

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1383618-0

Total Deleted Page(s) = 4
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Memorandum



To : SUPERVISOR Date 1/18/01

From : AO

Subject: INDEXING OF MAIN SUBJECTS
IN ORIGIN MATTERS

FILE NO: 282A-AH-90508

The below information has been indexed to the subject as indicated by an "X" being placed under the appropriate category:

<u>SUBJECT</u>	<u>DOB</u>	<u>SSAN</u>	<u>RACE</u>	<u>SEX</u>
<u>Lillie B. Allen</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>X</u>
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The above has been reviewed by me during file review with the Case Agent on the indicated date:

<u>CASE AGENT</u>	<u>SUPERVISOR</u>	<u>DATE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/16/2001

To: Philadelphia

Attn: SSA [REDACTED]

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From: Criminal Investigative
Color of Law Unit/Room 3043
Contact: [REDACTED]

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Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 282A-PH-NEW (Pending)

Title: UNKNOWN OFFICERS,
YORK POLICE DEPARTMENT,
YORK, PENNSYLVANIA;
LILLIE B. ALLEN (DECEASED) - VICTIM;
COLOR OF LAW - WITH FORCE/VIOLENCE
OO: PHILADELPHIA

ACS-44-0-2007; 2020;

Synopsis: The Civil Rights Division, Department of Justice (CRD, DOJ) requests a limited investigation.

Enclosure(s): Two copies of a CRD, DOJ request dated 1/11/01 with attachments.

Details: As directed in Bureau Airtel to All SACs, dated 6/10/94, captioned "Liaison with Civil Rights Division, Department of Justice; Civil Rights Program," you are instructed to review this request and complete appropriate investigation in accordance with the provisions of Section 282, Manual of Investigative Operations and Guidelines. Results of this investigation should be submitted within 21 workdays from receipt of this request. Any questions or concerns pertaining to this DOJ investigative tasking should be initially discussed and resolved with DOJ, Civil Rights Division. In the event an issue cannot be resolved, contact the Color of Law Unit, FBI Headquarters.

Insure that DOJ's file number (144-63-800) is included on the FD-204 of the initial report in the Copy To Section. Additionally, submit DOJ's copy of the report to the attention of [REDACTED]

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An FD-610 should be submitted to the Color of Law Unit within 5 workdays from receipt of this communication.

*20A
ADJUTANT TO
SA [REDACTED]
2/1/01*

*20A
282A-PH-NEW
1/18/01
CPT source*

282A-PH-90508-1

SEARCHED	INDEXED
SERIALIZED	FILED
FBI-PHILADELPHIA	

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To: Philadelphia From: Criminal Investigative
Re: 282A-PH-NEW, 01/16/2001

Philadelphia is requested to ensure this EC is serialized, due to the fact that this task cannot be performed until a UCFN is assigned.

The enclosed DOJ memorandum and its attachments allege that 9 police officers were involved in the 1969 shooting death of the victim.

LEAD:

Set Lead 1:

PHILADELPHIA

AT YORK, PENNSYLVANIA

Monitor any state investigation of the murder and report any significant developments.

CC: 2 - Philadelphia

♦♦

Memorandum



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BLL:CMM:CG:pmt
144-63-800

Subject:

Unknown Officers,
York Police Department,
York, Pennsylvania - Subjects;
Lillie B. Allen (deceased) - Victim
~~CIVIL RIGHTS~~
COLOR OF LAW - WITH FORCE/VIOLENCE

Date:

JAN 11 2001

To:

Director
Federal Bureau of Investigation
Attn: Color of Law Unit

From:

Bill Lann Lee *BLL/CMM*
Assistant Attorney General
Civil Rights Division

Reference is made to the attached correspondence to Senator Rick Santorum from [redacted] regarding the 1969 shooting death of Lille Belle Allen in York, Pennsylvania, which may have involved possible violations of 18 U.S.C. §§ 241 and 242.

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Please conduct the following limited investigation:

1. Monitor any state investigation of the murder and report to the Criminal Section any significant developments.

The Criminal Section attorney assigned to this matter is [redacted] who can be reached at [redacted] Please refer to DJ # 144-63-800 in correspondence with the Criminal Section concerning this matter.

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Attachment

RICK SANTORUM
PENNSYLVANIA

United States Senate

WASHINGTON, DC 20510-3804

202-224-6324

October 10, 2000

COMMITTEES:
AGRICULTURE
ARMED SERVICES
CHAIRMAN, SUBCOMMITTEE ON
AIRLAND FORCES
RULES
AGING
BANKING
VICE CHAIRMAN,
SUBCOMMITTEE ON HOUSING
AND TRANSPORTATION

Ms. Ann Harkins
Acting Assistant Attorney General
Office of Legislative Affairs
Room 1603
U. S. Department of Justice
Washington, D.C. 20530-0001

Dear Ms. Harkins,

I have recently received correspondence from [REDACTED] of the York Daily Record of York, Pennsylvania.

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[REDACTED] is concerned about the investigation of the Lillie Belle Allen case. Any information your office could provide regarding this matter would be greatly appreciated. A copy of [REDACTED] [REDACTED] correspondence is enclosed for your review.

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The staff contact for this referral is [REDACTED] who can be reached at [REDACTED] Thank you for your assistance.

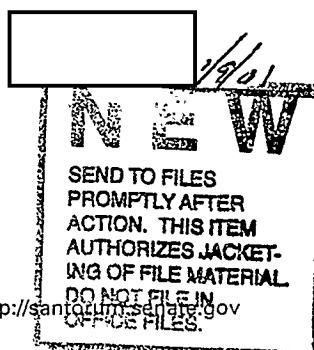
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Sincerely,

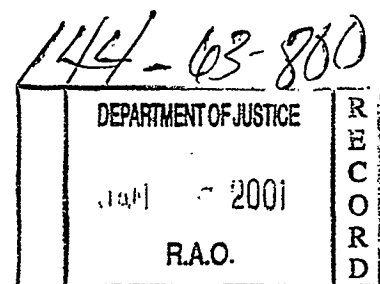


Rick Santorum
United States Senate

RJS\kd
Enclosure



WORLD WIDE Web: <http://santorum.senate.gov>



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CRIMINAL SECTION

York Daily Record

P.O. Box 15122, York, PA 17405-7122

Sept. 27, 2000

Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Janet Reno:

I am [redacted] a reporter with the York Daily Record in York, Pa. I am writing to inquire why the United States Department of Justice is not reopening its case regarding the 1969 race riots in York. I have included some recent news clips regarding the case.

My questions include:

1. Has the Department of Justice been contacted by York County authorities taking a fresh look at the case?
2. Will the Department of Justice consider reopening the probe?
3. Why didn't FBI agents interview police officers years ago who allowed the family's car to drive into a white neighborhood just before Lillie Belle Allen was shot?

Please give me a call regarding this case. My phone number is

Thank you.

Sincerely,

.cc: U.S. Rep. Bill Goodling
U.S. Sen. Arlen Specter
U.S. Sen. Rick Santorum
U.S. Rep. Floyd Spence
U.S. Rep. Lindsey O. Graham
U.S. Sen. Fritz Hollings
U.S. Sen. Strom Thurmond

122 South George Street
(717) 771-2000 FAX: (717) 771-2009
Electronic mail: news@ydr.com

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FBI investigated '69 riot killing

■ Federal reports reject a charge that a police officer was involved in the death of Lillie Belle Allen.

By TERESA ANN BOECKEL
Daily Record staff

Fifteen to 20 police officers stood half a block from the North Newberry Street railroad tracks where someone murdered Lillie Belle Allen the night of July 21, 1969.

Erratic gunfire raged for 20 to 30 minutes.

A gang of white youths from the Newberry Street area allegedly fired the shots.

And one of the shooters may have been a police officer.

Those details are contained in a 31-year-old, 48-page FBI report, which the Daily Record obtained through a Freedom of Information Act request.

Jerris Leonard, assistant attorney general in the Civil Rights division of the Department of Justice at the time, ordered an investigation after allegations arose that a police officer may have been involved. The FBI launched a probe eight days after Allen's death.

Although the investigation did not find evidence of a police officer involved in the shooting, the report brought to light new information.

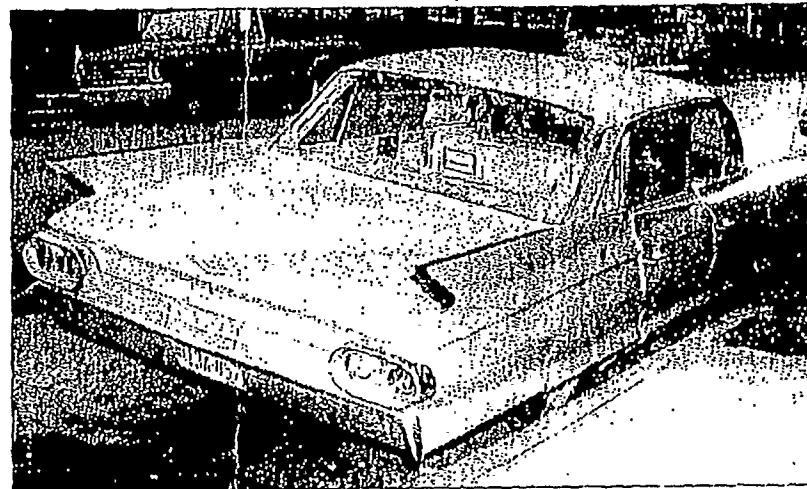
■ Shooters fired at the trunk of Allen's car. The reason: the previous day, when a car had driven down Newberry Street, the trunk opened, and some black people fired on the neighborhood.

■ A ricocheting bullet struck Allen in the chest, killing her.

■ The FBI never interviewed York Police officers who stood a half block away from the shooting scene.

■ It will be nearly impossible for investi-

See FBI, page 7A



YORK COUNTY CORONER'S REPORT

FBI investigators concluded that snipers on Newberry Street may have been aiming for the trunk of the Cadillac that Lillie Belle Allen was in the night of July 21, 1969, because another vehicle the night before carried shooters in the trunk.

FBI

Continued from 1A

gators to solve Allen's death unless witnesses step forward and volunteer information.

In June of this year, York County District Attorney H. Stanley Rebert asked the local court to authorize a grand jury investigation into the deaths of Allen and York Police Officer Henry C. Schaad. A gag order has prevented local authorities from talking about the investigation.

A 33-page state police report has been edited from the old FBI file, but an agent paraphrased the state police investigation and that report is in the file. The FBI removed the names of witnesses and people involved in the investigation before releasing the file to the Daily Record.

The last page, dated Feb. 2, 1970, states that authorities would advise the FBI of any new developments that might occur in the case.

The case has since been closed, according to Bonnie Weber, paralegal specialist with the Freedom of Information Act section. She said she did not know if the FBI has been contacted about local authorities taking a fresh look at the murder.

The account, provided in the quarter-inch-thick packet, gives the following details:

Allen, who was visiting relatives in York, had gone with them on a fishing trip the day of the shooting. That evening they headed to the grocery store to buy supplies for another fishing trip.

Hattie Dixon, Allen's sister, drove a white Cadillac, which stopped at the intersection of Philadelphia and Newberry streets. Fifteen to 20 law enforcement officers, armed with rifles and wearing helmets, stood on the corner.

They never stopped the car from turning onto Newberry street, which was partially blocked by benches.

Riders in the car saw a sea of white faces gathered across the railroad tracks. One or more police officers accompanied them, a witness told FBI agents.

One "trooper" raised his rifle and pointed it the direction of the car.

"...these people are going to

BACKGROUND

For two summers, in 1968 and 1969, race riots raged in York, leaving dozens injured and two people dead.

Authorities recently reopened the murder cases of Lillie Belle Allen and York Police Officer Henry C. Schaad, who were killed during the 1969 riots.

York Police received new information about Schaad's homicide months ago, and that sparked the latest investigation into the two cases.

District Attorney H. Stanley Rebert asked the York County Common Pleas Court in June to authorize a grand jury investigation into the deaths of Allen and Schaad. Rebert designated Thomas H. Kelley, his first assistant, and William H. Graff Jr., his chief deputy prosecutor, to act as his representatives in all matters relating to the grand jury. A panel of jurors has not yet been chosen.

Allen, a black woman from Aiken, S.C., died July 21, 1969, after being shot in the chest on North Newberry Street. Snipers fired at her family's car as she and family members headed to the grocery store.

Two white gangs hung out in that area — the Newberry Street Boys and the Girarders. Schaad, a white officer just 10 months on the job, died Aug. 1, 1969, after being shot July 18 on West College Avenue at the Codorus Creek bridge. A steel-jacketed bullet from a Krag .30-40 caliber pierced the armored van, hitting Schaad.

start shooting," someone in the car said.

The car left the road and ended up on the railroad tracks.

Allen volunteered to take the wheel and get the family out of the neighborhood.

As she approached the driver's side door, gunfire blasted.

Allen dropped to the ground, bleeding. A rider in the car wanted to pull Allen back in the car but was told not to until the shooting stopped.

The bullets rained for at least 15 minutes.

A police armored car rolled up. An officer who appeared to be in charge yelled for the firing to stop.

Allen was taken to York Hospital, where she died about 1½ hours later.

Officials removed the bullet from Allen's chest. Authorities turned it over to the state police laboratory in Harrisburg.

An investigation showed that only a portion of a slug fired from a high-powered rifle survived. The bullet had ricocheted off another object before piercing Allen's chest.

The state police report states that the gunfire allegedly came from a gang of white youths from the North Newberry Street area who had a confrontation with a gang of black youths that same day.

A confrontation with a group of black people in a car the previous day may have triggered Allen's shooting.

A car had been driving down North Newberry Street and as it reached the railroad tracks, the trunk popped opened. Some black people in the trunk sprayed the area with gunfire as the car sped off.

A trooper believed that this case left residents of the North Newberry Street area "rather jumpy," according to the FBI report. So when another car filled with black people rolled down the street, turned around at the tracks and Allen crawled out, the gang in the area thought they would be shot at from the trunk.

The majority of the shots hit the car in the right rear, particularly in the area of the trunk.

The FBI received information that a person wearing matching grayish pants, a shirt and a helmet was involved. The report never identifies that person.

Authorities determined that the person was not a police officer. He was not wearing a bullet-proof vest as the other officers were. His helmet was a different color from state and York police.

In addition, the person was not seen taking any action with the gang. He walked away from the car in which Allen was riding. He kept his back to the car, according to the report.

By December 1969, York Police told the FBI that they still were conducting an investigation in conjunction with state police.

With many people in the area of Allen's shooting that night, it had not been possible for them to determine who might have shot Allen. No one questioned would admit seeing who had fired the shot.

"... (Unless a witness comes forth and volunteers information as to who may have shot her, it is going to be nearly impossible to determine just who did shoot her," the FBI report states.

York Daily Record
Page 01

Thu, 28 Sep 2000

**Grand jurors go to work Thirty people will determine
whether anyone should be charged in two 31-year-old shootings.
(includes graphic: Grand jury selected)**

DEAN WISE Daily Record staff

A judge impaneled York County's first investigating grand jury in nearly three decades Wednesday to investigate two murders that happened during the city's race riots in 1969.

President Judge John C. Uhler of the Common Pleas Court swore to secrecy an all-white panel of 16 men and 14 women. Two black people had been among the 123 who answered the call for grand jury duty but were not among the 30 jurors randomly selected by computer.

An official with the York chapter of the NAACP said Wednesday night that justice will not be served in this case without a black person on the grand jury.

Under Uhler's supervision, the panel will hear evidence about two unsolved killings from 1969. Rookie York Police Officer Henry C. Schaad, 22, was hit by a bullet July 18 while riding in an armored car crossing the West College Avenue bridge. Aiken, S.C., resident Lillie Belle Allen, 37, a visitor to York, was gunned down at the North Newberry Street railroad crossing July 21.

Allen died that night. Schaad died Aug. 1.

"You and you alone must decide whether the matters of grave public importance before you disclose criminal conduct and, if so, by whom," Uhler told the grand jurors.

"In the discharge of this responsibility," he said, "you must act honestly, conscientiously and without fear or favor.

"You must avoid mere rumor, suspicion or conjecture and you must cast out sham and prejudice. But, where you find wrongdoing, you must confront it and address it, fearlessly and candidly."

After breaking for lunch Wednesday, the panel reassembled for its first meeting with prosecutors who will lead the investigation.

In addition to District Attorney H. Stanley Rebert, his first assistant, Thomas H. Kelley, and chief deputy prosecutor, William H. Graff Jr., the judge said two others - executive deputy prosecutor James M. Reeder and senior deputy prosecutor Timothy J. Barkdoll - will work with grand jurors during the investigation.

Jurors will serve up to 18 months, if necessary, with a possible extension of six months if requested and granted by Uhler. They will determine whether to issue any presentments accusing individuals of criminal charges relating to the two deaths.

A presentment is a written statement to the court by a grand jury, indicating an offense has taken place and, if determined, naming individuals recommended for prosecution.

Though the selection of the jury was open to the public, the law requires all grand jury proceedings to be secret with no one - prosecutors, jurors or supporting court personnel - permitted to discuss anything outside the hearing room.

Any presentments accepted by Uhler will become public record.

Uhler told the grand jury it likely will convene for two-day sessions, about 30 days apart, once prosecutors have subpoenaed witnesses. The hiatus will allow time for follow-up investigation between sessions, the judge said.

The judge told the grand jurors they may ask questions of witnesses. That differs from criminal trials to determine guilt or innocence in Pennsylvania. Jurors in those cases are not permitted to ask questions.

Uhler appointed a registered professional engineer as the jury foreman. His duties include presiding at each session, coordinating activities with the prosecutors and signing all official documents.

The judge said Kay Ehrhart, a deputy clerk of courts, will serve as grand jury administrator to track witnesses and exhibits. He told the 23 regular jurors they will have to choose a secretary to take the roll of members at each session and to keep accurate minutes.

