwarding to you material which Mr. Compton inadvertently addressed to the former United States Attorney of this district, Honorable Herbert S. Phillips, at Washington, D. C., which was forwarded to Mr. Phillips who, in turn, forwarded the enclosures to me.

Apparently these clippings were in the first instance intended for your office, and they are enclosed herewith. To complete your file, I am enclosing a copy of Mr. Phillips' letter to Mr. Compton of September 15, 1954, and the original letter to me from Mr. Compton dated September 24, 1954.

Very truly yours,

JAMES L. GUILMARTIN,  
United States Attorney.

*File  
APC*

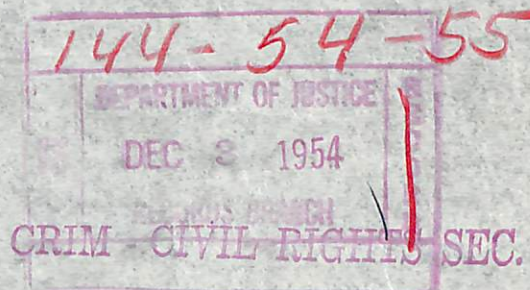
cc: Hon. Herbert S. Phillips,  
P. O. Box 1793, Tampa, Fla.

Hon. C. V. Compton.

RECEIVED

DEC 6 1954

CIVIL RIGHTS SECTION





WO:LM:rmn

144-54-55

November 18, 1954

Mr. C. V. Compton  
501 Republic Bank Building  
Dallas 2, Texas

Re: Eleanor Rush - Victim  
North Carolina State Women's Prison  
Civil Rights

Dear Mr. Compton:

This is to acknowledge your letters of November 3 and 5, 1954, to the undersigned.

We have received from United States Attorney James L. Guilmartin, the press clippings referred to in your letter of November 3.

Responsive to your letter of November 5, we may state that the Department receives thousands of communications each day and the Office of the Administrative Assistant Attorney General attempts to relieve the case load of the Department's enforcement divisions, by responding to much of the correspondence which does not appear to be such as would normally be handled by the other Divisions of the Department. Due to a mixup in the Filing Classification Section, your letter of September 24, 1954, to the President was sent to Mr. Andretta instead of to the Civil Rights Section of the Criminal Division of the Department.

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An autopsy reflected that the cause of death was a dislocation of the neck with subsequent compression of the cervical cord and that the dislocation could have occurred while the gag was being applied or could have occurred by her attempts to dislodge the gag. This latter aspect of the matter would leave the Department with a set of facts which were as consistent with innocence as with guilt of a Civil Rights violation and we necessarily have closed the case in our files.

Sincerely,

WARREN OLNEY III  
Assistant Attorney General  
Criminal Division

By: ARTHUR B. CALDWELL  
Chief, Civil Rights Section



## Office Memorandum • UNITED STATES GOVERNMENT

Assistant  
Director's Office  
Accts. Branch  
Personnel Br.  
Services Br.  
Procurement Sec.

DATE:

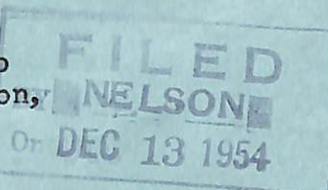
November 18, 1954

TO : S. A. Andretta, Administrative  
Assistant Attorney General

WO:IM:rmn

FROM : Warren E. Ginepro, Administrative  
Assistant Attorney General,  
Criminal Division

SUBJECT: Letter of September 24, 1954 to  
the President from C. V. Compton,  
Dallas, Texas.



144-54-55

Reference is made to your reply of October 1, 1954, to the above letter. Enclosed is copy of self-explanatory letter of even date to Mr. Compton.

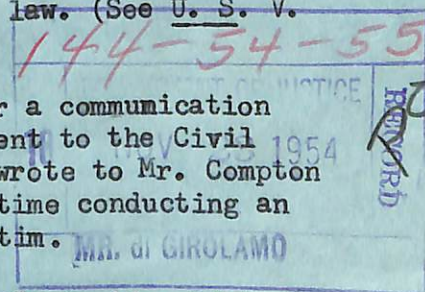
We appreciate that there are situations such as presented by Mr. Compton's letter in which it is sometimes difficult to determine whether there has been a violation of a Federal criminal statute. While it is true that generally speaking state institutions and their inmates are governed by State laws only, there is an exception where State officials acting under color of their offices deprive inmates of life, liberty or property without due process of law. (See U. S. v. Jones, 207 F. 2nd 785.)

Accordingly, it is suggested that whenever a communication reflects such a possible occurrence, it should be sent to the Civil Rights Section for attention. Presumably when you wrote to Mr. Compton you were not aware that the Department was at that time conducting an investigation of the death of Eleanor Rush, the victim.

In any event it is suggested that your reply to him which is contained in Departmental file No. 100-2-45 may appropriately be placed in file No. 144-54-55 so that all material on the case may be in one place.

Enclosure No. 61376

*Di li*  
*please call*  
*11/19*



*in file*