

## 2 Cops Hurt Subduing Man

Two patrolmen were being treated at St. Mary's Hospital early today for injuries suffered in a scuffle with a 28-year-old Jefferson Avenue man.

Patrolmen Louis Donofrio suffered left arm and face injuries and Patrolman Charles Schafer a possible broken nose.

Their alleged assailant, Rufus T. Fairwell of 234 Jefferson Ave., was being treated at Strong Memorial Hospital for face and head injuries he received when being subdued by police. He is charged with second degree assault.

Donofrio and Schafer said they spotted the man about 11 p.m. "fooling with a door at a gas station at Plymouth Avenue South and Columbia Avenue."

"We asked him what he was doing and he told us it was none of our business," Donofrio said. Fairwell suddenly struck Donofrio, knocking him to the ground, and then punched Schafer as he rushed to his companion's aid, investigators said.

D. & C. AUG 23 1962

## U.S. Probing Fairwell Case, Rally Told

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The Justice Department is investigating the Rufus Fairwell case, according to a communication read yesterday at a rally in the Memorial A.M.E. Zion Church sponsored by the United Action Committee for Rufus Fairwell.

Obadiah Williamson, committee chairman, read a letter from Burke Marshall, assistant attorney general in the Civil Rights Division, acknowledging a unified action committee telegram of Oct. 29 and adding:

"I am looking into this matter and should the evidence disclose a violation of the federal law, appropriate action will be taken by the Department."

Fairwell, 28-year-old service station attendant, suffered two fractured vertebrae in a scuffle with two city policemen Aug. 23. The grand jury cleared Fairwell as well as Patrolmen Louis Donofrio and Charles Schafer of assault charges.

### 200 Attend Rally

Yesterday's rally drew almost 200 persons, both Negro and white, who nearly filled the church.

Williamson described the purpose of the gathering as both a celebration of the "partial victory" of the grand jury clearing of Fairwell and a report to the public on the activities and plans of the united action committee.

He stressed that the meeting was "not to tackle or condemn the grand jury, that is a side issue. The central issue is unjustified brutality by the police. We disagree

## UNION MAY 19 1964 Detective Testifies On Fairwell

Says Policeman  
Was on Ground

By CHARLES HOLCOMB

Detective Lt. George P. Reiss testified today that he saw Rufus Fairwell standing over a prostrate policeman Aug. 22, 1962 while another policeman stood nearby with his hand to his face.

Reiss said he was driving to work on Plymouth Avenue when he saw the three figures at Schiano's Atlantic gas station at the corner of Columbia and Plymouth Avenues.

The man on the ground, he said, was Patrolman Louis A. Donofrio, and the other officer was Charles Schafer.

Reiss was the second witness today in the second day of the federal court trial of Donofrio and Schafer. They are charged with "wilfully" hitting Fairwell with fists and night sticks "with the intent and purpose of imposing summary punishment," and that in doing so, they deprived him of liberty without due process of law.

UNDER cross examination by Defense Atty. Thomas G. Presutti, Reiss testified:

He turned into Columbia Avenue, stopped, then pursued the man, later identified as Fairwell, across the street to Barney's Bar, 719 Columbia Ave. S.

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## Fairwell Relative Testifies

Rufus Fairwell's brother-in-law testified today that a Rochester policeman refused Fairwell's offer to verify his employment at a gasoline station before the policeman began striking Fairwell with his nightstick.

Ashby J. Singletary told a Federal Court here that Patrolman Louis A. Donofrio rejected Fairwell's plea to telephone his employer from Schiano's Atlantic gasoline station at Columbia and Plymouth avenues.

Singletary was the fourth witness on the third day of the U.S. District Court trial of Donofrio and Patrolman Charles Schafer. They are charged with wilfully hitting Fairwell with fists and nightsticks with the intent and purpose of imposing summary punishment and in doing so depriving him of liberty without the process of law.

Singletary testified that he was at the service station on the night of Aug. 22, 1962, when a police car carrying Donofrio and Schafer pulled in.