Uhler did not disclose the grand jurors' identities or ages. Most members appeared to range in age from their 40s to 60s with about 10 people in their 20s and 30s.

Among the regular jurors, 12 are men and 11 are women. The seven alternate jurors - four men and three women - will sit with the primary jurors for all sessions but will have no vote and will not participate in deliberations. The alternates, in the order chosen, will replace regular jurors in the event vacancies occur.

Fifteen primary jurors constitute a quorum. A presentment requires a minimum of 12 affirmative votes.

The judge told panel members a computer picked them at random from a pool of 10,000 to 15,000 registered voters and wage earners within the county. The court uses the same method to select jurors for civil and criminal trials.

Uhler said the court initially summoned 250 people by certified mail but a number of those were undeliverable because people had died or moved. The judge and Court Administrator J. Robert Chuk excused others before Wednesday but only for extraordinary medical reasons, planned vacations with travel or lodging reservations in place or other medical or financial hardships.

Uhler granted exemptions Wednesday to seven additional potential jurors. They included a man under a doctor's care for an anxiety disorder, another man who has an appointment with a medical specialist today and a woman whose ill husband depends upon her for transportation to Johns Hopkins Hospital in Baltimore.

The judge excused one man with a 40 percent hearing loss who had difficulty understanding Uhler's amplified remarks. Uhler exempted a second woman who is undergoing dialysis for a kidney disorder.

One man told Uhler that he plans hunting trips each November and asked if that would interfere with his ability to serve. Uhler said it would not, and did not excuse him. The man was not selected by the computer.

Another man told Uhler he did not believe in secret organizations or the death penalty and questioned whether he should serve. The judge said the grand jury is not a secret organization and that the jury would not determine guilt or innocence, so would not rule on a death penalty matter. The computer did not select that man, either.

Two women who had performed jury service within the county during the past three years opted to remove themselves from consideration as potential grand jurors, a decision allowed by law.

Baba Whisler, who chairs the NAACP's legal redress committee, said Wednesday night that because of the history of the riots in York, only a black person could understand that type of prejudice and could objectively judge the case.

In 1996, according to the most recent Census numbers, African-Americans made up 3.86 percent of York County's population.

"There's no way to entrust this case to an all-white jury, computer-generated or not," said Whisler, a life member of York's National Association for the Advancement of Colored People. "We don't want in the year 2000 to have this case unresolved."

Whisler said county officials should have taken steps to ensure more minorities were in the jury pool and that some were picked to serve on the grand jury.

"Even if you have to go outside the county to find them," she said. "We need to resolve this case and not repeat past mistakes."

Whisler said she was going to talk with Leo Cooper, president of York's NAACP, about what the group could do to formally object to the grand jury selection.

Uhler issued a stern challenge to the grand jurors.

"Your capacity to see that justice is done is enormous," he said. "At the same time, if your powers are incorrectly used or abused, great harm can be done, both to individuals and to the community at large."

The judge thanked jurors for their willingness to serve, saying he is personally grateful for their participation. "You should conduct your duties with dignity and with fidelity to the oath you have just taken," he said.

"Any violation of my instructions in this regard, whether by members of the jury panel or anyone having any relationships with the jury panel, will be dealt with swiftly and firmly."

Daily Record staff writer Carrie A. Liberante contributed to this report.

York Daily Record
Page 01

Thu, 15 Jun 2000

Sisters talk about their loss Lillie Belle Allen was one of two people shot and killed during the 1969 York riots.

PAMELA LEHMAN Daily Record staff

Almost 31 years later, Hattie Dickson is still waiting for that wrenching cry to mourn the loss of her sister, Lillie Belle Allen.

She saw her beautiful sister - who loved to dance and wanted a body like Marilyn Monroe - get pierced by bullets from a sniper's gun along North Newberry Street in York.

Sometimes Dickson can talk about that hot July evening in 1969. Other times, her mind snaps shut like a trap and she can't remember anything.

Dickson wants to mourn for the woman who was like a mother to her.

"I'm not a crybaby, and I don't like weakness," she said from her other sister's York home on Wednesday night. "I hold things in, and it's still hard to explain my deepest feelings."

Lillie Belle was the one Momma always left in charge, Dickson said.

She never yelled at her younger siblings, said her sister, Gladys Oden.

Lillie Belle used to do a dance where her whole body would shimmy and shake like a live wire. It was a sight to see, Oden said.

That day in July, the family had spent the afternoon fishing. Lillie Belle was visiting from her home in Aiken, S.C. Later that evening, six of them piled in the car to go to a supermarket to get a few things for dinner.

Dickson hopped behind the wheel. Beside her was her husband, Murray.

Allen, her mother and father, the Rev. James Mosely, were in the back.

As they drove north on North Newberry Street, they saw a gang of white people standing near the railroad tracks at Gay Avenue. The gang was known as the Newberry Street Boys. As they passed, a man raised a rifle and pointed at the family members cowering in the car.

Dickson pulled into the left lane and veered toward a street sign. The family yelled at her to watch out. Lillie Belle told her sister to pull over so she could drive.

As Lillie Belle's feet touched the pavement, shots rang out. The car's rear window exploded and bullets punctured the tires.

Dickson lay down on Oden's couch Wednesday demonstrating how the family crouched on the floor of the car.

"We heard a man yell, 'Don't shoot down here no more!' " Dickson said. "He told us to keep our heads down and not look up."

Lillie Belle was under the car. They heard her moan and ask for help. Eventually, a York Police armored car appeared around the corner. Lillie Belle was rushed to York Hospital.

A few blocks away, Oden heard the shots and thought they were firecrackers. She heard a thumping noise and saw Dickson's car crawl up the block driving on rims.

The family filed into the house with shards of glass in their hair and dazed looks on their faces. Lillie Belle wasn't with them.

"My Momma said they were going to the hospital, and I wasn't to open the door for anything," Oden said. She was 13 at the time and stayed with Lillie Belle's children.

"The baby was crying, and I was trying to put things in his mouth to keep him quiet," she said. "I was so scared they were going to come back and kill us."

When her parents and sister returned hours later, they told Oden her sister had passed. Oden was horrified.

"My father said we were getting out of here as soon as possible," Oden said. "Later that night, we heard

more shots and crawled along the floor and up the stairs to one room where we all just sat."

A few weeks later, the family squeezed into a car and headed back to Aiken.

Oden was never really able to talk to her parents about the loss of Lillie Belle. They never dealt with their feelings from that night, she said.

Dickson waved her hand in front of her face when asked about that night.

"I wish our parents were here to talk to about it," she said. "There are so many things we never got to say."

Oden said she wants to move back to Aiken. She's not sure why she's stayed in York. She came here years ago to get away from a bad relationship and be with her sister.

Some nights the thoughts keep her awake - what in the world is she doing in the city where her sister was killed? What's keeping her and Dickson here? Why stick around and deal with the bad memories?

"I'm not comfortable living here, but I wonder if the Lord has me here for some reason," Oden said.

In February, Dickson said she was approached by detectives and agents from the district attorney's office. On Tuesday, police said they were re-opening the two murder cases that happened during the 1969 riots. York Police Officer Henry Schaad also was shot and killed.

"I had gotten to the point where I never really gave it another thought," Dickson said. "I thought it was done and gone, and we'd never hear anything about it again."

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13:26:10

View Document Attributes

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Orig. Office : D6	Responses :
Document Type : MEMO	Text . . . :
Document Date : 01/11/01	FIF . . . :
To : FBI HEADQUARTERS	
From : JUSTICE	
Case ID : 282A-PH-90508	Serial : 2
Topic : REFERENCE IS MADE TO THE ATTACHED CORRESPONDENCE	
Author :	
Approver :	
Ref. Case ID :	Serial :
Class Level : SN	Authority :
Rule 6(e) . . :	Caveats . . :
IRS Tax Flag. :	Duration : SCI :
	FD-501 . . :

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282A-PH-90508-2

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 02/20/2001

Date: 01/29/2001

To: Criminal Investigative

Attn: Color of Law Unit

From: Philadelphia Field Office
Harrisburg Resident Agency
Contact: SA [REDACTED]

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Approved By: [REDACTED]

Drafted By: [REDACTED]

grb

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b7C

Case ID #: ✓ 282A-PH-90508

Title: UNKNOWN OFFICERS,
YORK POLICE DEPARTMENT,
YORK, PENNSYLVANIA;
LILLIE BELL ALLEN (DECEASED) - VICTIM;
COLOR OF LAW - WITH FORCE/VIOLENCE
OO: PHILADELPHIA

Synopsis: Initial submission.

Details:

Date of Incident: 07/21/1969
Date of Complaint: 01/11/2001

Time of Incident: 09:15P

Incident Street No.:

Street Name: N. NEWBERRY STREET

Apt #:

City: YORK

State: PA

Zip:

1. INCIDENT:

A. Community Area: Metropolitan

B. Violence: Yes

C. Death: Yes

D. Injury:

E. Correctional Facility:

Facility Type:

Same as Incident Address:

Facility Street No.:

Street Name:

City:

State:

Zip:

2. MODUS OPERANDI:

Shoulder Weapon

3. OTHER AGENCY INVESTIGATING:

Police (Criminal); Local

282A-PH-90508-3

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CIV/CRK

To: Criminal Investigative From: Philadelphia Field Office
Re: 282A-PH-90508, 01/29/2001

4. SYNOPSIS: The York County District Attorney initiated a County Grand Jury investigation into two(2) homicides that occurred during racial rioting in 1969 in York, Pa.. This investigation includes the captioned matter and the shooting death on 07/18/1969 of Police Officer Henry C. Schaad. The Grand Jury has been hearing witness testimony on a part-time basis since October 2000. Previously, a request for assistance from the York County District Attorney for information was handled with the assistance of the Civil Rights Unit and reported in the zero file.
5. SIGNIFICANT CASE: Yes
Please Explain: This matter is a significant matter locally, receiving notable media attention and resulting in the suicide of a subject/witness.
6. REMARKS/ADMINISTRATIVE: Indices search requests previously submitted for both victims identified only destroyed files. The York Daily Record submitted a request through the FOIPA and received documents approximately one inch thick, including copies of the FBI report, 44-1638. On 1-29-2001, [redacted] [redacted] York County District Attorney's Office, was contacted regarding the release of information to the FBI from County Grand Jury proceedings. Request is pending.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
PHILADELPHIA	PHILADELPHIA	02/15/2001	01/19/2001 - 02/15/2001
TITLE OF CASE		REPORT MADE BY	TYPED BY
UNKNOWN OFFICERS, YORK POLICE DEPARTMENT, YORK, PENNSYLVANIA; LILLIE B. ALLEN (DECEASED) - VICTIM		SA [REDACTED]	grb
		CHARACTER OF CASE	
		COLOR OF LAW WITH FORCE/VIOLENCE	

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-P-

REFERENCE

Philadelphia FD-610, dated 01/29/2001.

LEAD

PHILADELPHIA DIVISION
AT HARRISBURG, PA

Will follow and report results of York County
Grand Jury investigation as the information becomes
available.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE:					
2 - Bureau					
① - DOJ Civil Rights Division					
② - Philadelphia (282A-PH-90508)					
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
Agency					
Request Recd.					
Date Fwd.					
How Fwd.					
By					

282A-PH-90508-4

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 15 2001	
[REDACTED]	
PHILADELPHIA	

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UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

DOJ# 144-63-800

ATTN. [REDACTED]

Report of:

SA [REDACTED]

Office: Philadelphia

Date:

02/15/2001

Case ID #:

282A-PH-90508

Title:

UNKNOWN OFFICERS,
YORK POLICE DEPARTMENT,
YORK, PENNSYLVANIA;
LILLIE BELL ALLEN (DECEASED) - VICTIM

Character:

COLOR OF LAW WITH FORCE/VIOLENCE

Synopsis:

Lillie Bell Allen, black female, Date of Birth December 25, 1941, was shot and killed during race riots on July 21, 1969, in the City of York, Pennsylvania. On July 18, 1969, Police officer Henry C. Schaad was shot and killed by unknown subjects while seated in an armored car while on duty during racial tensions. These two homicides have gone unsolved with an implication that police were somehow involved in the Allen murder.

York County authorities have impaneled a Grand Jury and have presented witnesses on a regular basis since October 2000. Upon initiation of this matter, a request was presented to President Judge John C. Uhler, York County Common Pleas Court, through [REDACTED] requesting disclosure for the FBI/Department of Justice. Judge Uhler has not yet made a decision concerning this request.

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DETAILS: This matter was predicated in the Philadelphia Division of the FBI upon receipt of a request for investigation from the UNITED STATES DEPARTMENT OF JUSTICE, Civil Rights Division dated January 11, 2001.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE PHILADELPHIA	OFFICE OF ORIGIN PHILADELPHIA	DATE 03/12/2001	INVESTIGATIVE PERIOD 02/15/2001 - 03/08/2001
TITLE OF CASE UNKNOWN OFFICERS, YORK POLICE DEPARTMENT, YORK, PENNSYLVANIA; LILLIE B. ALLEN (Deceased) - VICTIM		REPORT MADE BY SA 	TYPED BY drj
		CHARACTER OF CASE COLOR OF LAW WITH FORCE/VIOLENCE	

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REFERENCE

Philadelphia FD-610 dated 01/29/2001; and Report dated 02/15/2001.

LEAD

PHILADELPHIA DIVISION
AT HARRISBURG, PA

Will follow and report results of York County, Pennsylvania, Grand Jury investigation as the information becomes available.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 2 - Bureau 1 - Department of Justice Civil Rights Division 2 - PHILADELPHIA (282A-PH-90508)					
		282A-PH-90508-5			
DISSEMINATION RECORD OF ATTACHED REPORT		Notations		Searched	_____
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UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to: DOJ #144-63-8000
Attention: [REDACTED]
Report of: SA [REDACTED] Office: Philadelphia Field
Date: Office
03/12/2001
Case ID #: 282A-PH-90508

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Title: UNKNOWN OFFICERS,
YORK POLICE DEPARTMENT,
York, Pennsylvania;
LILLIE BELL ALLEN (Deceased) - VICTIM

Character: COLOR OF LAW WITH FORCE/VIOLENCE

- P -

Synopsis:

On March 7, 2001 [REDACTED]
[REDACTED] York County District Attorney's Office,
York, Pennsylvania, advised that President Judge John C.
Uhler has not ruled on the request for disclosure of Grand
Jury information to the Federal Bureau of
Investigation/Department of Justice. Unofficially, it
appears the York County Grand Jury may make presentments
concerning the Lillie Bell Allen murder before the end of
March, 2001. It is unclear if these matters will be
sealed at that time, as the Grand Jury will then begin

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DETAILS: This matter was predicated in the Philadelphia
Division of the Federal Bureau of Investigation upon
receipt of a request for investigation from the United
States Department of Justice, Civil Rights Division, dated
January 11, 2001.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
PHILADELPHIA	PHILADELPHIA	04/11/2001	03/9/2001 - 04/11/2001
TITLE OF CASE		REPORT MADE BY	TYPED BY
UNKNOWN OFFICERS, YORK POLICE DEPARTMENT, YORK, PENNSYLVANIA; LILLIE B. ALLEN (DECEASED) - VICTIM COLOR OF LAW - WITH FORCE/VIOLENCE OO: PHILADELPHIA		SA [REDACTED]	grb
		CHARACTER OF CASE	
		COLOR OF LAW WITH FORCE/VIOLENCE	

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REFERENCE

Philadelphia FD-610, dated January 29, 2001,
reports dated 2-15-2001 and 3-12-2001.

LEADPHILADELPHIA DIVISION

Will follow and report results of York County
Grand Jury investigation as the information becomes
available.

APPROVED <i>RSC/CR</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE:					
2 - Bureau					
1 - DOJ Civil Rights Division					
(2) - Philadelphia (282A-PH-90508)					
		282A-PH-90508-6			
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Date Fwd.					
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UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

DOJ# 144-63-800

ATTN. [REDACTED]

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Report of:

SA [REDACTED]

Office: Philadelphia

Date:

04/11/2001

Case ID #:

282A-PH-90508

Title:

UNKNOWN OFFICERS,
YORK POLICE DEPARTMENT,
YORK, PENNSYLVANIA;
LILLIE BELL ALLEN (DECEASED) - VICTIM

Character:

COLOR OF LAW WITH FORCE/VIOLENCE

Synopsis:

On 04-05-2001, an informal meeting was held with the York County District Attorney's Office regarding the pending County Grand Jury investigation into the murder of Lillie Bell Allen. In attendance were; [REDACTED]

[REDACTED] Assistant United States Attorney [REDACTED] and FBI Special Agent [REDACTED] President Judge John C. Uhler, York County District Court, had recently signed an order permitting disclosure of County Grand Jury proceedings to the U.S. Department of Justice.

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[REDACTED] outlined concerns of how politics might effect the pending Grand Jury presentment as the Mayor of the City of York, Pa., Charlie Robertson, would likely be included in a list of about seven for which charges would be recommended. In 1969, Mayor Robertson was a patrolman with the City of York Police Department and testimony has reportedly linked him with inciting the white community against blacks, providing ammunition that was used in the shooting of Victim Allen, and influencing the investigation conducted into this matter. [REDACTED] requested the assistance of the United States Attorney's Office/DOJ in reviewing the investigation for consideration of possible Federal charges pertaining to the role of Mayor Charlie Robertson in the 1969 murder.

