TABLE OF CONTENTS

FOREWORD ........................................ 1-4

INTRODUCTION (With Historical Background) ......... 5-8

FINDINGS ............................................ 9-27

CONCLUSION ........................................ 28-29

APPENDIX (Transcript and Exhibits)
FOREWORD

In the wake of the deaths of Leonard Brown and Denver Smith, a group of Southern University students, alumni, faculty members, as well as concerned black citizens of Louisiana, came together and agreed to call into being a Committee of prominent black citizens from the local state and national community which would conduct an investigation into the facts and circumstances surrounding the slaying of these two students. Thus, the Black People's Committee of Inquiry was born.

The Committee was the first group, in what was to be a series of groups—official and unofficial—formed to look into the students deaths.

Its members are:

Mr. Haywood Burns, Attorney, New York, New York, and Director of the National Conference of Black Lawyers, Co-Chairman of the Committee of Inquiry.

Mr. D'Army Bailey, Attorney and Councilman, Berkeley, California, Co-Chairman of the Committee.

Mr. Walter Bailey, Attorney, Memphis, Tennessee, and Shelby County Court Squire.

Mr. Lionel McIntyre, New Orleans, Louisiana.

Mr. Johnny Jackson, Jr., Louisiana State Representative, New Orleans, Louisiana.

Mrs. Dorothy Taylor, Louisiana State Representatives, New Orleans, Louisiana.
Mr. Owusa Sadaukai, President, Malcolm X Liberation University, Greensboro, North Carolina.

Mr. Ira Simmons, Attorney and Councilman, Berkeley, California.

Mrs. Annie Smart, Chairman-Regional Welfare Rights Organization, Baton Rouge, Louisiana.

Mr. Carl Thomas, President, Student Body, Texas Southern University, Houston, Texas.

Mr. Alex Willingham, Political Scientist, Atlanta, Georgia.

Mr. John Lewis, Southern Regional Council, Atlanta, Georgia.

The Committee of Inquiry was greatly aided by a staff consisting of:

Miss Etta Kay Hearn, Attorney, Baton Rouge, Louisiana, Chief Counsel.

Mr. Robert Williams and Mr. Robert Eames, of the Law firm of Williams and Eames, Baton Rouge, Louisiana.

In Addition:

Cooperating Attorneys, Miss Connie Slaughter, Forrest, Mississippi; Mr. Charles Cotton, Mr. Ernest Jones and Mr. Hilliard Phazand of the Law firm of Cotton, Jones and Phazand, New Orleans, Louisiana; and Mr. David Dennis of the Law firm of Elie, Strickler and Dennis.

A most valuable service was performed by the cooperating attorneys in acting as volunteer in House counsel to students testifying before the Committee.

Mr. Joe Louis Smith of Baton Rouge aided greatly in compiling the historical information on Southern University.

The Committee is deeply grateful to these persons and to all other persons, too numerous to mention who gave generously of their time and energy in order that the Committee might fulfill its mandate.

We also appreciate the resource assistance of the Voter Education Project, Atlanta, Georgia, The Field Foundation, New York, New York and the National Conference of Black Lawyers, New York, New York.
and the Office of Councilman, D'Army Bailey, Berkeley, California.

The task of the Committee, acting as an independent, private body, was to probe in detail, the deaths of Denver Smith and Leonard Brown, in order to bring the maximum amount of relevant information possible before the nation and the world, and to assist in bringing any persons criminally culpable for these deaths before the bar of justice. It was hoped that the Committee's non-governmental nature, the breath of its membership and the proven depth of the members sensitivity to the problems of black people, evinced both individually and collectively, would aid in a fair assessment of the role, if any, of governmental authority in the deaths of these two young, black men.

To carry out its work the Committee held two full days of hearings in Baton Rouge, to which all of the known major participants in the Southern University controversy were invited. It should be noted, however, that the Committee did not have subpoena power and therefore, could not compel the attendance of any witness. Therefore, all who testified before the Committee did so voluntarily—a voluntariness and cooperation which was most appreciated by the Committee. In addition, to oral testimony, the Committee received documentary and physical evidence relevant to its inquiry. Further members of the Committee viewed available television film of the events of November 16, 1972.