Fairwell, 30, then an attendant at the gasoline station

## Woman Arrested After Suicide Try

Policewomen yesterday arrested a 29-year-old woman who jumped into the Genesee River at Summerville Sunday in a suicide try and was saved by two Marines. The woman was booked on a holding charge of vagrancy after she was found sitting in a car yesterday afternoon near the same location where she tried to take her life. Her 3-year-old daughter was in the car with her, according to the policewomen. Following her rescue at the Marine Corps Reserve Center, 5500 St. Paul Blvd., Irondequoit, the woman was treated at Strong Memorial Hospital and later released in the care of members of her family.

not related to Fairwell  
D&C Feb. 8, 1962



invited city officials "disappointing," and added, "Much is revealed through their absence regarding their real interest in our problems."

A telegram from City Manager Porter W. Homer to Williamson was read. In it Homer said city officials and representatives of the united action committee had met almost weekly . . . to solve mutual problems and to improve police service to the entire community . . .

"In view of continuing investigation I do not believe any useful purpose will be served if I attend meeting . . . as city manager I will not be a party to a meeting to protest grand jury action. Mayor Gillette joins me in this statement . . ."

#### Assures Newspapers

Rabbi Allan Levine of Temple Emanu-el, who read the telegram, said Mayor Gillette had been informed three times that the meeting was not to protest the grand jury's action. Rabbi Levine also charged that city newspapers had "clamped down" and distorted news of the united action committee.

Reuben K. Davis, legal adviser for the united action committee and head of the Rochester branch of the NAACP, said the committee will continue to act as "a watchdog" of law enforcement practices in Rochester.

Rogers Black, chairman of the Rufus Fairwell Fund, reported \$802.67 had been donated as of yesterday, with \$535 used so far to aid Fairwell with personal and family expenses related to his injury.

and fell into the glass door, smashing it. He said he believed Fairwell's head and shoulders broke the glass.

At that point Reiss's pistol fell from its quick-draw holster to the pavement. As he retrieved it, Fairwell ran into the bar.

Fairwell at first held onto the bar, refusing to go with the policemen, but he submitted after handcuffs were put on.

**EARLIER**, questioned by U.S. Atty. John Curtin, Reiss said that in the bar Fairwell had blood on his face and clothes. He suggested to the policemen as Fairwell was being walked to the prowl car, that they take Fairwell to the hospital. He said he did not recall any reply.

Yesterday the jury of eight men and four women heard Fairwell, 30, of 234 Jefferson Ave., testify that he was beaten repeatedly by the two patrolmen.

He said that when the officers asked him what he was doing, as he closed the gasoline station where he worked at about 11 p.m., he offered Donofrio a building key so the patrolman could call the station owner to verify Fairwell's story.

He said Donofrio began cursing him, got out of the car, and struck him with his night stick, and that he ran to the bar to get the tavern owner to tell the policemen he worked at the gas station.

Judge Harold P. Burke is presiding at the trial.

car, Singletary testified.

**SINGLETARY** gave the following account of what happened next:

Donofrio asked Fairwell what he was doing and Fairwell replied that he was locking up. "Are you sure you're not breaking in," Donofrio asked Fairwell. Fairwell replied that he was not breaking in; he worked there.

Donofrio repeated the question and Fairwell invited him to come inside the station to telephone his boss. "If I was going to break in would I have the key hanging from the side of my pants," Fairwell asked Donofrio.

Donofrio replied, "What's a nigger like you doing with a key?"

Donofrio then jumped out of the car, pushing Fairwell away with the car door and began hitting Fairwell on the head with his nightstick. Fairwell with his hands covering his head began backing toward Columbia Avenue, calling for the operator of Barney's Bar across the street to identify him.

As Donofrio and Fairwell struggled in the street, Patrolman Schafer appeared. Donofrio fell and Fairwell ran across the street to Barney's. Schafer caught up with Fairwell in front of the door to Barney's, struck him on the side of the head, knocking Fairwell against the door and breaking the glass.

**BENJAMIN TOSCANO**, who has operated Barney's for 15 years, testified that Fairwell entered the bar hollering, "Barney, help me, tell them who I am."

Toscano testified that he told Donofrio that Fairwell worked at the gasoline station. "I then told Fairwell to do what the police tell you to do and you'll be all right."

Singletary testified that the policemen took Fairwell to

→ The car and drove away.