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282A-PH-90508

On 4-10-2001, copies of transcripts of Grand Jury testimony were received and are being copied for inclusion in the next report. The initial presentment is tentatively scheduled for 4-24-2001, and the York County District Attorney will file complaints against those recommended in the presentment, with the possible exclusion of Mayor Robertson. The presentment may be sealed at the discretion of the presiding District Court Judge, but it is anticipated that media coverage may be extensive with supposition of the identity of the unnamed "law enforcement officer", whose identity is known to the Grand Jury.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE PHILADELPHIA	OFFICE OF ORIGIN PHILADELPHIA	DATE 05/02/2001	INVESTIGATIVE PERIOD 04/12/2001 - 05/01/2001
TITLE OF CASE UNKNOWN OFFICERS, York Police Department, York, Pennsylvania; LILLIE B. ALLEN (Deceased) - VICTIM		REPORT MADE BY SA 	TYPED BY drj
		CHARACTER OF CASE COLOR OF LAW - WITH FORCE/VIOLENCE	

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Philadelphia FD-610 dated 01/29/2001; and report dated 04/11/2001.

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ENCLOSUREENCLOSED FOR THE BUREAU:

Enclosed for the Bureau are the following:

1. Copy of York County Grand Jury testimony transcripts reflecting approximately 90% of the testimony presented to date.
2. Copy of newspaper articles from the York Sunday News dated 04/29/2001.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 3- Bureau 1- Civil Rights Division ① Philadelphia (282A-PH-90508) (HRA)					
<div style="text-align: center;"> </div>					
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
Agency		<div style="border: 1px solid black; padding: 5px;"> 282A-PH-90508 - 7 SEARCHED <u>dc</u> INDEXED <u>dc</u> SERIALIZED <u>dc</u> FILED <u>dc</u> MAY 09 2001 <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto;"></div> </div>			
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282A-PH-90508

3. A copy of the presentment as returned by the York County Grand Jury.

4. Envelope containing correspondence from the Assistance United States Attorney [REDACTED] Middle District of Pennsylvania, Harrisburg, Pennsylvania.

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PHILADELPHIA

AT HARRISBURG, PA

Will continue to monitor local prosecution under the guidelines of a Pending Inactive matter.

ADMINISTRATIVE

It is requested that this matter be placed in a Pending Inactive status to more efficiently monitor the local prosecution of this case.

This matter is being placed in a Pending Inactive status for 120 days at which time the status will be ascertained.

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to: Department of Justice #144-63-800
Attention: [REDACTED]

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Report of: SA [REDACTED] Office: Philadelphia
Date: 05/02/2001

Case ID #: 282A-PH-90508

Title: UNKNOWN OFFICERS,
York Police Department,
York, Pennsylvania;
LILLIE B. ALLEN (Deceased) - VICTIM;

Character: COLOR OF LAW - WITH FORCE/VIOLENCE

Synopsis: During the week of April 23 to 27, 2001, a presentment
was returned by the York County, Pennsylvania, Grand Jury.

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[REDACTED]

The media has reported an implication that the
unidentified police officer is the current Mayor of the
City of York, Charlie Robertson.

The York District Attorney has held filing of charges
against Mayor Robertson in abeyance pending the review of
this matter by the United States Attorney's Office, Middle
District of Pennsylvania (MDPA), Harrisburg, Pennsylvania,
in coordination with the Civil Rights Division, Department
of Justice.

On May 1, 2001, Assistant United States Attorney
[REDACTED] MDPA, advised that the review by the United
States Attorney's Office has been completed and no active
involvement in this matter is anticipated.

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'THE WORLD IS A DIFFERENT PLACE'

A hometown headline

31 years later, Lillie Belle Allen finally makes the news in Aiken

By LAURI LEBO
Dispatch/Sunday News

What's news has changed in Aiken, S.C.

In the 31 years since Lillie Belle Allen died, the death of a local black woman at the hands of a white mob has now, finally, become news.

News the way — 31 years ago — a story had been about the search for the killer of a blond coed at a university 800 miles away.

In the late '60s, skin color more than likely played a role in the sparse coverage, said Jeff Wallace, editor of the Aiken Standard, who was a junior in college at the time of Allen's slaying. Like most people in the area, he had never heard of the killing.

"If the roles had been reversed, if it was a white woman and a black gang," he said. "Yeah, I think definitely there was going to be a different play."

But in the town where Allen lived, the 27-year-old preacher's daughter was soon all but forgotten except by those who loved her.

In the summer of 1969, the Aiken Standard barely noticed that one of their own had been killed during race riots in York. Like most newspapers across the country in July 1969, the Standard was preoccupied with the moon landing and combat deaths in Vietnam.

Even though her father was a local pastor, and Allen had been killed trying to escape a hail of bullets fired by an angry mob in a white neighborhood, the Standard ran only a short obituary on her. Three names were mis-



Wallace ... editor of the Aiken Standard newspaper in South Carolina.

That was all. Over the same period, the paper ran five stories — three on the front page — on the search for the killer of a blonde coed from the University of Michigan.

Different world: The newspaper business has changed, Wallace said. If an unarmed Aiken citizen were killed by a gang today in a northern city more than 600 miles away, you'd better believe readers would know about it.

"Today, the world is a different place," Wallace said.

Yesterday, the story dominated the front page of the Aiken newspaper. "Family awaits justice," the lead headline read.

"It is bad when you have to lose someone like that. The scales of justice are about to be balanced," Allen's sister, Aiken resident Jennie Settles is quoted as saying. "But it comes as a relief after all these years to know justice is going to be done."

Wallace, who hails from Pittsburgh, has lived in South Carolina since he was a boy. He said he doesn't think you can generalize about people based on geography.

(Indicate page, name of newspaper, city and state.)
A-9
THE YORK DISPATCH
York, Pennsylvania
Date: 4/29/01
Edition: Daily

A hometown headline

spelled in the article, including her parents' last name.
Title: 282A PH 90508
An Association: HRA
ated Press Office: HRA
article mentioning her killing appearing:

He said there are good and bad, both black and white, in both the North and South.

In York, back then, riot coverage dominated the front page of the York's Gazette & Daily. As with all its local stories at the time, The York Dispatch covered the riots on the back page. But once the National Guard tanks pulled out and police officers began sensitivity training, the bruised city began putting the past behind it and Allen's name all but faded away.

That was 1969.

Attention paid: It's been 10 months since the York County District Attorney's Office announced it was re-

282A-PH-90508-8

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Pg. 2
4/29/01
A hometown
headline
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questing a grand jury investigation into the two riot-era murders of Allen and rookie cop Henry Schaad. Since then, there probably has been more written about Allen than had ever been written previously in the three decades since her death.

Now, 31 years since Allen was killed, the phone keeps ringing at Debra Taylor's house in Aiken. She doesn't want to answer it.

Many reporters have left messages asking to talk to her about the recent arrests of two men accused of killing her mother. They also want to know how she feels about witness testimony outlined in charging documents that say an unnamed police officer handed out the ammunition that was used to shoot at Allen.

Taylor doesn't welcome all the attention. She has lived with the fact that there has been little interest in finding out who killed her mother that night in a darkened York neighborhood.

Establishing a legacy: But now there is renewed interest, not only in finding the killers, but in preserving the memory of the victims

On May 25, an Aiken High School student will receive a small college scholarship in Allen's name.

The \$2,000 seed money



JASON PLOTKIN/STAFF PHOTOGRAPHER

Debra Taylor, the daughter of Lillie Belle Allen, is shown with her son, Brandon.

had been donated by J. Girard Hemler, a former New Oxford police chief, who had never heard of Allen's story until less than a year ago. He had been stunned to learn that no one had ever been charged in her death and wanted to do something to keep Allen's legacy alive.

In addition to Allen's scholarship, Hemler also created one in Schaad's name at York High, the young man's alma mater. Schaad was shot July 18, three days before Allen, while riding in an armored police car a block away from the high school.

The student who will receive the Allen scholarship has not yet been chosen. The award will go to a minority boy or girl who has "exhibited the strength and desire" to go to college, but could use the financial boost, said Aiken High School's principal Joe Padget.

Even though the award will bear Allen's name, the recipient of the award will likely know little about the woman. Taylor, an intensely private woman, has asked the school to keep the details of her mother's death out of the ceremony, Padget said.

By KATHY STEVENS

Dispatch/Sunday News

People know the truth.

Just like they've known the truth about who killed Lillie Belle Allen, they know the truth about who killed police Officer Henry C. Schaad.

"It's a matter of time as to when that comes out," said Harold Myers.

Myers tends bar part time at the American Legion York Post No. 127, a central gathering point for the city's black community on West Cottage Place.

Yesterday afternoon, he and a handful of other men sat inside the post talking about the 1969 race riots and whether 11 recommended indictments would loosen lips of those who know who shot Schaad.

They didn't think so.

Nor did they believe that pleas for resolution of the 22-year-old rookie cop's death from Schaad's and Allen's families would bring new information.

"It took nearly 32 years for people to talk about Allen, and they had everything then that they do now," said Bobby Holmes, a 62-year-old retiree having a drink at the bar. But, he said, "someone will talk eventually."

Allen was shot dead July 21, 1969, on North Newberry Street when her sister took a wrong turn and drove the family car into white gang territory. She and other family members had driven from Aiken, S.C., to visit Allen's sister, Hattie Dickson.

Officer down: Three days earlier, Schaad had been shot as he rode in the back seat of an armored vehicle, dubbed "Big Al," as it crossed the West College Avenue bridge headed toward William Penn Senior High School. He died 14 days later.

Schaad's case remains unsolved as an investigative grand jury continues to look into new evidence into the two murders during the riots.

On Thursday, the York County grand jury recommended indictments against Arthur N. Messersmith, 47, of Red Lion and Robert N. Messersmith, 52, of Montgomery County. The brothers were arraigned Thursday on criminal homicide charges in Allen's death. The grand jury recommended indictments against the brothers and nine others, who have not yet been named or charged.

(Indicate page, name of newspaper, city and state.)

THE YORK DISPATCH
York, Pennsylvania

Date: 4/29/01

Edition: Daily

Character:

or

Classification:

Submitting Office:

HRA

Indexing:

"You don't think the Messersmiths are going down alone, do you?" Holmes asked a friend across the bar. "They're going to sing. They're going to sing like the Temptations."

Holmes and the other men at the bar recalled days before fires burned city blocks. They summoned memories of a police department they say was ruled by racist cops, of police dogs that maimed friends at the command of white masters, of another unsolved death and random violence.

Lingering images: Those mem-

ories remain vivid in the minds of at least the handful of men old enough to recall what it meant to be black and living in York in 1969.

Their experiences are relevant to solving Schaad's case because the law enforcement regime created a climate in which members of the black community felt a need to protect their own, and, perhaps, to remain silent.

Each of them will tell you they never really had a run-in with the police — except for that one time.

Death still questioned: For Holmes, that "one time" came 19 days before Schaad was shot, when watched his little brother's corpse being wheeled to the morgue.

Holmes had seen Steven Holmes at 1:45 a.m. as he left Holmes' house on South Duke Street after a barbecue.

Holmes' mother was in town, and he'd asked 27-year-old Steven to pick up a six-pack of beer on his way home.

"The next thing I know, it's 3 a.m., and someone's telling me to identify him," Holmes said. "He'd gotten the beer, put it in the refrigerator."

Steven Holmes was killed by a single gunshot to the chest while he was standing outside his house, sometime between 1:45 and 3 a.m.

That morning was the closest Holmes ever came to being arrested because no one had answers about his brother's death.

And they still don't.

Sign of times: Holmes said that doesn't surprise him. At the time, York City was governed by Mayor John Snyder, the man who set the

tone for law enforcement. In tall, black boots he walked the streets with his German shepherd.

He called black people "darkies" who "loved to dance."

He ignored calls for a citizen police review board and refused to dismantle the K-9 unit, responsible for scars that have lingered for decades.

"A black person didn't stand a chance with them," Holmes said,

2824 PH-90508-9

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MAY 15 2001

PHILADELPHIA

explaining how the dogs' were only "put" on black people.

Charles "Commander" L. Thomas Sr. interrupted Holmes: "I've got a friend whose leg was shredded from those dogs."

They believe York City Mayor Charles Robertson, who was a police officer back then, is the unnamed officer listed in affidavits charging the Messersmith brothers with Allen's death.

Holmes said there was little justice for black people then. Bullet holes remain near the windows of his South Duke Street home, put there by a carload of young white men on a joyride.

Police did nothing.

Wondering why: Holmes, Thomas and Myers said they weren't surprised Allen's death wasn't solved for more than three decades. Nor were they surprised when the Messersmith brothers were charged in her murder. But they don't understand why Schaad's death wasn't solved immediately — he was one of their own.

"It just doesn't make any sense," Myers said.

He and the others at the Legion said they don't look at Schaad as part of the old police regime. And, like Allen, Schaad was an innocent who was in the wrong place at the wrong time.

On the scene: Schaad pulled armored car duty with Cpl. Sherman Warner and Officer Ronald McCoy the night he was shot. The men rode in "Big Al," one of three steel-plated cars the city borrowed from a bank.

The three were helping firefighters put out a mattress fire when a call came over the radio just after 11 p.m. — a man had been shot off his motorcycle at South Pershing and West College avenues. Warner was driving and McCoy rode shotgun. Schaad, in a seat behind McCoy, had joined the force less than a year before.

A group of men hanging out near Sam's Cafe, at West College and South Penn, heard the armored car rumbling down Penn Street. It is believed the men grabbed rifles and ran out from behind the corner bar as the car made a left onto West College Avenue.

From 300 feet away, four young black men took aim and shot at the departing vehicle, witnesses have said. A bullet from a Krag .30-40 rifle sliced through the quarter-inch rolled steel plating. Schaad took the bullet in his left side; it

Indictments won't help, but locals think someone will eventually talk



Charles Thomas ...

has a friend whose leg was shredded by police dogs.



Bobby Holmes ...

says someone will eventually talk about Schaad death.



Harold Myers ...

says it's a matter of time until more comes out about Schaad.

tore a hole through both lungs. Shrapnel ripped into his legs.

He died two weeks later, leaving a widow and a 5-year-old daughter.

"The whole situation was unfortunate, unfortunate that people didn't use more reserve before they took action," said Barry Schaad, the slain patrolman's brother, during a telephone interview Friday night.

His brother, Barry Schaad said, was not one of the officers baiting the black community.

"He was soft-spoken, calm and reserved," he said.

Barry Schaad said he's pleased progress has been made in resolving Allen's death and hopeful there will be enough evidence to find his brothers' killers.

"Maybe there might be one or two people that have a little something," Schaad said. "Maybe the grand jury's actions will relieve fear or doubt and they'll say, 'Maybe I can do something good.'"

Up to voters: Like most York County residents who haven't participated either as grand jurors or witnesses in the trial, Barry Schaad doesn't know what's come of the investigation about his brother or whether new evidence has surfaced.

Jimmy Spells, who spent about an hour testifying before the grand jury, said he was never asked about Schaad. Questions focused

instead on a confrontation between Spells and Robert Messersmith — hours after Spells' mother's house on Cottage Hill Road was fire-bombed.

Like his peers, Spells said he doubted recent arrests would influence anyone to come forward with information in Schaad's death.

"People in my age group are so anti-police because of all the reasons we already know of, we've already heard," Spells said Friday night during a telephone interview. "I was yanked out of my car, shoved up against a wall and had a gun pointed at my head."

"The cops are saying, 'Move, nigger, and your dead.' I don't have that much forgiveness," he said.

Spells, like Robertson, is a Democrat. But he has not — and will not — vote for him because he sees him as part of that regime. He wonders if the impending election, in which Robertson seeks a third term, will affect the investigation.

"They might be more inclined to spill their guts if Charlie Robertson wasn't re-elected," he said. "I can't wait to see whether (voters) will endorse (him)."

Pg. 2
4/29/01
Schaad: "a matter ..."
282APH 90508

Unnamed officer could face homicide charge

By WENDI HIMMELRIGHT
Dispatch/Sunday News

An unnamed police officer whose behavior is detailed extensively in affidavits charging two other men with the 1969 slaying of Lillie Belle Allen himself could face murder charges.

Two legal experts — one a longtime criminal attorney recommended by the state bar association, and the other a Dickinson School of Law professor — were of that opinion based on the details as spelled out in affidavits of probable cause filed against former Newberry Street Boys members Robert and Arthur Messersmith.

The affidavit said witnesses testified:

■ The officer yelled "white power" at a Farquhar Park rally the day before Allen's slaying

■ He encouraged people to bring weapons to the North Newberry Street neighborhood

■ He told some youths "if I weren't a cop I'd be leading commando raids against niggers in the black neighborhoods."

■ And he gave ammunition to young men on Newberry Street the day Allen was killed, and at least one person used that ammunition to fire on Allen's car.

Long-time criminal attorney Jerald Grimaud of Tunkhannock, Wyoming County, said the comments and action by the police officer indicate he knew the ammunition would be used to kill blacks.

"In this case, if he was aware of this mob's intent to kill, that is premeditation, and that is first-degree murder," Grimaud said.

It makes no difference, Grimaud said, that the police officer did not pull the trig-

ger. As an example, he said a person driving the getaway car in a store robbery where the clerk is killed can face the same charges as the person who actually killed the clerk.

"It's not uncommon through conspiracy, that people face a conviction of murder. Conspiracy does not exist in a vacuum, it exists with another charge. Conspiracy to commit murder has the same statute of limitations as murder, which means there is no statute of limitation," Grimaud said.

Dickinson professor Michael Mogill concurred. "Providing the ammunition or directing what is to be done with the ammunition, the mindset that goes along with that shows intent. Even if he's not the trigger man, he can be charged with murder."

While the officer was not named in the indictment, witnesses have told The York Dispatch/Sunday News a similar story about York Mayor Charles Robertson, who was a police officer in 1969.

Robertson, who retired from the police force after 28 years and is now seeking his third term as mayor, has admitted he was once a racist, and said he yelled "white power" at the Farquhar Park rally.

He denies he is the officer described in the affidavit, but he told WHTM-TV on Friday that he thought the grand jury investigation would result in a recommendation for his arrest.