Finally, members of the Committee made a visit to the campus of Southern University for an on-site inspection of the scene of the
tragic deaths of November 16, 1972. Members also spoke with campus administrator and security personnel.

Based upon the products of the foregoing, the Committee has reached the findings and conclusions which follows.
INTRODUCTION

Southern University is an institution with a long and illustrious history.

Southern University and Agricultural and Mechanical College was chartered in 1880 by the General Assembly of the State of Louisiana as a public institution "for the education of Persons of Color". Section 3 of Act 87 of 1880 provided for a Board of Trustees that "shall establish a faculty of arts and letters, which shall be competent to instruct in every branch of liberal education; and, render rules of and in concurrence with, the Board of Trustors, to graduate students and grant degrees pertaining to arts and letters ... on persons competent and deserving". Housed in its earliest days in a former synagogue in New Orleans, the institution soon became a Land Grant College (under the Second Morrill Act of 1890). In 1913, Dr. J. S. Clark, became president and the following year the University was moved to its present location, in Baton Rouge.

A reorganization in 1922, placed the university, together with six (6) other institution of higher education and over 30 vocational and special purpose schools, under the control of the Louisiana State Board of Education. Southern University in New Orleans and Southern University in Shreveport were authorized by Legislative Acts 28 and 42 in 1956 and 1964 respectively thus completing what is now known as the Southern University System.

Southern University is now under its third president since its
relocation in Baton Rouge. Dr. J. S. Clark was retired and named President Emeritus in 1938. He was succeeded in the presidency by Dr. Felton G. Clark, his son. Dr. Felton G. Clark taught at the University from 1927 to 1930 and at an earlier period had been one of its students. In 1934, he assumed the position of Dean of the College and in 1938 became President, and served for thirty years, retiring in 1968. As of October 4, 1968, Dr. G. Leon Netterville, Jr., who was serving as Vice-President of Business Affairs, was named to succeed Dr. Clark as President.

In the past decade, the annual increase in enrollment at Southern University has been in excess of six per cent. By 1972, student enrollment at the three campuses had exceeded 12,000 thus making it the largest predominantly Black University in the world. The capital outlay on the Baton Rouge Campus amounts to sixty million dollars. The University currently operates with an annual budget in excess of twelve million dollars, with an additional 2.5 million dollars in grants.

Southern University's educational program includes Colleges of Agriculture, Education, Arts and Sciences, and Engineering, Schools of Business and Home Economics, A Division of Music, a School of Law and a Graduate School. The University is accredited by the Southern Association of Colleges and Secondary Schools. The curricula in civil, electrical, and mechanical engineering are accredited by the Engineers Council for Professional Development. The architecture curriculum is accredited by the National Architecture Accrediting Board. The School of Law is approved by the American Bar Association. The Division of
of Music is approved by the National Association of Schools of Music. The Teacher Education Program is approved by the National Council for Accreditation of Teacher Education.

The physical facilities of the University have expanded greatly in the last four years. The main campus is located on a tract comprised of 512 acres; the campus of Southern University in New Orleans consists of 14 acres; and the Shreveport campus comprises 101 acres. The University boasts modern physical facilities. The building on the New Orleans and Shreveport campuses are all practically new. More than 30 of the present structures on the main campus have been erected since 1950.

In February, 1960, students at Southern University like their counter-parts across the south took the leadership in attacking the overt bastion of legal segregation through the "Sit-in" Movement and the "Freedom Rides". Several of their number was expelled from the University, when the all-white State Board of Education ordered the then president, Dr. Felton G. Clark to so do. A year and a half later, in January 1962, several students were either barred from registering or suspended after they demonstrated and boycotted against downtown merchants. More that fifty students were arrested after 3800 students marched from the campus to downtown Baton Rouge to protest the arrest of their fellow students. Between 1962-1969 several demonstrations took place at Southern University as the University tried to make the transition from a prototype of a typical white college to a university capable of speaking to and meeting the
needs of the Black Community.

