2 Cops Hurt
Subduing Man

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

Patrolman 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. “fiddling 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.

U.S. Probing
Fairwell Case
Rally Told

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 Burton Mann, 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 not the issue. The central issue is unjustified brutality by the police. We disagree

16B The Times-Union
Wed., May 20, 1964

Detective Testifies
On Fairwell

Says Policeman
Was on Ground

Detective Lt. George P. Reiss testified today that he saw Rufus Fairwell standing over a prostitute police 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.
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 Williamston 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.

...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