Anyone convicted of murder in the case could be sentenced to life in prison, with no possibility of parole. But the convict would not face the death penalty because the death penalty law in place at that time was invalidated by the U.S. Supreme Court in 1972.

(Indicate page, name of newspaper, city and state.)
THE YORK DISPATCH
York, Pennsylvania
Date: 4/29/01
Edition: Daily

Title: Unnamed officer could face homicide charge

Character: 282APH 90508
or
Classification:

ce: HRA

Because the murders occurred in 1969, First Assistant District Attorney Thomas H. Kelley said prosecutors can not seek the death penalty in the criminal homicide charges against the Messersmiths. He would not discuss possible charges or sentences for anyone else.

Robertson's attorney, Richard Oare, said the grand jury indictments mean little as far as a person's guilt or innocence.

A grand jury recommendation for indictment means the jurors found enough evidence to establish probable cause a crime was committed.

For a conviction, prosecutors must establish a crime was committed beyond a reasonable doubt.

"The prosecutors pick the witnesses they want to cross-examine.

"The witnesses are never cross-examined. Evidence goes in if the prosecution decides it goes in, and the prosecution decides what is excluded. It's a totally one-sided presentation," Oare said.

"There's a saying — a prosecutor can get a grand jury to indict a ham sandwich."

Oare would not say wheth-

32-year old crime.
"They can make the argument that you can't prosecute me because my due process rights have been violated."

"Evidence has dissipated, and it's dissipated because of your lack of prosecution," Oare said.

er he expects Robertson to be charged. But Oare said it will be difficult for the prosecution to win any convictions in the case.

Though there is not a statute of limitation for murder, Oare said there are hurdles to convicting someone for a

282H-PH-90508-10

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ADDELPHIA

About the indictments

After meeting for seven months, a York County investigative grand jury recommended indictments Thursday against brothers Robert Messersmith, 52, of Montgomery County, and Arthur Messersmith, 47, of Red Lion, and nine others in connection with the July 21, 1969 slaying of Lillie Belle Allen.

The two are now being held without bail in the York County prison on charges of criminal homicide. No others have yet been charged.

Prosecutors filed a presentment from the jury recommending the charges in York Common Pleas Court. Its contents are being kept secret until all those it names are in custody or freed pending trial. An order by Judge John C. Uhler says the grand jury is continuing its investigation.

Still operating under a veil of secrecy, county investigators would not say when or how many more arrests are planned, or whether the nine others recommended for indictment were involved in the ambush slaying of Allen, or in the fatal shooting of York City rookie police officer Henry Schaad three nights before.

Allen was slain after her family's car took a wrong turn onto North Newberry Street, home to the white gang called the Newberry Street Boys. More than 100 youths had gathered in the area on what would be the fifth consecutive night of racial violence in York, and some began firing when Allen, who was black, got out of the car.

According to affidavits of probable cause filed for the Messersmith brothers, witnesses saw both young men fire at the car. Testimony also showed Allen was killed by a rifled shotgun slug, and that Robert Messersmith had been seen that day with a 12-gauge shotgun, loaded with rifled slugs he altered to make them fragment upon impact.

The affidavits also detail, at length, the actions of an unnamed police officer who yelled "white power" at a Farquhar Park rally the day before Allen's slaying; encouraged people to bring weapons to the North Newberry Street neighborhood; and told some youths "if I weren't a cop I'd be leading commando raids against niggers in the black neighborhood."

The officer also allegedly gave ammunition to young men on Newberry Street the day Allen was killed, and at least one person used that ammunition to fire on Allen's car, the affidavits said.

While the officer was not named, witnesses have told The York Dispatch/Sunday News a similar story about York Mayor Charles Robertson, who was a police officer in 1969.

About the investigation

For some 30 years, police investigations into the homicides of Lillie Belle Allen and Henry Schaad lay dormant. Law enforcement officials in York said they had suspects, but never enough evidence to bring charges.

But the York County District Attorney's office refocused its efforts on the cases in December 1999, after receiving new information that began surfacing after The York Dispatch/Sunday News published a week-long series on the 30th anniversary of the riots.

Evidence they collected included an audiotape recorded by a former gang member who committed suicide in April 2000 after speaking to police. Others believe another ex-gang member provided evidence shortly before he succumbed to cancer.

Last June, District Attorney Stan Rebert announced he wanted an investigative grand jury to take a look at the Allen and Schaad cases.

In late September, the 23-member panel began hearing testimony two days a month, sequestered in the basement of the county government building at One Marketway West.

About the victims

Lillie Belle Allen, 27, was a preacher's daughter from Aiken, S.C., who had stopped in York in July 1969 with her parents and two children to visit her sister and brother-in-law, Hattie and Murray Dickson. The family had been on the way to buy groceries for dinner when her sister made a wrong turn into the all-white neighborhood at North Newberry Street and Gay Avenue. Allen got out to drive the car, and died in a hail of gunfire. Dickson and a second sister, Gladys Oden, still live in York.

Three days earlier, white rookie Patrolman Henry Schaad, 22, was fatally wounded as he and two other officers rode in an armored vehicle across the College Avenue bridge.

(Indicate page, name of newspaper, city and state.)
A-8
THE YORK DISPATCH
York, Pennsylvania

Date: 4/29/01
Edition: Daily

Title: About the indictments...

Character: 283A PH 90508
or
Classification:
Submitting Office: HRA

Indexing:

Schaad was a William Penn High grad who followed his father into police work. He died 14 days later in the York Hospital intensive care unit, leaving a wife, now Sharon Schaad Howe, and a young daughter, now Sonja Schaad Gilmore.

Four gunmen are believed to have shot at the vehicle from the area of Penn Street and College Avenue, in a predominantly black neighborhood.

283A PH-90508-11

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(Indicate page, name of newspaper, city and state.)
A-1
THE YORK DISPATCH
York, PennsylvaniaDate: 4/29/01
Edition: Daily

Title: Robertson wanted to Plead the Fifth

Character: 382APH-90508
orClassification:
Submitting Office: HRA

Robertson wanted to plead the Fifth

By WENDI
HIMMELRIGHT
Dispatch/Sunday News

York City Mayor Charles Robertson tried to avoid testifying before an investigative grand jury by invoking the Fifth Amendment, The York Dispatch/Sunday News has learned through court documents and an interview with Robertson's attorney.

York attorney Richard Oare ended the months-long



Robertson ... denies he's the officer described in the affidavit.

mystery about "Subpoena 35" by saying that he has only one client involved in the grand jury investigation into a pair of 1969 riot slayings.

Court records show that Oare, on behalf of its recipient, tried to quash "Subpoena 35," and file a petition invoking the Fifth Amendment, which protects individuals from being forced to

provide testimony that might tend to incriminate them.

Court records show that, after a hearing, Oare's motion was denied. After seven months of testimony, a county grand jury recommended the indictment last Thursday of brothers Robert and Arthur Messersmith — along with nine other unnamed suspects — who court documents say are responsible for some of the violence that shook the city for 10 days in 1969.

The Messersmiths were charged with criminal homicide and committed to York County Prison without bail. County investigators will not say if more arrests are planned immediately.

Oare said yesterday he does not know who else testified before the grand jury, because he was present only when Robertson testified.

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Experts: Cop is culpable

INVESTIGATION INTO 1969 RIOT DEATHS CONTINUES

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282APH 90508
Robertson wanted to...

But Oare declined to say when Robertson appeared before the grand jury and whether he invoked his Fifth Amendment rights for any particular questions.

An "unnamed police officer" known to the grand jury is implicated in the Messersmith charging documents as providing ammunition to white gang members who fired on victim Lillie Belle Allen's car. The officer allegedly attended a white gang rally at Farquhar Park the night before the shooting, where he raised his arms and yelled "white power."

According to charging documents, the same officer told the crowd to take any weapons they had to Newberry Street and told a group of white gang members that, "if I wasn't a cop, I would be leading commando raids against the

niggers in the black neighborhoods."

The police officer is not named in the affidavits that accompany the charges against the Messersmiths. But witnesses who talked with The York Dispatch/Sunday News and testified before a grand jury told the newspaper a similar story about Robertson.

Robertson admits he yelled "white power" at the rally but denies he is the officer described in the affidavit, and said Friday that "I have no knowledge within myself to remember or have any knowledge of any guns or ammunition."

Robertson also said he fears he will be charged and has since authorized Oare as his spokesman on the matter.

Other witnesses whose appearances before the grand jury have been confirmed are: Robert Stoner, a YMCA youth counselor in 1969; Jimmy Spells, whose parents' North Newberry Street home was firebombed during the riots, allegedly by the Newberry Street Boys; Bobby Messersmith, the only person convicted of a serious crime (aggravated assault) during the riots and the leader of the Newberry Street Boys; Hattie Dickson, Allen's younger sister and an eyewitness to her killing; and Barry Bloss, a city patrolman in 1969 (now the York County coroner.)

Detectives, prosecutors and court personnel are under a gag order issued by Uhler.

Robert "Hump" Stoner, now a guard at the York County Prison, said last year that a detective told him they expected to call about 78 people.

Subpoena No. 5 made a similar request as Oare's, to quash the subpoena and invoke Fifth Amendment rights, but was turned down after a September hearing.



TIMOTHY J. MOERSH PHOTO

York Mayor Charles Robertson talks with Tom Foley, president of the United Way of Pennsylvania, yesterday at Kiwanis Lake shortly before a memorial for workers killed in York.

Brothers' lives filled with trouble

Guns, booze and violence were the rule — before a change

By MIKE HOOVER
Dispatch/Sunday News

Living in a small, rented row house in an almost exclusively white, working-class neighborhood near Farquhar Park, Robert and Arthur Messersmith grew up in a tough home with an abusive, racist, alcoholic father.

Their lives — as told by Robert "Bobby" Messersmith, court records and those familiar with the Messersmith family — were filled with crime and violence, drugs and alcohol, failed relationships and the deaths of friends and family.

But in the three decades since they were gang members during the 1969 riots, Bobby found family and sobriety. Artie found religion and God.

Bobby Messersmith, 52, was at his Perkiomenville, Montgomery County, home Thursday with his wife of 12 years, Deborah, when police arrested him for the July 21, 1969, murder of Lillie Belle Allen, a 27-year-old black woman killed in the fifth day of rioting.

Artie Messersmith, 47, was doing yard work at his Red Lion home with his girlfriend of 16 years, Jeanne Owens, when he was taken into custody.

Today, the Messersmith brothers, both charged with homicide, remain in York County Prison without bail.

Coming so long after the riots, news of the arrests surprised some. But those familiar with the Messersmiths weren't surprised to learn they were the ones charged.

Family influence: Central in the lives of Bobby and Artie was their father, John Messersmith, a machinist who spent his days grinding metal at Allis-Chalmers Fluid Products.

Returning home from work, John would turn to the bottle and use a strap on his sons, Bobby recalled in an interview last year.

But at the same time, Bobby said, their rebelliousness was tough on their father and he doesn't bear any grudges.

"He (dad) loved us," he said. "Our family had a lot of love."

Bobby said he followed in his father's footsteps of alcoholism and began drinking as a child.

Eventually, his two younger brothers, Artie and Mike, would follow the same path to alcohol — and later to drugs and failed relationships. They also followed Bobby into a white street gang known as the Newberry Street Boys.

Bobby became a leader of the gang because of his reputation as a tough street fighter and his ability to bully and persuade people. He was known for his temper and violent rages; his brother, Mike, was the thinker and Artie was the antagonist who would start trouble, knowing his brothers were there to back him up.

Mess with one Messersmith brother, mess with them all and face the wrath of the NSBs, said Fred "Sterling" Flickinger, a former NSB member.

The Messersmiths' wood-paneled home at 229 N. Newberry St. was a gathering place for NSBs who would talk for hours in the back yard or meet on the front porch. From the yard, they would walk to the North End Cigar Shop at Newberry Street and Gay Avenue, a street-corner hangout just yards away from where Allen was killed.

The NSBs knew each other from William Penn Senior High School and the neighborhood. They would party together, play pinball and look out for one another.

(Indicate page, name of newspaper, city and state.)
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THE YORK DISPATCH
York, Pennsylvania
Date: 4/29/01
Edition: Daily

Brothers' lives filled with trouble

Character: 282APH 90508
or
Classification:
Submitting Office: HRA



Artie Messersmith

... was doing yard work at home when he was arrested.

Most loved to fish and hunt, particularly small game near Farquhar Park and the then undeveloped fields in the northeast section of the city.

"Bobby was a hell of a shot," Flickinger recalls.

Bad reputation: Long before the

riots, the Messersmith home was known to police.

Then-patrolman Dennis McMaster remembers John as an "abusive drunk" and a "real racist," and his sons as a "bunch of hellions." Former city police Sgt. Nevin "Jigs" Barley recalls the Messersmiths hated blacks.

282APH-90508-13

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"The Messersmiths were a little bit of white scum. Most of them (the NSBs) were," Barley said.

When the riots came in the summer of 1969, the NSBs were viewed by some as provoking the racial violence and by others as protectors of the Newberry Street neighborhood. At the center of the gang was Bobby.

"Bobby Messersmith was the spokesman. He could get those guys to do things. Bob was the person they looked up to the most," said Robert Stoner, a youth outreach worker at the York YMCA who grew up in the Newberry Street neighborhood.

Bobby talked about his role as a protector of the neighborhood from "intruders," leading the NSBs in "racial fights," according to a July 1, 1970, medical examination by Dr. Emil Herman, completed as part of a presentencing report for what was described by police as firing the first gunshot that started the riots.

Jail time: Until Thursday's arrests, Bobby was the only person to do jail time for riot-related charges. He was convicted of aggravated assault and battery for the July 17, 1969, shooting of two blacks, Taka Nii Sweeney and John Washington. Judge George Adkins sentenced Bobby to 9 to 23 months in prison.

In the report, Herman describes Bobby as a young man with a traumatic childhood as a result of the presence of a heavy-drinking, abusive father.

His first brush with the law came at 14 when he was charged with the indecent assault of a 6-year-old girl. When he was 19, Bobby was arrested for public drunkenness and later for resisting arrest. He was sentenced to a second 9-to-23-month term on Nov. 6, 1972, for shooting Charles W. Keener Jr., whom he mistook for a member of a rival gang known as the Dogtowners. Messersmith said the rival white gang tried to kill him at the Overbrook Inn in West Manchester Township by putting a knife to his throat.

In the evaluation, Herman

described Bobby as "emotionally unstable" with difficulty controlling his impulses.

Bobby acknowledged to Herman that he had to get his life together. While in prison for the Sweeney shooting, he learned that his girlfriend was three months pregnant. He wanted to marry her, get a good job, lead a decent life and refrain from drinking.

Herman didn't question his sincerity.

"While based on professional experience, one must take such promises with a grain of salt, the fact remains that he does not seem to be sly or vicious," Herman wrote.

Messersmith recently said his girlfriend at the time "dumped" him while he was in prison, and he wasn't sure if the child was his.

Followed dad: After graduating from York High in 1968, Bobby tried to follow in his father's footsteps at Allis-Chalmers. But he quit because, he said, he couldn't work indoors and went to work for city parks, a job he left and couldn't get back after the riots.

"They told me at city hall they would not hire me until after my sentence on account of politics or something," he told Adkins when he was sentenced for the Sweeney shooting.

The thought of prison took its toll on Bobby Messersmith, who according to his attorney at the time was on the verge of a nervous breakdown. Norman Petow pleaded with Adkins that he "feared for (Bobby's) sanity." Adkins ordered mental health counseling and that Messersmith serve some of his time at the Harrisburg and Norristown state hospitals, according to court documents.

After being paroled for the Keener shooting in 1975 from Norristown, Bobby Messersmith said he did not want to return to "racially divided" York, a "cesspool" of a city he once called home.

While in Norristown, he fathered a son, Michael Dorian, and a daughter, Mar-

cella Nancy, whom he has not seen in years, according to court records. Their mother, Freda Marlyn Silver, obtained permanent custody of the children, according to an Aug. 3, 1981, court order issued in Montgomery County.

Defining moments: Bobby Messersmith had been drinking since before he was a teen, but he said he sobered up after two life-defining moments in 1987 and 1988.

First, he met his wife of 12 years, Deborah, and settled down in Perkiomenville, where they later raised two children.

Next, his younger brother, Mike, committed suicide on Jan. 22, 1988, after long battles with drugs and alcohol, as well as a previous suicide attempt on Oct. 28, 1986.

After a long ride in the night, Deb and Bobby Messersmith arrived at York Hospital where they learned from Artie that Mike was in surgery for a gunshot to the chest. He learned moments later that Mike had died on the operating table at 5:25 a.m.

Bobby said he loved his brothers. He said he went to jail for Mike, who he claims shot Taka Nii Sweeney and

John Washington on the first day of rioting.

Mike's suicide "got me sober," said Bobby, who hasn't had a job since a disabling car accident in 1995.

Bobby said he hasn't had trouble with the law since he married, a claim supported by a criminal records check in Montgomery County and his neighbors who say he leads a quiet life on a dead-end street in Perkiomenville.

Clean record: Similarly, Artie has had a clean criminal record since 1993 when he was sentenced to one year's probation for defrauding public welfare.

In his early years, he pleaded guilty to aggravated assault in 1976 and was sen-

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*Brothers' lives
filled w/ trouble*

tenced to 9 to 23 months in jail. He also had a record of resisting arrest, simple assault and possession of marijuana.

Those who know Artie said his life began to change when he met his girlfriend of 16 years, Jeanne Owens. But the true turning point, they say, is when Artie turned to religion.

Just after a grand jury was announced in June 2000 to investigate the riot, Artie moved from the Newberry Street neighborhood where he grew up to a remote home in the Red Lion area where he lives with Owens.

The brothers kept in contact over the years. They would get together when Bobby returned to York, largely, he says, to attend funerals of old friends, including former NSBs and his father, John, who died Sept. 16, 1985.