This is a long and painful transition beset with many obstacles faced with student challenges. The University was in the throes of such transition and were attempting to meet the challenge of these obstacles when the tragic events of November 16, 1972 took place.
FINDINGS

STUDENTS:

1. Students of Southern University were orderly and peaceful in their attempts to communicate with the Southern University Administration on the morning of November 16, 1972, prior to the fatal shooting of two black students.

2. Students proceeded in good faith on the morning of November 16, 1972, and at no time did they intend nor did they attempt to take control of the Administration building.

3. Students were present at the Administration Building as a direct consequence of the extraordinary arrest and jailing of four students during the early morning hours of November 16, 1972.

4. Students were not the precipitating cause of the acts of Law enforcement officers which acts culminated in the deaths of two young black students:

5. Students did not throw nor fire the first tear gas cannister, and were not armed on November 16, 1972.
FINDINGS

On the morning of November 16, 1972, the students of Southern University were confronted by a most serious situation. Earlier in that day, before dawn, four of their number had been roused from their sleep, arrested and taken off to jail, in direct violation of assurances previously given by the University. (T 248, 281, 286, 357)

Their response was immediate, but controlled. A delegation of students proceeded to the office of University President, G. Leon Netterville to inquire of the president concerning the arrests and to enlist his aid in obtaining the release of their four colleagues. (T 354-362) President Netterville received the delegation in his office at the University Administration building and he entered into discussion with the students. (T 361-362) These discussions were carried on in an orderly and peaceful fashion. (T 361-363, 395-397) In addition to students who had been permitted into the building to discuss these matters with the University President, there were numbers of students outside the building awaiting the outcome of the discussion and any other obtainable information concerning the situation. (T 364)

The discussion with the President was broken off when the President indicated that his presence was required in another part of the city. (T 362) President Netterville excused himself, but not before promising the delegation he would look into the arrests of the four students and find out what he could do to aid in their situation. (T 362, 370) The delegation of students agreed to remain in his office and await his reply. (T 363)
Thus, the students in the administration building on the morn-
ing of November 16, 1972 were there with permission, acting in good
faith, and with no intention to take over the building. (T 360-372)
In point of fact, the evidence shows that administrative activities
in the building continued during the course of their stay there.
(T 361, 384-385, 391) They were there as a direct and proximate
result of the extraordinary arrest and jailing of four of their
number in the early morning hours of November 16, 1972. (T 387)
But for these arrests, which contravened an earlier understanding
between university officials and students, the students would not
have been there. (T 387)

The acts which culminated in the deaths of Denver Smith and
Leonard Brown took place after President Netterville left his office.
Students were not the precipitating cause of these acts of law en-
forcement officers responsible for the deaths of the two students.
They were not arrested. (T 71, 231, 360, 436) They did not fire or
throw the first tear gas cannister on November 16, 1971. A review
of all available evidence, indicated that this was done by a state
police officer, who introduced the tear gas among the students
grouped outside the administration building which set off the chain
of events that left Denver Smith and Leonard Brown dead or dying in
pools of their own blood upon the Southern University Campus. (T 411
424-425, TV film)
ADMINISTRATION

1. The Administration of Southern University acted in bad faith when it reneged on its pledge to grant amnesty to all students previously charged with committing "criminal acts" and with violating university rules and regulations.

2. The extraordinary arrests of the Students in the early morning hours of November 16, 1972, could not be creditably based on any conduct of the four students (arrestees) on the 15th of November, 1972, and immediately prior there to. Thus the Administration affected a flagrantly political use of the judicial process to supress legitimate students dissent.

3. The Administration at Southern University failed and refused to afford to students and faculty due process of law in suspensions and firings.

4. The Administration failed and refused to act in good faith with regard to the Committee's which it established, there by making a charade of academic freedom and student-faculty participation in the decision-making and educational processes.

5. Some members of the Administration showed wanton disregard for the lives of students, particularly those two students critically wounded, when said Administrators failed and refused to provide immediate medical attention and treatment.
ADMINISTRATION

On November 6th the university administrators had arrest warrants drawn for four of the leaders of Students United. The students were charged with criminal trespassing and interfering with the operation of an educational institution. Prior to issuance of these warrants the four students were also charged with violation of university regulations and letters of suspension from the school were drawn. Several days prior to November 16th, President Netterville and other university officials met with representatives of Students United, several black elected officials, and members of the Blue Ribbon Committee, specially appointed by Governor Edwards. At this meeting it was agreed by all the parties participating that the university would act immediately to withdraw and cancel the arrest warrants and letters of suspension. (T 140, 248, 286). In spite of this agreement and without the knowledge of the other parties thereto, neither the warrants nor the letter of suspension were ever withdrawn. Instead, at 4:00 a.m. on the morning of November 16th, the arrest warrants were executed. Pre-drawn arrests were made of each of the student leader at their separate residences. Simultaneously the students were suspended from the University. The school administration thus effected a flagrant violation of its own accord without consultation or notice to the other parties to said agreement. (TR 106)

The four leaders of Student United were arrested on university warrants issued on November 6th. Legally the allegation of a warrant
are retrospective and can cover only those events leading up to its issuance. The use of the warrants to cover conduct occurring after their issuance would have constituted abuse of process. Since a satisfactory understanding had been reached that whatever conduct served as the basis of the November 6th warrant would be forgiven, this committee is left with only one conclusion: The warrants were ordered executed for conduct occurring after November 6th and thus not properly or legally within the scope of the warrant charges.

On November 20th, two Southern University faculty members, George Baker and Joseph Johnson, were notified of their summary dismissal from the faculty. Each had at various times met and counseled with members of Students United and voiced sympathy for their movement. Southern University has a history of abruptly terminating outspoken faculty members without regard to the legal and academic due process rights of notice of charges and an opportunity to be heard. (TR 69) This Administrative high-handedness has caused the university to be placed on the Censure list of the American Association of University Professors. In the cases of professors Baker and Johnson, they received neither advance notice of the charges against them nor any opportunity to be heard in their own defense.

Similarly on or about November 17th, at least nine of the leaders of Student United were notified of their summary suspension from the school. In none of these instances were the students given advance notice of the charges against them nor were they afforded a suspension hearing before any university body or official. Indeed, to this date
they have not been informed of the identity of the individual or individuals bringing the charges or provided any bill of particulars pertaining to such charges. (TR 268, 291)

One of the most recurring demands to come out of the campus crisis was for effective student-faculty involvement in decisions affecting the programs and operations of the University. Southern has historically been run by an all powerful president with de minimus student-faculty involvement in university decision making. The chief administrators are hostile and distrustful of student involvement. (TR 91) Such committees as were established during the present crisis were largely ignored by the administration when important decisions were made. So far example, the university Senate's recommendation of October 24th, 1972 that "there will be no summary dismissal of faculty without academic due process" (People's Exhibit 46) was disregarded with the summary firings of professors Baker and Johnson. Neither the committee formed by the president to review student grievances nor the Blue Ribbon Committee were consulted on the decision to arrest the Student Leaders in the pre-dawn hour of November 16th. (TR 106, 140, 472) The absence of any effective vehicles for administration-faculty-student dialogue was a primary cause of the Crisis on November 16th.
OFFICIALS

1. The law enforcement officials failed to adhere to the minimal accepted law enforcement standards for crowd control as set forth in the Report of the Kerner Commission. Report on Civil Disorders.

2. The Governor of Louisiana was negligent in his failure to assume control pursuant to his legal and primary responsibilities at Southern University where tensions and the lack of subordinate control created a clear, present and continuing danger to human life.

3. The Sheriff of East Baton Rouge Parish failed to maintain control of Sheriff's Deputies present on the Southern University campus.

4. The Sheriff was emotionally and professionally ill-equipped to cope with the situation at Southern University on November 16, 1972, to the point of a clear, demonstrative, and wanton disregard for human life.

5. The violent action of November 16, 1972, in and about the Administration Building was precipitated by the throwing of a tear gas cannister by an officer of the State Police force.

6. We find that the Deputies Sheriffs fired live ammunition on November 16, 1972.

7. There is the slight possibility that live ammunition fire came from State Police; but in any event, live ammunition was fired by law enforcement personnel.