In the midst of the police investigation of Allen's murder, Artie called his older brother to warn him that he was interviewed by two detectives and to prepare the family, Bobby said.

Police long suspected the Messersmiths were involved in the Allen shooting but had difficulty building a case because people remained loyal and silent, according to Thomas V. Chatman, a former police officer who investigated the case.

Bobby remembers while he was being held in prison back in 1970 for the Sweeney shooting, he was told he was a suspect in the Allen case.

But Bobby said he wasn't responsible for either shooting.

"I took the f—ing fall for my kid brother (Mike) and to shut the spooks up in York," he said last year.

And he said he suspected the same thing would happen in the Allen shooting.

"Blame it on my f—ing ass again," he said.



FILE PHOTO
Attorney Peter Solymos, Bobby Messersmith and Messersmith's wife, Deb, leave the York County Courthouse after testifying before the grand jury in October.

Pg. 3
4/29/01

Brothers' lives
filled w/ trouble
282APH 905DB

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE Philadelphia	OFFICE OF ORIGIN Philadelphia	DATE 08/24/2001	INVESTIGATIVE PERIOD 05/02/2001 - 08/24/2001
TITLE OF CASE "CHANGED" PATROLMAN CHARLES HENDRY ROBERTSON, YORK POLICE DEPARTMENT, YORK, PENNSYLVANIA; LILLIE BELLE ALLEN (DECEASED) - VICTIM		REPORT MADE BY SA [REDACTED]	TYPED BY ksr
		CHARACTER OF CASE COLOR OF LAW - WITH FORCE/VIOLENCE	

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Philadelphia FD-610, dated 01/29/2001; and report,
dated 05/02/2001

-P*-

ENCLOSURESENCLOSED FOR THE BUREAU

Enclosed for the Bureau are the following:

1. For each of nine defendants, an Arrest Booking Form from the YORK COUNTY DETECTIVE BUREAU and a Criminal Complaint, including the Affidavit of Probable Cause for each defendant.

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 3 - Bureau (Enc.4) 1 - DOJ, Civil Rights Division 1 - Philadelphia (282A-PH-90508) (HRA) GRB:ksr (4) <i>[Signature]</i>					
		282A-PH-90508-14 <i>[Signature]</i>			
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
Agency					
Request Recd.					
Date Fwd.					
How Fwd.					
By					

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COVER PAGEb6
b7C

2. A copy of a letter, dated 06/07/2001, from the UNITED STATES ATTORNEY'S OFFICE, Middle District of Pennsylvania (MDPA), to the Chairperson of the PENNSYLVANIA LEGISLATIVE BLACK CAUCUS, containing a Prosecutive Opinion by the United States Attorney.

3. Copies of newspaper articles from the PATRIOT NEWS, the Harrisburg, Pennsylvania, daily newspaper, including the following dates: 05/17/2001; 05/18/2001; 05/25/2001; 06/26/2001; 06/27/2001; and 07/24/2001.

4. Copies of articles from the YORK DISPATCH, dated as follows: 06/01/2001; 06/5/2001; 06/28/2001; 07/10/2001; 07/24/2001.

LEAD

PHILADELPHIA

AT HARRISBURG, PENNSYLVANIA

1. Will continue to monitor local prosecution under the guidelines of a "Pending Inactive" matter.

ADMINISTRATIVE

Title marked "Changed" to identify subject law enforcement officer. Title previously carried as "Unknown Subject."

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to: Department of Justice #144-63-800
Attention: [REDACTED]

Report of: SA [REDACTED] Office: Philadelphia
Date: August 21, 2001

Case ID #: 282A-PH-90508

Title: "CHANGED";
PATROLMAN CHARLES HENDRY ROBERTSON,
YORK POLICE DEPARTMENT,
YORK, PENNSYLVANIA;
LILLIE BELLE ALLEN (DECEASED) - VICTIM

Character: COLOR OF LAW - WITH FORCE/VIOLENCE

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Synopsis:

The York County District Attorney took action on the presentment returned by the York County, Pennsylvania, Grand Jury, that recommended charges against eleven individuals in connection with the captioned matter. The York County District Attorney, through the County Detectives Office, has charged nine of the eleven individuals named in the presentment. Each of the defendants was arrested and provided an initial appearance. A preliminary hearing in this matter for all nine defendants was heard during the week of 06/25/2001, and a formal arraignment for all nine defendants took place on 07/23/2001. Captioned subject, ROBERTSON, was arrested and provided an initial appearance on 05/17/2001. A preliminary hearing for ROBERTSON took place during the week of 06/25/2001 with a finding by the presiding York County Judge that a prima facie case had been presented and that the matter would be bound over for trial. Formal arraignment for subject ROBERTSON occurred on 07/23/2001 and a preliminary date set for pre-trial motions in ROBERTSON's case was set initially for 08/24/2001.

On 08/24/2001, the YORK COUNTY DISTRICT ATTORNEY'S OFFICE advised that the Pre-Trial Motions, particularly "Delayed Prosecution" Motions, have been scheduled for 09/26/2001. These Pre-Trial Motions will be heard by a Judge appointed from another county, coordinated with the PENNSYLVANIA ATTORNEY GENERAL'S OFFICE, specifics not yet determined.

282A-PH-90508

Investigation continues.

-P*-

DETAILS:

282A-PH-90508 (HRA)
GRB:ksr

YORK COUNTY DETECTIVES OFFICE

The following investigation was conducted by Special Agent [redacted] at York, Pennsylvania, on August 2, 2001:

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[redacted] York County [redacted] provided the following information in connection with the investigation into the racially motivated homicide of LILLIE BELLE ALLEN in 1969:

[redacted] provided copies of the YORK COUNTY DETECTIVE BUREAU arrest booking forms for each of the nine defendants charged in this matter. Additionally, [redacted] provided the specific criminal complaint and affidavit in connection with each defendant. The following is a list of the nine charged individuals, including descriptive data:

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1. [redacted]
[redacted]

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2. [redacted]
[redacted]

3. [redacted]
[redacted]

4. [redacted]
[redacted]

5. [redacted]
[redacted]

6. [redacted]
[redacted]

7. [redacted]
[redacted]

282A-PH-90508 (HRA)

GRB:ksr

8. CHARLES HENDRY ROBERTSON, white male, Date of Birth April 12, 1934, Social Security Account Number 162-26-5606, address 828 West Princess Street, York, Pennsylvania.

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advised that defendants

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Legal proceedings are scheduled for August 24, 2001 to begin hearings into the "delayed prosecution" motions filed in behalf of the other six defendants.

advised that the investigation appears to indicate that the focus of the prosecution would be

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advised that active investigation continues as additional witnesses are being sought, located and interviewed. Exhumation orders for both LILLIE BELLE ALLEN and Police Officer HENRY C. SCHADD, have been obtained and autopsies are being conducted. Final reports have not been received but additional metal fragments have been obtained in both autopsies.

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opined that the two remaining individuals that were included in the Grand Jury's presentment, but have not been charged, will likely not be charged, unless the continuing investigation uncovers additional evidence against those two individuals.

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(Indicate page, name of newspaper, city and state.)

Pg. 2
The Patriot News
Harrisburg, Pa.

Date:

Edition:

5/18/01 - Daily

Title: Haunted by riots
of 1969

282APH 90508

ce:

HR A

York mayor,
who rose from
police force,
now faces
murder charge

Highlights
of Charles H.
Robertson's
career:

1952: Graduates from
William Penn Senior
High School.

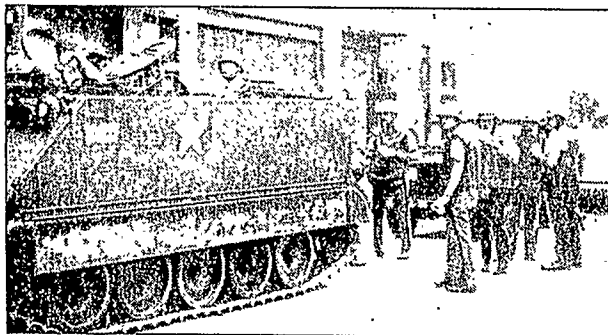
1956-58: Army, serves
as medic.

1962: Joins the York
City Police Department.

1969: Racial tension
occurs in York. Henry
C. Schaad, 22, a white
rookie patrolman, is
critically wounded in an
armored vehicle near
the College Avenue
Bridge on July 18. He
dies 14 days later.
Rival white gangs rally
at a city park where
Robertson yells "white
power." An unnamed
police officer also sup-
plies ammunition to the
gangs.

1969: Some of that
ammunition is used to
kill Lillie Belle Allen, a
South Carolina woman
who was visiting her sis-
ter in York on July 21.

1970: In March, U.S.
District Court Judge
William J. Nealon in
Harrisburg dismisses a
civil rights lawsuit filed
soon after the riots but
criticizes Robertson's
behavior at the rally as
"outrageous and repre-
hensible."



The victim:
Lillie Belle
Allen

National
Guardsmen
patrol York
streets in 1969.

Also facing charges



Robert Messersmith, 52, who
lives near Philadelphia, was a for-
mer member of the white gang, the
Newberry Street Boys.
Messersmith was convicted in
October 1969 in the shooting of two
black youths just four days before
Allen's homicide. He was arrested
and charged with homicide on April 26 in Lillie
Belle Allen's death. He was placed in York County
Prison and released Tuesday after posting
\$100,000 bail.



Arthur Messersmith, 47, of Red
Lion, York County, the younger
brother of Robert Messersmith,
was also a member of the
Newberry Street Boys. He was
arrested and charged with homi-
cide in Allen's shooting the same
day his brother was arrested. He
was released from prison after posting \$100,000
bail.



Gregory Neff, 53, of the 600 block
of Courtland Street, York, was a
former member of the white gang
the Girarders. He was arrested
May 9 and charged with homicide
in Allen's death. He was released
after posting \$100,000 bail.



Rick Knouse, 48, of the 1000 block
of South Pine Street, was also a
member of the gang, the Girarders.
He was charged with homicide in
Allen's death. He testified before
the grand jury that he had fired on
Allen's car. He was released after
posting \$100,000 bail.

1993: Wins the York
mayoral election.

1997: Wins re-election
as mayor.

1999: York County dis-
trict attorney wants to
reopen the unsolved
homicides of Belle and
Schaad.

2000: A grand jury
begins hearing testimo-
ny in the 1969 shoot-
ing deaths. Robertson
questions the district
attorney's timing, say-
ing the reopening of
the unsolved homicides
is political.

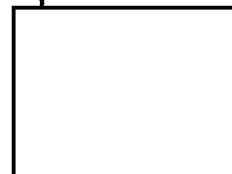
2001, April 26: Two
brothers, Arthur, 47,
and Robert
Messersmith, 52, for-
mer members of the
Newberry Street Boys
gang, are arrested and
charged with homicide
in Belle's death.

2001, May 9: Gregory
Harry Neff, 53, and
Rick Lynn Knouse, 48,
former members of the
Girarders gang, are
charged with homicide
in Belle's death.

2001, May 15:
Robertson wins the
Democratic nomination
for mayor over city
councilman Ray
Crenshaw by less than
100 votes.

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1975-85: Serves on the York City School Board.

1988: Gains rank of sergeant in the police department. Nine months later, he returns to being a patrolman so he could get back to walking the beat.

1992: Retires from the force after 29 years and six months of service. He says the summer riots were the only time he ever fired his service weapon. "People were shooting at us, throwing bottles, rocks and fire-bombs at us, and we were shooting back," he said. "That's the only time I fired a shot while on the job."



William C. Ritter, 50, of the 1900 block of North Sherman Street, York, was arrested Wednesday and charged with homicide in the shooting death of Allen. Ritter, a long-time employee at York's Harley-Davidson plant, testified that he shot a .22-caliber rifle loaded with a clip of six bullets at Allen's car. Ritter testified that he thought he had unloaded his entire clip at the car. He was placed in York County Prison on \$100,000 bail.



Clarence Lutzinger, 48, was charged yesterday with homicide in the shooting death. He is serving a sentence of 1 to 2 years at the State Correctional Institution at Camp Hill on a retail theft conviction. He testified that he fired either a .22-caliber or .25-caliber pistol at Allen's car.

2001, May 16: William C. Ritter, 50, of York, becomes the fifth man arrested in Allen's death. Standing on the steps of City Hall, Robertson tells the media he'll be arrested the next day on a homicide charge.

2001, May 17: Robertson was arrested on a homicide charge and released on \$50,000 bail. A preliminary hearing was set for May 25. Also, a sixth man, Clarence Lutzinger, was arrested in Allen's murder.

Robertson spoke of 'commando raids' against blacks, affidavit says

THE ASSOCIATED PRESS

Text of an affidavit of probable cause signed by a detective in the case of York Mayor Charlie Robertson, charged with homicide in the shooting death of a black woman during race riots in 1969:

On July 21, 1969, at approximately 9:00 PM, a 1961 Cadillac driven by Hattie Dickson turned from Philadelphia Street onto N. Newberry Street. It proceeded north into an area populated by gangs of young white males, many armed with guns. The vehicle was occupied by Dickson, her husband Murray Dickson, her father the Rev. James Mosley, her mother Beatrice Mosley and her sister, Lillie Belle Allen.

As they approached the railroad tracks at Newberry and Gay, Dickson saw that many of the white youths on the street had guns. She panicked and made a sharp left turn on the railroad tracks in an effort to turn the car around and get out of the area. The car stalled. . . . Lillie Belle Allen, who was sitting in the rear passenger seat, directly behind Dickson told Dickson that she'd take over the driving. Allen got out of the car and was fired upon. She was struck with a bullet in the right side of her chest. She died a short time later at York Hospital as a result of the gunshot wound she had suffered.

In December of 1999, in response to new information learned, an investigation began into the homicides of Lillie Belle Allen and York City Police Officer Henry Schaad. In September of 2000 a Grand Jury was empanelled to hear testimony in both cases. The Grand Jury determined that the following general findings of fact were supported by the record:

Dr. Thomas Burkart, the pathologist who performed the autopsy of Lillie Belle Allen, testified before the Grand Jury that Allen died as a result of a gunshot wound, caused by a large, non-jacketed bullet, that entered the right side of her chest and exited her back. After entering her body the large non-jacketed bullet fragmented. The

manner of death was homicide.

The largest fragment recovered from the wound track in Allen's body was analyzed at the Pennsylvania State Police Laboratory. The fragment was identified as a fragment of a rifled shotgun slug.

The murder of Allen occurred in the midst of the York Riots. One of the major events, which ignited the riots, was the shooting of Taka Ni Sweeney on July 17th, 1969. Sweeney was shot with a rifled shotgun slug. In August of 1969 Robert Nelson Messersmith was arrested for shooting Sweeney. He was later convicted and served a prison sentence for that shooting.

This rioting led, ultimately to the shooting of Police Officer Henry Schaad on July 18, 1969. On August 1, 1969 he died as a result of the injuries he sustained.

Luis Mercado, who lived in the area of Newberry and Gay at the time that Allen was killed, testified before the Grand Jury that during the course of the riots, there was always something going on North Newberry Street. Kids were running up and down the streets with molotov cocktails and guns.

Witnesses testified under oath before the Grand Jury that as rioting continued, neighborhood white youth "gangs," that were formerly at odds, united because of the racial problems. On July 20, 1969 the day before Allen's killing, these gangs met at Farquar Park for a rally.

Charles Robertson, who was Police Officer at the time, was present at this rally. According to Fred Flickinger, Dr. Roger Kinard, Greg Neff, Stewart Aldinger and Tom Smith who testified under oath before the Grand Jury and were present at the rally, a police officer, who Flickinger, Neff and Aldinger identified as Robertson, addressed the crowd and did, among other things, scream "white power" and tell attendants at the rally to take any weapons that they had to Newberry Street. Fred Flickinger

testified under oath before the Grand Jury that Robertson was clearly not trying to calm the group; in fact he was "doing the exact opposite."

Flickinger testified under oath before the Grand Jury that on Sunday, July 20th 1969, around the time of the rally in Farquar Park, Charles Robertson addressed a group of between six to eight youths, mostly NSBs, across from the cigar store at Newberry and Gay. At that time Robertson stated that "if I weren't a cop, I would be leading commando raids against niggers in the black neighborhoods."

After the rally, some NSBs, including Arthur Messersmith talked about firebombing Sherman Spells' mother's house on Cottage Hill Road. Greg Neff testified under oath before the Grand Jury that Robert Messersmith began making plans to lead "raids" into the black neighborhoods. . . .

James Spells related to the Grand Jury that in the late hours of July 20th into July 21st his mother and stepfather's house at 284 Cottage Hill Rd was firebombed. As a result of the firebombing, James Spells went to Newberry Street in the afternoon of July 21st to find out who had been responsible for the firebombing. There was a confrontation between James Spells and Robert Messersmith in front of the Messersmith's residence. Witnesses testified under oath before the Grand Jury that at the time of the confrontation, Robert Messersmith was on his front porch, armed with a shotgun. James Spells told Robert Messersmith that he was going to hold Messersmith responsible for his (Spells') mother's well being and if anything did happen, he'd be back. At the time of this confrontation James Spells and his brother Sherman were in a vehicle similar to the one that Lillie Belle Allen was in at the time she was killed.

Rick Knouse testified under oath before the Grand Jury that during the day of July 21st the day that Allen was killed and possibly the night of July 20th, Robertson provided ammuni-

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Robertson spoke of 'commando raids'...

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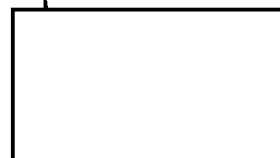
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tion to young men who were on Newberry Street. Knouse testified that he had a 30.06 rifle and that Robertson gave him 30.06 ammunition and told him to "kill as many niggers as you can." Knouse admitted that he used the ammunition provided by Robertson to fire upon the vehicle occupied by Lillie Belle Allen, and which, in the end, resulted in her death.