8. We are persuaded by the testimony given and documentary evidence produced that a Sheriff's Deputy or Deputies fired the fatal shots which claimed the lives of Denver Smith and Leonard Brown.
9. The Governor has been irresponsible in his public statements regarding the events of November 16, as demonstrated by his rush to erroneous judgments which resulted in the serious impairment of due process right of persons who may be charged.

10. One of the condition which exacerbated tensions was the inability of an ALL WHITE State Board of Education to deal with the administrative and educational problems at Southern University.
OFFICIALS

The ultimate law enforcement responsibility for the protection of life and property within the State rests with the Governor. (TR 156-7) For several weeks, prior to November 16th the Governor was receiving intelligence reports of increasing tension on the University Campus. (TR 78, 86, 148) A precedent for the Governor's intervention had been set earlier when his office mediated the students surrender of the Administration Building on the Southern University, New Orleans Campus. On November 15th an even greater crisis than existed at the New Orleans Campus was imminent at the main campus. President Netterville made an urgent plea to the Governor for his intervention. The President advised the Governor on the 15th that trouble was expected the following Thursday morning, November 16th and asked the Governor assistance. The Governor refused to accept the President's phone call and instead advised him through his press aide to contact the Sheriff of East Baton Rouge Parish. The Governor failed to advise either his special assistant, James Wayne, or the Blue Ribbon Committee which he had appointed and which was meeting that very day, of the impending confrontation. Mr. Wayne and the Committee had earlier been assigned by the Governor as mediators in the dispute. Mr. Wayne, who is black, had previously successfully defused student-police confrontations on the New Orleans campus and in Baton Rouge. (TR 77) We believe that had he or the Blue Ribbon Committee been assigned to the campus on November 16th the resulting tragedy may well have been averted. Instead, neither were
informed of the tragic events unfolding on campus on the morning of
the 16th. (TR 106, 108)

On the morning of November 16th the Sheriff of East Baton Rouge
Parish, Al Amis, received a telephone report at home that students
were occupying the University Administration Building. Within
minutes he received another call from Mrs. Shirley Johnson, a black
community leader and personal acquaintance since 1966. When he
answered he was in a highly emotional and agitated state. "He was
angry and yelling to Mrs. Johnson that the students 'ain't nothing but
a bunch of Bums, they ain't nothing but a bunch of communist. And I
am tired of them. I haven't slept in my bed in three and a half
weeks and they have been calling my home, parents, students, and I'm
just tired of them. Right now I was just eating my breakfast and
they have just taken over the Administration Building and they have
just broken the windows, and I am going to take over that Adminis-
tration Building by any means necessary". (TR 332-3) Sheriff Amis
stated further that "there might be a possibility that somebody would
be killed and that they would be killed..." (TR 336-7)

Mrs. Johnson recognized then that the Sheriff had lost his com-
posure and she began to fear for the lives of the Students on Campus.
(TR 334-5) Having known Sheriff Amis for six years she knew him to
be a "very nervous" man (TR 345) but had never heard him in such an
uncontrollable state. (TR 345)

Sheriff Amis was duly elected to office on August 19, 1972 and
this was to be his first major law enforcement crisis with so in-
experienced, emotional and reckless an individual assuming chief
responsibility for controlling police actions, the November 16th result was tragically predictable.

From the moment of their arrival on campus there was a clear lack of coordination and control of the sheriffs deputies and state police. "The whole thing indicates that there was some lack of overall control of the entire confrontation and I think this helped precipitate the tragic event." (TR 158) Such was the analysis given by the Governor's mediator, Mr James Wayne.

Upon arriving at the Administration Building the State Police moved to the students left and the deputy sheriffs moved in front, approximately 30 yards from the students. There were approximately 200 students in front of the Administration Building about 60% of whom were female. An additional 100 students were inside the building about 85% of whom were female. (TR 396) One of the deputies announced an order for the assembled students to disperse. To many of the students, particularly those inside the Building, the order was inaudible. Within minutes thereafter, a state police to the students left, lobbed a tear gas grenade in their midst. (TR 411) The grenade was thrown from among the students and the fumes engulfed the front ranks of the State Police who at that time did not have on their gas masks. The police broke ranks, gasping and reaching for their gas masks. Volleys of grenades were then tossed from the police and deputies. (TR 475) The students began running north of the Administration Building as the gas volleys intensified. There was chaos within the ranks of the State police and Sheriffs deputies. Superior officer offered no control or directions. (TR 552, 567) Sheriffs deputies were observed with
with their rifles leveled directly at the students. (TR 414-569, See also people exhibit #37) They were also observed picking spent rounds of ammunition from the ground and placing them in their pockets. (TR 554) At the precise moment when Denver Smith and Leonard Brown were shot, a deputy sheriff was observed on one knee, with a shotgun aimed directly at the fleeing students. (TR 414) At the same time pellets were ricocheting on and about the Naval ROTC Building. (TR 554)

Even as the two students fell and others were in flight the police barrage continued. (TR 441) At this point so uncontrolled and belligerent were the State police and sheriff deputies, that having cleared the area in front of the administration building, they then advanced upon the remaining students who were being led peacefully from the administration building to supposed safety. (TR 380) The remaining students, already fearful for their lives having learned of the death of their fellow students were viciously taunted by State police who waited with their guns leveled at those who exited. (TR 571-2) This assault ceased only when campus military instructor Leon Jackson, and security officer Hill physically interjected themselves between the students and police officers. (TR 557-571)

In the immediate police occupation of the University Academic Building which followed, the walls and interior of the building were defaced and vandalized. In a letter dated November 28th, Dr. Robert E. Moran, University History Department Chairman noted, "We do know that the Academic Building which houses the History
and Sociology office was used by the law enforcement officers, following the November 16th incident. We strongly protest the childish destruction of property, the removal of certain items from the building and the vandalism throughout the building including the personal offices of professors and the office of the departmental Chairman, particularly offensive was the defacement of office walls with the letters "KKK". As faculty persons at a Black institution we find such acts by law enforcement agents unconscionable." (People's Exhibits #57)

At the time Denver Smith and Leonard Brown was shot they were running South, the left sides of their bodies facing towards the front ranks of sheriffs deputies. (TR 444) The trajectory of the fatal Buckshot originated from this front line of deputies striking the two on the left sides of their heads. (TR 444, 445)

Additionally, eyewitness testimony identified sheriffs deputies as having shotguns aimed and firing towards the students. Given the trajectory of the fatal shot, separate placement of the State Police and Sheriffs deputies and eyewitness testimony, the evidence is conclusive that the fatal shot was fired by a Sheriff's deputy.

Immediately following the tragedy of November 16th the Governor went before local and national news media to denounce the Southern students and charge them with direct criminal responsibility for the deaths of Smith and Brown. He further charged the students with attacking police officers, burning university buildings, and precipitating the campus violence by having thrown the first tear gas cannister at police. (TR 197, 185) The facts upon which these allegation were
based were so patently unfounded as to raise the serious possibility that the Governor's charges were deliberately calculated to confuse the public and protect those officers criminally responsible for the student's death. By the Governor's own admission, these charges were made without even the most elementary investigation. (TR 199, 200)

As his aide, Mr. Wayne testified, "perhaps the Governor's original reaction had been somewhat premature in that we didn't have all of the information." (TR' 152) The result is that there have been a consistent string of charges and retractions by the Governor which have served to confuse and obfuscate the identification of those truly responsible for this tragedy.