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Charles Robertson testified under oath before the Grand Jury that after Officer Henry Schaad was shot he borrowed a 30.06 rifle and ammunition from his neighbor and took it on patrol with him.

Dennis McMaster, who was a York City Police Officer in 1969, testified under oath before the Grand Jury that he witnessed Robertson provide 30.06 ammunition to one of the Messersmith brothers: ...

At about 9:15 PM on July 21st, 1969 the vehicle carrying Lillie Belle Allen came north on Newberry Street from Philadelphia Street. At this same time, upon seeing the vehicle, witnesses testified that "here come the niggers," "it's niggers and they have guns" and "there is a carload of niggers coming up the street" were yelled from subjects on Newberry Street. As the car turned and stalled on the railroad tracks, Lillie Belle Allen exited the vehicle. Witnesses who testified before the Grand Jury, stated that when Allen got out of the vehicle, shots were immediately fired upon her. Additionally, no shots were fired from, nor were any guns present in the vehicle in which Allen was the occupant. Nothing was in Allen's hands even though someone on the street yelled, "she has a gun." Moreover, a witness to the shooting testified that Allen was waving her arms above her head and yelled "don't shoot" before the subjects on the street began firing.

... Robert Stoner, who testified under oath before the Grand Jury, stated that after the shooting stopped he went out on to Newberry Street. He saw the car on the tracks and Allen on the street. He stated then that he knew she was dead. He saw a police officer attending to the people in the car. He saw another police officer, Charlie Robertson, talking to Rick Knouse just east of the intersection of Newberry and Gay. Knouse had a rifle in his hands. Stoner also testified that he saw Bob Messersmith, Artie Messersmith and Greg Neff standing about 10 yards away from Robertson and Knouse. Each one of them had guns in their hands.

As to Charles Robertson specifically, the Grand Jury found that based upon the evidence, the record supported a probable cause finding that Charles Robertson acted as an accessory before the fact in the crime of first degree murder in the death of Lillie Belle Allen:

Based upon the information stated above, I am requesting that a warrant be issued for the arrest of Charles Robertson, charging him with Criminal Homicide in connection with the death of Lillie Belle Allen.

Det. Rodney George
May 17, 2001

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Robertson Spoke...
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Affidavit accuses Robertson of providing bullets to gang before black woman's death

BY PETE SHELLEM
OF THE PATRIOT-NEWS

YORK — York Mayor Charlie Robertson was accused yesterday of handing bullets to a white gang member and telling him to "kill as many niggers as you can," shortly before a black woman was shot to death during the city's 1969 riots.

Robertson surrendered to police and was arraigned on a charge of criminal homicide before being released on \$50,000 bail. Within three hours he held a news conference.

"I've read [the charges] and I'm innocent and I will continue as mayor of York," Robertson told the national and local media that gathered on the steps of City Hall.

"I am not a racist," he said. "My job is to comfort and heal the City of York."

He called his treatment — he was handcuffed while being transported from the state police barracks to the county courthouse — "a serious offense to mayors all over the United States."

Robertson, 67, who has been mayor for seven years, suggested the charges were politically motivated. They came less than two days after he won the Democratic primary by 48 votes. He vowed to continue his campaign for re-election.

His attorney, William C. Costopoulos, said voters knew about the impending charges and still chose Robertson.

"This was telegraphed for weeks," Costopoulos said. "When the voters went into the booth 48 hours ago, everyone knew this."

Robertson refused to address the specific allegations in the

arrest documents. Costopoulos said those issues would be fought in court and pledged there would be no plea negotiations.

York County prosecutors say Rick Lynn Knouse, 48, one of six men charged with participating in the barrage of gunfire that killed Lillie Belle Allen, claims Robertson, a patrolman at the time, gave him the 30.06 ammunition Knouse used to fire upon the vehicle, according to an affidavit filed in Robertson's arrest.

Knouse, whose testimony to the grand jury pinpointed Robertson as handing over ammunition and telling him to "kill as many niggers as you can," refused to discuss the case yesterday. He referred all questions to his attorney, John J. Moran II, who could not be reached for comment.

Dennis McMaster, who is East Pennsboro Twp. police chief but was a York patrolman during the riots, supported the claim that Robertson was distributing ammo, according to the affidavit.

McMaster told the grand jury investigating the 32-year-old slaying that he saw Robertson giving ammunition to one of two brothers — Arthur or Robert Messersmith — who are accused of later taking part in the shooting, the affidavit said.

Another witness said he saw Robertson talking with Knouse immediately after the shooting and that the Messersmiths and another man were standing nearby holding guns, according to the affidavit.

York was under martial law at the time, and only police and security officers could purchase weapons or ammunition.

Other witnesses said Robertson incited a crowd by shouting "white power" the night before the shooting and told a group of gang members that "if I weren't a cop, I would be leading commando raids

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against niggers in the black neighborhoods," according to the affidavit.

Allen was killed by a rifled slug from a shotgun, but York County prosecutors are charging anyone who fired at the car as principals in the slaying.

Clarence E. "Sonny" Lutzinger, who is in the State Correctional Institution at Camp Hill for retail theft, yesterday became the seventh person charged in the 1969 shooting.

According to documents filed in his arrest, Lutzinger testified before the grand jury that he fired a pistol at Allen's car during the melee. He began serving a 1-to-2-year sentence for theft on March 1.

Another arrest is expected tomorrow in Allen's death, attorneys said.

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Most of the other defendants admitted taking part in the shooting.

Robertson testified before the grand jury, saying he borrowed a 30.06 rifle and ammunition from his neighbor and took it on patrol with him after white rookie police officer Henry Schaad was shot days before Allen's slaying.

However, he exercised his constitutional right to remain silent when asked about distributing ammunition.

Robertson has admitted shouting "white power" and

said he held racist views in the past, but has denied the other allegations.

"You people don't have any idea what it was like 32 years ago," he told reporters yesterday. "Please believe me, it was horrible. It's changed. The whole community has changed for the better."

His news conference was interrupted by shouts of "Once a racist, always a racist!" and

"We do remember!" by a black contingent nearby.

York County District Attorney H. Stanley Rebert issued a statement yesterday countering claims that Robertson's arrest was politically motivated or timed around the election.

"Justice for Lillie Belle Allen and Henry C. Schaad has been delayed for over three decades," Rebert said. "It would be unconscionable to argue political considerations for any further delay."

Rebert said his office consulted with the U.S. attorney's office this month and was told there was no basis for federal jurisdiction. Federal sources said the statute of limitations expired on any federal crime they could have pursued.

Rebert also said he consulted with the state attorney general's office and was told there was no conflict of interest for his office to pursue the charges.

The grand jury recommended charges against 11 people in a sealed presentment that was issued last month. Rebert said those charges all relate to Allen's death.

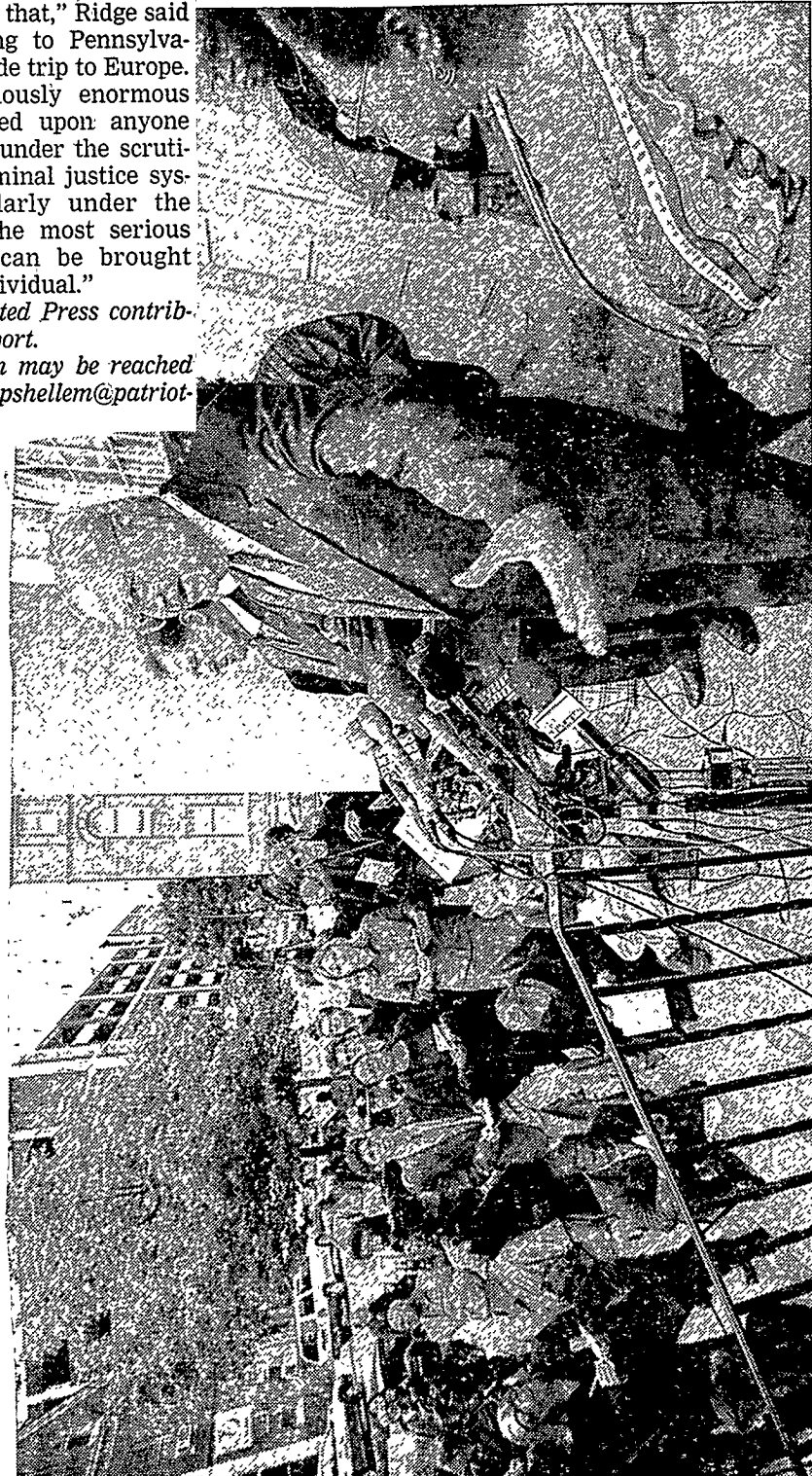
The grand jury also is investigating the slaying of Schaad, who was hit by a bullet that pierced an armored police vehicle days before Allen was shot.

Gov. Tom Ridge said yesterday that Robertson will find it a "very, very difficult thing" to run the city, but stopped short of calling for his resignation.

"He and the City Council and the local fathers are going to have to decide that," Ridge said upon returning to Pennsylvania from a trade trip to Europe. "There's obviously enormous pressure placed upon anyone when they're under the scrutiny of the criminal justice system, particularly under the scrutiny of the most serious charge that can be brought against an individual."

The Associated Press contributed to this report.

Pete Shellem may be reached at 255-8156 or pshellem@patriot-news.com.



GARY DWIGHT MILLER / OF THE PATRIOT-NEWS

York Mayor Charlie Robertson holds a news conference on the steps of City Hall after his release on bail. He refused to address the specific allegations in the arrest documents during yesterday's gathering.

"I'm innocent and I will continue as mayor of York."
— York Mayor Charlie Robertson



JASON PLOTKIN / OF THE YORK DISPATCH
York Mayor Charlie Robertson waits in a detective's car after being processed at the state police barracks at Loganville prior to his bail hearing.

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Officer's name ...
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Other facts on
Robertson

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**Other facts on Robertson:**

Coached in the local American Legion baseball league for 20 years.

A football and basketball referee for 30 years.

He used his income from sports officiating to sponsor teams in local youth basketball leagues.

Awards include the Pennsylvania American Legion Hall of Fame, Optimist International Humanitarian Award and Exchange Club of York — 1980, Police Officer of the Year Award.

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Grand jury witness saw 'horrible things' during 1969 rioting

BY MATT MILLER
OF OUR CARLISLE BUREAU

On a tense summer night nearly 32 years ago, Dennis McMaster was a York patrolman, holding a rifle and manning a barricade as race riots swept the city.

Today, he is East Pennsboro Twp.'s police chief and a witness whose testimony before a grand jury contributed to a criminal homicide charge against York Mayor Charlie Robertson, a former fellow cop, in the shooting of a black woman during the riots.

An affidavit filed in the case states that McMaster told the grand jury he saw Robertson give 30.06 ammunition to one of two brothers accused of killing 27-year-old Lillie Belle Allen during the 1969 riots.

Yesterday, McMaster would not discuss details of what he told the jury. He said it would not be proper to do so.

But he said the investigation has rekindled unpleasant memories of the 10 days of rioting, the worst situation he faced during a police career that has spanned five decades.

"I remember horrible things," said

McMaster, who headed the Mid-Cumberland Valley Regional Police at Shippensburg for six years before becoming East Pennsboro's chief in 1999. "It was a hellish experience for anybody who went through it.

"One of our survival skills is we learn not to remember pain. We try to recall only the good things. This brings back pain."

Racial disturbances began in York after the April 1968 assassination of the Rev. Dr. Martin Luther King Jr.

"In 1968, we had rocks and bottles being thrown," McMaster said. In one incident, he said, a cinder block was dropped from a roof onto the head of a police officer. "His helmet broke in half, but it saved his life," McMaster said.

McMaster said he was on vacation when rioting began. "I was on the beach reading the newspaper and inside there

was a story on race riots in York, Pennsylvania, and that a police officer had been shot."

He said he called the department, was ordered back to work and on a night in July 1969 was issued a rifle and sent to a barricade at Salem Square, a boundary between the city's black and white sections.

Even amid the riots, some humanity came through, he said.

"A lady called to me and said, 'Officer, a man has just landed on the moon,'" McMaster recalled. He went over and saw the historic event on her TV set. The woman gave him peanut-butter and marshmallow fudge and a glass of lemonade.

After the riots, McMaster participated in public hearings aimed at easing racial tensions. In 1970, he was promoted to sergeant and assigned to the Community Relations Squad, one job of which was to foster better race relations.

He later served with the homicide division, for which the Allen killing was an open case.

"Personally, I never worked on it," McMaster said. "A lot of good officers did.

"When someone gets killed, you want to have a resolution to it," he said. "One of the things that haunted me when I was in homicide work was when we knew who committed a murder and didn't have the evidence to go forward."

McMaster, who retired from the York force in 1992, said the effort to finally bring Allen's killers to justice "will come to its conclusion" in the criminal justice system.

"I was born and raised in York. I love that city," he said. "I want this to be resolved. I wish only the best for everybody concerned."

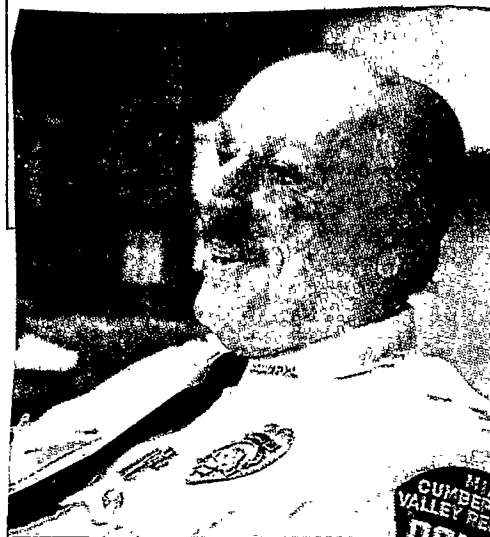
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LAURA MATHEWS / OF THE PATRIOT-NEWS / 1998

"One of our survival skills is we learn not to remember pain. We try to recall only the good things. This brings back pain."

Dennis McMaster, East Pennsboro Twp. police chief and former York officer

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TOUGH CHOICE

Robertson should weigh York's interests against his in deciding whether to quit

If this were York and Charlie Robertson were our mayor, we would call for him to resign.

We would do so not because we have drawn any conclusions about his guilt or innocence with respect to his alleged involvement in the killing of an African-American woman during the 1969 York race riots. We haven't seen the evidence or heard his side of the story.

Nor would we base the call on speculation about whether the Charlie Robertson of today is a changed man from the police officer of 32 years ago who admittedly shouted racist slogans.

Rather, the issue for us would be simply this: what serves the best interests of the city of York.

Like other small cities in Pennsylvania and around the country, York has its share of problems and opportunities. The people of the city are entitled to have a mayor who is going to give his full attention and energy to those issues. They are entitled to a mayor whose serious problems do not draw attention to him at the expense of the city and its reputation.

In the days and months ahead, Robertson cannot but be consumed by the serious charges lodged against him. His suggestion that he might open up a related probe

of his own confirms as much, and indicates the misdirection he might take using his official capacity as mayor, should he remain in office.

We would not call for the mayor's resignation lightly. The issues surrounding Robertson's involvement in a three-decade old murder case are complex and ripe with nuances. However this matter turns out, it represents a human tragedy on no small scale.

Many might well ask if it is fair to ask the city's highest-ranking official to resign when he is entitled to a presumption of innocence and has yet to receive a fair trial and to be found guilty? There is indeed an element of unfairness about it, and all the more so should a jury subsequently find Robertson innocent.

But Robertson's personal tragedy should not be allowed to become the city's and its citizens' burden to bear. Being fair to Robertson in this instance means being unfair to the larger community that needs to heal the freshly opened wounds of some of the worst days in the city's history, and move on.

Yet, this is not our call. Rather, it is for Robertson to search his soul for the answer and for the people of York to voice their views on whether they want their city to share the dark cloud that has come over the life of their mayor.

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'Murder is the charge'

Mayor of York plans to appear at arraignment in 1969 slaying

BY PETE SHELLEM
OF THE PATRIOT-NEWS

YORK — A day after barely winning a primary election, York Mayor Charlie Robertson ended weeks of speculation by saying he will surrender today on homicide charges in the shooting death of a black woman during the city's 1969 race riots.

"Murder is the charge," Robertson said as he fought back tears at a news conference on the steps of City Hall hours after his attorneys met with prosecutors.

"I'm being advised by the district attorney's office that, as your mayor, it's necessary to be handcuffed," he told reporters. "The district attorney will inform you as to where I'll be handcuffed for your photo session."

Robertson maintained his innocence and said he intends to continue campaigning for re-election. He also promised to hold weekly news conferences on the charges and "related legal issues."

York County prosecutors have been threatening to arrest Robertson for almost two weeks, but at some point decided to wait until after the election. He is expected to be arraigned this morning before District Justice Barbara Nixon.

On Tuesday, Robertson won the Democratic nomination for a third term by a margin of 48 votes — 1,405 to 1,357 — over city Councilman Ray Crenshaw. He is to face Republican nominee Betty Schonauer in November.

Deputy District Attorney William Graff met yesterday with Robertson's attorneys, William C. Costopoulos and Richard Oare, apparently trying to hammer out the terms of Robertson's surrender and bail hearing.

However, after about a half hour, Costopoulos and Oare abruptly left the courthouse, declining comment to the mass of reporters who were waiting outside. They then met with Robertson at City Hall and once again left with little comment, still refusing to confirm he would be charged.

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Mayor of York plans to...

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"He was indicted and tried in the media and still won the election," Costopoulos said. "The people made their judgment at the polls."

Robertson held his news conference later.

Prosecutors were originally prepared to charge Robinson with conspiracy to homicide and perjury, sources said.

They changed the charge to homicide after they discovered there was a two-year statute of limitation on conspiracy to homicide under the law that was in effect in 1969, the sources said.

In 1984, the law was changed so there is no statute of limitation on conspiracy to homicide.

Robertson, 67, who was a police officer in 1969, has admitted shouting "white power" at a rally the night before Lillie Belle Allen was shot to death.

He has denied he is the unidentified police officer who court documents allege urged "commando raids" in black neighborhoods and handed out ammunition to gang members shortly before Allen was shot.

Allen, 27, of Aiken, S.C., was visiting family in York when the car in which she was riding was ambushed after it became

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PAUL KUEHNELL / OF THE YORK DAILY RECORD

William C. Ritter, 50, is led from a magistrate's hearing yesterday. He is the fifth person charged in Lillie Belle Allen's slaying.

stranded on railroad tracks in a white neighborhood at the height of the riots.

Robertson has acknowledged he exercised his right to remain silent during his grand jury testimony on the matter. He has characterized the renewed investigation as a political witch-hunt and has said he might conduct his own probe.

For the last two weeks, Robertson has said he will not step down as mayor or from the fall ballot if he is charged.

He has said that if he has to devote weeks to his defense, city business administrator Michael O'Rourke would run York's government. State law allows Robertson to do that for up to 60 days.

If Robertson were to step down as mayor, city council would choose a replacement. If he were to remove himself from the fall ballot, York's Democrat-

ic City Committee would choose a replacement nominee.

Also yesterday, prosecutors charged a fifth white man with homicide, alleging he fired shots at the car. William C. Ritter was held at York County Prison after a brief appearance before Nixon.

Ritter testified before the grand jury investigating Allen's slaying that he fired a six-round clip from .22-caliber rifle at the car, according to an affidavit filed in the arrest. "Ritter admitted that when he shot he knew there was a possibility that he would injure or kill someone," the affidavit said.

Ritter, 50, said he is married and has worked for the Harley-Davidson motorcycle plant in York for nearly 30 years. He said he knew the other four defendants in the case but, unlike them, insisted he was not a member of any white gang at

the time of the shooting. The other four men were members of white street gangs. Bail has been set at \$100,000 for all four.

Allen's death followed the shooting of Henry Schaad, a white rookie police officer, who was hit by a bullet fired at an armored police vehicle.

The grand jury, which has recommended charges against 11 people in a sealed presentment, also is investigating Schaad's death.

The investigation was resurrected last year after a white gang member committed suicide and left behind an audiotape admitting involvement in Allen's death.

In 10 days of rioting in the city, more than 60 people were injured and entire city blocks were burned down.

Staff Writer Peter L. DeCoursey and the Associated Press contributed to this story.

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'Murder is the Charge'

282APH 90308

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'Murder is the Charge'

5/17/01

282A PH 90508



GARY DWIGHT MILLER / OF THE PATRIOT-NEWS

York Mayor Charlie Robertson leaves City Hall at the end of his work day yesterday. Robertson maintains he is innocent in the death of a 27-year-old black woman during the city's riots in 1969.

Voters debate guilt issue, next steps for Robertson

BY PETER L. DECOURSEY
OF THE PATRIOT-NEWS

YORK — Many voters in the upper-class neighborhood that nudged York Mayor Charlie Robertson to victory in Tuesday's primary election want him to stay on the job and on the ballot.

But those voters in the 14th Ward in northern York, whose ballots came in late and overwhelmingly for Robertson, say they are not sure he is innocent of the homicide charge he said he will face in the 1969 race riots.

Many were chatting about Robertson's dramatic news conference on the steps of City Hall yesterday afternoon as they gardened or mowed their lawns.

Choked up and often tearing, Robertson maintained his innocence, expressed shock that he would be charged

and mocked York County District Attorney Stan Rebert, who is bringing the charges, as a publicity-seeker.

John Ness, 72, a retired machinist from Village Park, part of the 14th Ward, said he voted for Robertson.

"He should wait and shouldn't quit until he's guilty," Ness said. "I question whether he's innocent. I really do. I'm not thoroughly convinced he is. But as long as he says he is, he should stay in office until it's proven otherwise."

Pete Schmidt and his wife, Helen, about two blocks over on Conewago Street, said they believe Robertson was probably a racist cop but is not a murderer.

"And people forget those times," Schmidt said. "A police officer, Henry Schaad, was killed, too, and he's buried just over the hill there, right in this neighborhood. Nobody remembers him. I hope [Robertson] stays and fights it. I believe he's innocent."

However, Schmidt's neighbor, Frances Pentz, 69, said she stayed home from the polls because she liked Robertson as mayor, but was horrified by the

allegations against him.

"I didn't vote because one [candidate] was unqualified and the mayor had done these things," she said. "I think that once he's arrested, he should drop out of running for mayor."

An exit poll by The York Daily Record of Tuesday's Democratic mayoral primary voters found that half Robertson's supporters thought he should quit if charged. The poll said just under half of his voters disagreed with his contention that the grand jury should not investigate the 32-year-old riots and slayings.

Flo Brooyce of West York said:

"I voted for him because I believe this was all political. If he is arrested, he should step down."

Others insisted Robertson is innocent.

"He has done a good job, and minorities should know better than anyone that someone accused is not necessarily someone who is guilty," said Mike Smith, a 32-year-old African-American. He said he voted for Robertson because of his record as mayor.

Peter L. DeCoursey may be reached at 255-8115 or pdecoursey@patriot-news.com.

(Indicate page, name of newspaper, city and state.)

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Voters debate guilt issue, next steps for Robertson

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City targets Newberry Street flag display

Ronnie Young calls Confederate symbol part of his heritage; officials say it's unsafe

By MIKE HOOVER

Dispatch/Sunday News

A fight over a Confederate battle flag flying near where a black woman was killed in the 1969 riots is about safety, not free speech, a York City official said this morning.

City inspectors say Ronnie Young's 65-foot citizen's band radio antenna on North Newberry Street is not anchored properly and could topple or break as the flag atop it whips in the breeze, said Frank Newhams, the director of the city's bureau of building permits.

So if Young wants to fly a Confed-

erate battle flag, he can get a permit to put up a flag pole, he said.

In the meantime, Young must secure the antenna so it does not fall on nearby homes or overhead electrical wires, he said.

"I don't care if he photocopies his lily-white a— and flies it up a flag pole. This is a safety issue, not a First-Amendment issue. It always



Young

has been," Newhams said.

"He can fly a flag from a flag pole," he added. "It (the flag) shouldn't be on a radio antenna."

Young said he has no intention of taking down the flag, and if he's forced to, he will sue York City for "violation of my constitutional rights."

"The City of York can kiss my white a—," he said.

Young's flag overlooks the site where Lillie Belle Allen, a black preacher's daughter, was shot by a white mob during the 1969 riots. Nine men are charged with her

murder, including York City Mayor Charles H. Robertson.

Young has said the flag represents his heritage.

Others say it symbolizes racism, representing a group of Southern states that permitted slavery.

Newhams said it represents a danger to the public.

Based on a review of city records, Newhams said, Young put up his antenna without a city permit. He received a permit in January but failed to get a follow-up inspection.

(low)

He said city officials did not go after Young because he was flying a Confederate battle flag. In fact, Young was the one who brought attention to the situation when he called city inspectors about a month ago to complain his neighbor had an unpermitted antenna that was

"blowing him off the air," Newhams said.

In checking out the complaint, city inspectors discovered Young's antenna was not anchored properly and saw the flag, which is not permitted by city ordinance, Newhams said.

Antennas are lightweight structures not designed to take the load of a flag whipping in the wind, Newhams said. The force could cause the antenna to break or topple.

Consequently, he said.

Young was told to secure his antenna and to take down the flag, or fly it from a legitimate flag pole.

And his neighbor was told to get a permit for his own antenna, and to secure it properly.

Newhams said the city doesn't want to interfere with Young's right to express his views any more than with his right to listen to his citizen's band radio.

"It was never my intent to get in the middle of free speech," Newhams said.

(Indicate page, name of newspaper, city and state.)

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York, Pa. Daily
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City Targets Newberry
Street flag display

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About the case

Lillie Belle Allen, 27, was a preacher's daughter from Aiken, S.C., who stopped in York in July 1969 with her parents and two children to visit her sister and brother-in-law, Hattie and Murray Dickson.

The family was on the way to buy groceries for dinner July 21 when Hattie Dickson made a wrong turn and stalled in white gang territory. Allen got out of the car at North Newberry Street and Gay Avenue to take over the driving, and died in a hail of gunfire.

For 30 years, police investigations into her death, and the fatal shooting three days earlier of York City Officer Henry Schaad, lay dormant. Law enforcement officials in York said they had suspects, but never enough evidence to bring charges.

But the York County District Attorney's office refocused its efforts on the cases in December 1999, after receiving information that surfaced after The York Dispatch/Sunday News published a series on the 30th anniversary of the riots. In September, a 23-member investigative grand jury was seated. On April 26, it recommended 11 indictments in connection with Allen's death. So far, nine have been charged with Allen's murder: brothers Robert Messersmith, 52, of Montgomery County and Arthur Messersmith, 47, of Red Lion; Gregory Harry Neff, 53, of York; Rick Lynn Knouse, 48, of York; William Charles Ritter, 50, of York; York City Mayor Charles Robertson, 67; Clarence Eugene Lutzinger Jr., 49, of York; Chauncey Curvin Gladfelter, 49, of Windsor Township; and Thomas Paul Smith, 50, of Manchester Township.

On Tuesday, the grand jury convened to hear testimony about the Schaad case.

The hearing

A preliminary hearing to determine whether there is sufficient evidence for a trial on the murder charges began Monday before Common Pleas Court Judge Emanuel Cassimatis.

Cassimatis is hearing the case in the county courthouse because the number of defendants and expected audience made it too unwieldy to hold in the office of District Magistrate Barbara Nixon.

The York County District Attorney's Office is prosecuting the case, with First Assistant District Attorney Tom Kelley leading a team that includes assistants Ed Paskey and Bill Graff.

Monday's testimony included:

■ An announcement by Knouse, Lutzinger and Neff that they accepted plea bargain agreements in exchange for testimony.

■ Allen's sister, Hattie Dickson, described how the car came under fire and her sister's death.

■ Former white gang member Fred Flickinger testified about a rally at Farquhar Park the day before at which Robertson, a police officer at the time, yelled "white power."

Tuesday's testimony included:

■ Defendant Knouse saying those on the street felt they had "license to kill" because of support from police. He also testified Robertson gave him ammunition and told him to kill as many blacks as he could.

■ Defendant Neff saying he saw Robert Messersmith holding a smoking shotgun immediately after Allen was slain.

■ Former youth worker Robert Stoner saying he'd tried to alert police to the proliferation of weapons in the Newberry Street neighborhood but was told "they were monitoring it." And from former gang member Steve Noonan, that police came through the neighborhood and told gang members to keep their weapons out of view.

Yesterday's testimony included:

■ Statements by John Henry Blokzeyl, Robertson's 14-year-old neighbor in 1969, and retired city police officer James P. Brown.

Blokzeyl testified to seeing his now-deceased father, Henry John Blokzeyl, give Robertson a .300-caliber Savage rifle and six rounds to go with it. He said Robertson returned the rifle and five of the original six rounds to him some five years ago. Brown testified he saw Robertson with a similar-looking Savage rifle on July 18, 1969, the night Schaad was mortally wounded.

(Indicate page, name of newspaper, city and state.)

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Each said they'd never seen Robertson with a .30-06 rifle or ammunition — the type of ammo he is accused of handing out to white youths.

Closing arguments in the case will be heard Monday morning by Cassimatis. He will then have 10 days to decide whether charges against the men should be bound over for court or dismissed.

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McMaster waits to take stand

Retired captain says he's on call; testimony not needed, DA says

By **ROCHELLE BRENNER**
Dispatch/Sunday News

Although retired York City police Capt. Dennis McMaster did not testify at the preliminary hearing this week, he said he expects to be called to the stand at some point.

McMaster is "on call" until the end of the week and is keeping a schedule that allows him to make it to court within about an hour of getting a call.

"I was there. I was waiting," said McMaster, now the police chief in East Pennsboro Township, Cumberland County.

When asked why he thinks he wasn't called, McMaster said, "I have no idea."

However, he said, he guessed it is because other witnesses took longer than expected.

Prosecutors declined to say why they did not put McMaster on the stand, other than to say they did



McMaster

York City Mayor Charles Robertson, McMaster told the grand jury he saw Robertson provide .30-06 ammunition to one of the men charged with killing Lillie Belle Allen during the race riots in July 1969.

McMaster was on patrol in an armored vehicle with Robertson the night of the murder and the two officers were the first to reach the scene.

McMaster retired from the city police department in 1993 after 29 years of service.

not need him to prove their case at the preliminary hearing.

According to the arrest affidavit filed against

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McMaster waits to take stand

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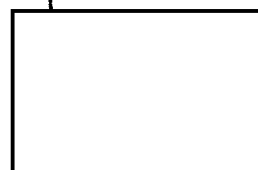
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Defense: Slaying 'justified'

Robertson motion calls shooters 'color blind'

By ELIZABETH EVANS

Dispatch/Sunday News

In a motion filed yesterday afternoon, Mayor Charles Robertson's attorneys called the ambush murder of Lillie Belle Allen a "color-blind killing" that was "entirely justified" because of a mistaken belief Allen was armed.

Robertson's defense team made the argument in a motion to overturn Senior Judge Emanuel Cassimatis' decision to send the mayor and his co-defendants to trial for the 1969 race-riots slaying of the black preacher's daughter.

In their motion, Robertson's lawyers said the group of white men who shot at Allen's car had done nothing illegal.

"(T)he conduct of the other codefendants was entirely justified under these most unfortunate circumstances and the killing in fact was terribly tragic but not unlawful," the motion said.

Common Pleas Judge John C. Uhler deferred ruling on the motion.

for a writ of habeas corpus filed by attorney William Costopoulos.

In a written memorandum, Uhler called Robertson's request premature and that, under the Pennsylvania Rules of Criminal Procedure, all pre-trial requests must be filed as one consolidated motion, within 30 days after formal court arraignment.

Uhler also deferred ruling yesterday on a similar request by codefendant William C. Ritter, filed Friday by his attorney, Harold Fitzkee.

Robertson, Ritter and their seven codefendants, all charged with murder, will be arraigned July 23. Three of them have entered into plea-bargain agreements with prosecutors, offering testimony in exchanged for lighter sentences.

Robertson, a York City police officer in 1969, is accused of giving ammunition to white teen gang member Rick Lynn Knouse (a codefendant) and telling him to "kill as many" blacks as he could. The eight others are accused of shooting at Allen and the white Cadillac that held four of her family members as

they drove up North Newberry Street.

Accessory argument:

Yesterday's defense motion also argues Robertson cannot legally be an accessory before the fact to the "imperfect self-defense killing" because he had no way of knowing Knouse would shoot at Allen — assuming he gave Knouse

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Defense: Slaying
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ammunition.

The motion states: "To say that an individual can be held for murder because he supposedly tells another to defend himself, gives him ammunition and tells him to kill all the blacks in the world does not give rise to criminal liability for the subsequent killing of a specific black (person) hours later. ..."

Costopoulos and co-counsel Rees Griffiths and Richard Oare argue in the motion that Cassimatis — who presided over the consolidated

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preliminary hearing — erred when he bound over for court the charges against Robertson.

They argue prosecutors did not show Robertson was an active partner in a murder conspiracy, or that there was any malice aforethought. They also said prosecutors did not show Robertson agreed to perpetrate a specific criminal act with the other codefendants.

"He cannot legally be an accessory before the fact to an unreasonable belief that

the actual shooters were in imminent fear of death or great bodily harm ... because he was not at the scene of the killing and could not possibly have the requisite shared criminal intent to commit an imperfect self-defense killing," the motion reads.

Self-defense argument: Because the eight accused shooters mistakenly believed they were defending themselves, the motion reads, "at most the charges of the other codefendants (not Mayor Robertson) should be reduced

to voluntary manslaughter and bound over on that charge alone."