Southern University is under the operational control and jurisdiction of the Louisiana State Board of Education. The State Board approves the University's budget, prior to submission to the state legislature and appoints the University President. The Board is composed of twelve elected members, all of whom are white. (T 222-6)

Never in the history of the Board has a black been among its members. The systematic exclusion of Blacks from this all important governing board is based, in the words of Governor Edwards, "upon practice and prejudice of the ages...in this state. (T 225) The result of this exclusion is reflected in the Board's continuing failure to understand and come to grips with the dynamic and turbulent charges of an increasingly black conscious institution. (T 22-23)

The exclusion of Blacks from the Board has also resulted in a massive discrepancy between the per pupil allocation for Southern against its white counterpart, Louisiana State University. The
annual per pupil allocation for Southern students is more than $1,000 less than for students at L.S.U. (Exhibit #16) Board policies in relations to the school are formulated in almost total isolation from the Southern faculty and student body. So great is this isolation that when the members of Students United sought to take their grievances to the University's governing body they went first to the State Department of Education, not knowing that it was the State Board, rather than the Department, which had jurisdiction over the school. (T 16, 17) Inevitably then as the crisis at Southern deepened the State Board was reduced to simply parroting the responses and strategies of the Governor and University President thereby further polarizing an already deeply divided community. (T 23)
HOMICIDES

1. Denver Smith died as a direct result of shotgun fire by law enforcement officers.
2. Leonard Brown died as a direct result of shotgun fire by law enforcement officers.
3. University Administrators and Law Enforcement Officers were criminally negligent in failing and refusing to provide immediate medical attention and treatment for the two critically wounded students.
HOMOCIDES

Denver Smith and Leonard Brown died as a direct result of shotgun fire by a law enforcement officer or officers. All available evidence indicates that this officer or these officers were part of the contingent of Sheriff's deputies from the office of the Sheriff of East Baton Rouge Parish. (T 444-446) Upon proper indentification of this individual or individuals who fired live ammunition into the bodies of these two young black students, causing their deaths, the degree and nature of their possible criminal culpability should be determined and they should be held to answer appropriate state and federal criminal charges.

Beyond the actual shooting of the students there is the question of criminal negligence in their deaths resulting from the failure and refusal to provide immediate medical attention and treatment for the two critically wounded students. Despite the fact that there were numerous official vehicles at the scene, none were immediately pressed into service to evacuate the two students to the proper medical care. (T 420, 524) Instead in the cruelest of unconcern they were left upon the sidewalk and largely unattended for perhaps as long as one-half hour. (T 452, 563). Neither University officials, nor law enforcement personnel on the scene took the initiatives necessary to render the immediate assistance required. (T 442, 477-478) Testimony indicates that at least one, and perhaps both, of the students remained alive during this period. (T 477) The callousness with which the dying students were viewed is perhaps best exemplified by the reply given to
Major Leon Jackson, of the U. S. Army and Military Science Department of Southern University when he approached certain University officials and implored them to assist him in obtaining emergency help. Their reply was words to the effect that: "that's good for them. They knew what they were getting into. That's good for them. They deserve what they got." (T 523)

Law enforcement officials and university authorities who took this type of attitude and were guilty of this type of failure to act should be held to answer in a court of justice for a negligence that was criminal in every sense of the word.
CONCLUSION

In view of the foregoing findings, the public record should be clarified with regard to the actions of Southern University Students on November 16, 1972. Specifically it should be recognized that they acted in a peaceful and orderly fashion in attempting to communicate grievances to the University authorities. They had no intention to and did not in fact take over the University Administration Building. They were unarmed and did not precipitate the action that led to the deaths of Denver Smith and Leonard Brown.

The action of the University Administration in reneging upon promises made to students and ignoring their fundamental due process rights is to be condemned.

In a like manner, public censure of law enforcement official for their failure to observe even the accepted minimal standards for crowd control and safety is in order. Further, the handling of the situation by the Governor and the all white State Board of Education served to exacerbate rather than alleviate the difficulties of the situation.

Prompt State and Federal action is in order as to the possibility of lodging criminal charges against (1) the State Police Officer responsible for precipitating the violent action of November 16, 1972 by his throwing of a tear gas cannister; (2) the law enforcement officials, including the Sheriff of East Baton Rouge Parish, who were responsible for police action on that date and who negligently and with a wanton disregard for human life failed in their duty to
control their personnel, resulting in the loss of two lives; (3) the Sheriff's deputy or deputies responsible for firing live ammunition into the bodies of Denver Smith and Leonard Brown resulting in their deaths; and (4) the law enforcement and university authorities who failed and refused to provide immediate medical attention and treatment for the critically wounded students.