The mayor's attorneys also said that, working under the prosecution's theory, "Mayor Robertson would be legally responsible for the killing of any and all African-Americans in the days and even months after his alleged conduct."

The motion also postulates that Allen's death is "attributable *entirely* to other factors, namely, the riotous conditions existing" at the time; the "reasonable belief"

that Allen was armed and shooting; residents' fear of black-perpetrated violence; and an incident on Newberry Street the night before, in which a black man hiding in the trunk of a white car opened fire on people who charged the car and threw rocks at it.

"In addition, the victim was fired at *not because she was African-American* but because (the shooters) had a belief, reasonable or not, that she was armed and was firing upon them," the lawyers wrote.

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Defense: Blaming ...
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Fitzkee: DA stint doesn't disqualify me

By ELIZABETH EVANS
Dispatch/Sunday News

Prosecutors want him out as defense attorney in riots case

In response to a prosecution motion to have him removed from the case, defense attorney Harold Fitzkee said his three years as district attorney in the 1970s do not preclude him from representing one of nine men charged in the 1969 riots murder of Lillie Belle Allen.

"It's not part of the (murder) case — it's a collateral issue," said Fitzkee, who represents defendant William C. Ritter. "It's much ado about nothing."

During the time Fitzkee was York County DA, from 1970 to '73, no action was taken in the July 21, 1969, shooting death of Allen, a preacher's daughter visiting York from Aiken, S.C.

First Assistant District Attorney Tom Kelley — one of four prosecutors who filed the motion Friday —

said he expects at least one defense lawyer to seek to dismiss the cases based on prosecutorial delay.

If that happens, Fitzkee likely would have to testify.

Fitzkee said he believes he would be able to temporarily step aside as Ritter's attorney long enough to testify, then resume his position as defense counsel for Ritter, 50, who is accused of firing a rifle at Allen's car.

But the longtime York attorney said he has no information to provide. "There is no conflict of inter-



Fitzkee



Ritter

est," he said.

Kelley said that if Ritter is convicted of murder he could appeal, claiming Fitzkee should not have represented him.

Fitzkee said Uhler has scheduled a hearing for 1:30 p.m. Aug. 17 to hear

arguments why Fitzkee should be removed as Ritter's defense counsel.

Uhler also was York County DA, from 1978 to 1981.

But Kelley has not moved to have him removed from the case.

As judge, he said, "he's not an advocate to one side or another."

Motions next: Now that all nine defendants, including York Mayor Charles Robertson, have either been arraigned or waived formal arraignment, Uhler will begin considering motions filed by both sides with a hearing on all pretrial motions Sept. 24.

Both Ritter and Robertson have outstanding motions asking Uhler to overturn the preliminary-hearing decision by Senior Judge Emanuel Cassimatis to send the defendants to trial.

Immediately after his arraignment yesterday, Robertson's attorneys filed a discovery motion on the

mayor's behalf, seeking more information about the charges against Robertson, and other defense attorneys are expected to follow suit.

Also yesterday, Lemoyne attorney William Costopoulos, who is part of Robertson's defense team, told the Pennsylvania Press Club in Harrisburg that he will seek to have Robertson's case separated from that of the eight others.

However, there has been no ruling yet to consolidate the cases for trial — just for the preliminary hearing.

In addition to Ritter and Robertson, the other defendants are Chauncey Gladfelter, Rick L. Knouse, Clarence "Sonny" Lutzinger, Arthur Messersmith, Robert Messersmith, Greg H. Neff and Thomas P. Smith.

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Exhumation under way

Investigators began today unearthing the body of riot victim Lillie Belle Allen

By LAURI LEBO

Dispatch/Sunday News

AIKEN, S.C. — In almost any southern town, it is the undertaker who knows each family's story.

He notes the passing generations, not through their joyous beginnings, but through their endings.

If you grow up in the business, you start out "burying all your father's friends. Eventually, you bury all your friends and occasionally, your friend's kids,"



Allen

said Ray Visotski, who owns a funeral home here in this town of 25,000 in the sandy midlands of western South Carolina.

Today, as part of his job, Visotski began the delicate process

of overseeing the exhumation of Lillie Belle Allen, the black preacher's daughter from Aiken

■ Fitzkee: DA stint doesn't disqualify me.

■ Costopolous says lawyers must 'work the media.'

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who was killed after making a wrong turn into a darkened York neighborhood during the city's riots of 1969.

After interviewing several local funeral homes, the York County District Attorney's Office chose Visotski to orchestrate the

disinterment.

This week's exhumation is the latest chapter in the renewed investigation into Allen's murder, which had gone unsolved for 32 years. This spring, nine men were arrested based on the recommendations of an investigative grand jury. Six men, including York City Mayor Charles Robertson, will stand trial.

Inside the George Funeral Home, which Visotski bought

(Mount Clipping in Space Below)

Ray Visotski, owner of George Funeral Homes Inc. in Aiken, S.C., is overseeing the exhumation of Lillie Belle Allen's body. The Rev. James "Pete" Mosley, Allen's father, is seen in a portrait that hangs in the funeral home. Mosley was the caretaker for the funeral home for more than 45 years.

JASON PLOTKIN/STAFF PHOTOGRAPHER



(Indicate page, name of newspaper, city and state.)

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two years ago, hangs a picture of the Rev. James "Pete" Mosley, who was the caretaker of the place for more than 45 years until his death six years ago.

Mosley was in the car on North Newberry Street that night when an armed white mob opened fire on his family. He watched helplessly as his 27-year-old daughter was killed on the street in front of him.

A year ago, Debra Taylor, Lillie Belle Allen's daughter, visited George's funeral home to show a reporter her grandfather's picture.



Townsend
... is Aiken
County's
coroner.

Even though the home was filled with clients, men who knew him stopped their work long enough to share their fondness for Pete with his granddaughter.

Remembering the Mosley family: A few streets away from where Visotski talks about plans for the exhumation is another funeral home. In this place is the man who buried Pete Mosley's oldest girl the first time 32 years ago.

An active member of the local NAACP at the time of Allen's death, Bobbie Brooks took over the family business of Jackson Brooks Funeral Home in the late '60s. Like those at George Funeral Home, he also remembers the Mosley family.

His father buried the Mosleys' 12-year-old son in 1965 after he died of a brain tumor.

Brooks remembers burying their second child four years later.

He remembers when Lillie Belle Allen's body was sent home from York. He still has her death certificate and the receipt for the shipment.

Before burying her, Brooks inspected Allen's body at her mother's request. Beatrice Mosley didn't trust the autopsy from York County. But Brooks says too many people had already examined the body by the time it got to him.

"I was the second funeral director to look at her,"

Brooks said. "And I didn't have enough forensic experience."

Brooks buried Allen in Pinelawn Memorial Gardens, a place once called the old Aiken colored cemetery.

It used to be common for families who came to Brooks' funeral home to bury their loved ones here. But today, Brooks sends them to other cemeteries.

Forgotten place: Pinelawn has no caretaker. There is no one left to cut the crab grass and keep down the poison oak.

Unlike the neatly kept Bethany Cemetery nearby, this graveyard is overgrown with weeds and honeysuckle. Many tombstones are broken slabs piled in heaps.

At a news conference yesterday, Aiken County Coroner Sue Townsend warned reporters to be careful of snakes hiding from the heat in sunken graves.

Several weeks ago, a group of investigators came by the Jackson Brooks funeral home, searching for Lillie Belle's grave. Brooks sent his staff to show them where she is buried in the back near a line of white oaks.

"I didn't go," Brooks said.

Tomorrow's exhumation: Today, in preparation for the exhumation, the weeds that cover Lillie Belle Allen's family plot were to be cut back, the sandy soil covering her grave removed and the vault opened.

Tomorrow, workers will shimmy down on their bellies and slip straps under the coffin so it can be lifted out. It's a tricky maneuver because the workers don't want to disturb the graves next to Allen's. "We have to respect the dead in a very confined space," Visotski said.

Then, Allen's body will be removed from where it rests at her mother's feet and her brother's side.

Dr. Isidore Mihalakis, a forensic pathologist from Allentown, is being brought to Aiken by a team of York investigators to conduct another autopsy. Afterward, Allen's body will be placed in a new casket that will match the old one, and it will be reburied, Visotski said.

Brooks would like an Aiken church to hold a memorial service for Allen, but the family has not requested one. So he waits for some word from them.

Allen's siblings and children are not talking to reporters now; the news of the exhumation and the resulting media attention have shaken them.

They are reacting much the same way the family of Henry Schaad, the second murder victim of the riots, has been reacting.

They support efforts to solve the murders, but the news is upsetting to them.

When the body of Schaad, a white rookie cop shot by a group of black men on the second night of rioting, was exhumed last month, his family withdrew from the attention.

Before his body was removed, the family held a private graveside ceremony. Since then, his widow, Sonja Schaad, has declined to talk about it. She recently left a message for a reporter declining comment, saying the ordeal has been too "emotionally exhausting."

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Exhumation . . .
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JASON PLOTKIN/STAFF PHOTOGRAPHER

Aiken, S.C., police officers put up barriers at Pinelawn Memorial Gardens this morning in preparation for the exhumation of Lillie Belle Allen's body.

Costopoulos: Lawyers must 'work the media'

By RICHARD FELLINGER
Harrisburg Bureau

When you're a lawyer with a high-profile client like York Mayor Charles Robertson, you must "work the media." So says Robertson's lead attorney, William Costopoulos.

You don't necessarily work them to influence potential jurors. That's a longshot, according to Costopoulos.

"You want to put your client and his cause in a light that is most favorable to him, so that maybe he can go home and get a good night's sleep," Costopoulos told the Pennsylvania Press Club yesterday.

A well-known Harrisburg-area defense lawyer who often advises his colleagues on public relations, Costopoulos talked for 30 minutes in lawyers and the media at the press club's monthly luncheon.

Robertson's lead attorney speaks to Pennsylvania Press Club

About 75 lawyers, lobbyists and journalists munched on chicken and pasta at the Harrisburg Hilton & Towers while listening to a talk that focused on Robertson's case.

It was casual and elicited several short bursts of laughter.

"Nobody loves the cameras more than me," Costopoulos said to chuckles at one point before explaining he doesn't believe cameras should be in the courtroom.

As for cases like Robertson's, Costopoulos said an attorney has to recognize that the media is "a major player."

Some advice: What not to do? Cop an attitude, don't return calls and run out of court with a newspaper over your face, he said.

"It's not just the prosecution against the defense," Costopoulos said.

He believes journalists have an agenda of their own, describing it as "loyalty to the First Amendment."

That can conflict with a lawyer's agenda, which he described as loyalty to the client and the Sixth Amendment, which addresses proper counsel and a right to a fair trial.

In a career that has included defending a state Supreme Court justice and winning the freedom of a



Costopoulos

high school principal sentenced to death, Costopoulos' relationship with the media has been "a love-hate relationship, mostly love."

"But I know when to get the hell out of that thing," he added with a grin.

Asked later how he believes he's faring working the media in Robertson's case, Costopoulos replied, "The verdict's not in yet."

Robertson's case became international news when he was arrested on murder charges in May.

Costopoulos said he still fields requests from major news outlets — including network news stations, The New York Times and People

magazine — to interview the mayor. Lawyers have "to walk a fine line" when considering such requests, Costopoulos said.

Although the mayor is a public official, Costopoulos said he advises against interviews now because "the dilemma is it's not in his best interest."

"They aren't interested in the good work he's done as mayor of the City of York, or in his past as a baseball coach. They're interested in his role in a brutal murder that happened 30 years ago, and there's no way you can present yourself in a positive light when you've got to answer those relevant questions," Costopoulos said.

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The York Dispatch

Date: 8/12/40 - Daily

Edition:

Title: Costopoulos: Lawyers must 'work the media'

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"We're asking for a dismissal; that's the bottom line."

—William Costopoulos, Charlie Robertson's lawyer



GARY DWIGHT MILLER / OF THE PATRIOT-NEWS

York Mayor Charlie Robertson, left, with his attorney William Costopoulos, leaves the York County Courthouse yesterday after pleading innocent to charges related to the 1969 death of Lillie Belle Allen.

Innocent plea given by mayor on charges

York leader, 8 others arraigned in 1969 death

(Indicate page, name of newspaper, city and state.)

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The Patriot News
Harrisburg, Pa.

Date: *7/24/01*
Edition: *Daily*

Title: *Innocent Plea*
given by mayor on

Character: *Charges*
or

Classification: *282A PH 90508*

Submitting Office: *HRA*

BY TIMOTHY D. MAY
OF THE ASSOCIATED PRESS

YORK — After pleading innocent to murder charges in court yesterday, York Mayor Charlie Robertson said he is confident the case against him will be dismissed and that he plans to continue running the city.

Robertson and eight other white men were formally arraigned yesterday on charges of murder and conspiracy in the shooting of a black woman during the city's 1969 race riots.

As he walked out of court with an attorney, Robertson said he felt "very confident" he would be exonerated. "My job will be to run the city of York as mayor," he said in answer to a question about whether the criminal charges would interfere with his work.

Robertson quit his campaign for a third term after his arrest in May but vowed to complete his second term, which ends in January.

Only the mayor and one other defendant, William Ritter, appeared before Common Pleas Judge John Uhler for the 15-minute hearing, which involved a formal reading of the

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charges. The other defendants waived their right to appear at the arraignment. All nine men pleaded innocent yesterday.

Robertson and seven of his co-defendants are free on bail. The other man is serving a prison term for an unrelated conviction.

The charges stem from the July 21, 1969, death of Lillie Belle Allen, a 27-year-old preacher's daughter from South Carolina who was visiting relatives in York when she was gunned down by a white mob on the fourth night of racial disturbances in the city.

Robertson, then a city cop, is accused of handing out bullets to white gang members and telling whites to kill blacks earlier in the day that Allen was shot. Robertson has admitted shouting "white power" in a city park at a rally the night before the killing, but denied all other allegations.

Ten days of rioting began after a white gang member shot and wounded a young black man in the city. The unrest escalated when Henry Schaad, a 22-year-old rookie officer, was

shot and killed. Buildings were set afire, more than 60 people were injured and 100 people arrested before the National Guard rolled into town with tanks.

The same grand jury that recommended indictments in the Allen case is also investigating Schaad's killing.

Prosecutors have been tight-lipped about why the case is being prosecuted only now, except to say that witnesses who once refused to talk finally came forward.

On Friday, South Carolina authorities approved a request by the York County Court's supervising judge to exhume Allen's body. Several weeks earlier, prosecutors had exhumed Schaad's remains.

Yesterday, Robertson's lawyer, William Costopoulos, submitted a letter asking prosecutors to turn over all the evidence against the mayor and a motion seeking more specifics about the allegations underlying the charges.

"We're asking for a dismissal; that's the bottom line," Costopoulos said.

The judge set Sept. 24 as the date for a hearing on pretrial motions.

'I'm being held hostage ...'

Grand jury witness says he wasn't there when cop was shot

By MIKE HOOVER
Dispatch/Sunday News

A 54-year-old man with a long criminal record was charged with perjury and making false statements after allegedly lying to a grand jury investigating the 1969 riot-related death of York City Police Officer Henry C. Schaad.

Henry L. Padgett, an inmate of the State Correctional Institution at Albion, said he would not answer questions about the 1969 riots or the events surrounding Schaad's death July 18, 1969, when he appeared before the grand jury Tuesday.

Leaving his arraignment yesterday, Padgett said the only response he gave to a series of questions in front of the grand jury was that he "didn't know nothing" because he was in the State Correctional Institution at Camp Hill for a conspiracy charge at the time of the riots.

Investigators and prosecutors in the case declined comment, but the arrest affidavit says Padgett made false statements. The affidavit did not elaborate.

A public records check into Padgett's claim that he was in prison during the riots has yet to be substantiated.

"I'm just being held hostage; that's all I know," Padgett said.

According to the arrest affidavit filed by York City Police Detective John Daryman, Padgett took an oath before York County Common Pleas Court Judge John Uhler to tell the truth before the grand jury.

Daryman declined comment yesterday, citing Uhler's gag order on the grand jury's investigation. York County Deputy Prosecutor William Graff, who is leading the Schaad investigation, also declined comment.

Padgett remains in York County Prison, where he has been held since his transfer from state prison May 29, where he was serving a 2½- to 5-year sentence for retail theft.

Padgett's alleged false statements were made on the first day that the grand jury convened to investigate Schaad's death. He was charged the next day.

Dressed in orange prison garb and wearing handcuffs, Padgett said at his arraignment yesterday that he be-

(Indicate page, name of newspaper, city and state.)

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The York Dispatch

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lieved he was being used to send a message to others who will appear before the grand jury to cooperate with investigators.

"They are trying to encourage me to testify. It's a bogus arrest," Padgett said.

Schaad, a white rookie police officer, was fatally wounded July 18, 1969, when the armored car in which he was riding was hit by gun-

"They are trying to encourage me to testify. It's a bogus arrest."

Henry L. Padgett,
an inmate at the State
Correctional Institution
at Albion

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fire. The vehicle had just passed a group of black men at West College Avenue and South Penn Street — one of the most violent sections of town during the riots. Schaad was wounded as the armored car crossed the West College Avenue bridge; he died 14 days later at York Hospital.

Padgett said police mistakenly believed that, as a black man who lived in York in the 1960s, he has information that could help the Schaad investigation.

"It's guilt by association. They thought I knew something. I don't," he said.

Padgett's criminal conviction history includes assault, robbery, parole violations, larceny, receiving stolen property, armed robbery, assaulting another prisoner, firearm violations, theft, burglary, retail theft, drug violations and giving false statements. He has been in and out of the state and county prison system since 1967, according to records at Albion State Correctional Institute.

On June 16, 1999, Padgett pleaded guilty to retail theft and was sentenced to 2½ to five years to run concurrent with his other convictions.

York City District Justice Barbara Nixon has scheduled a tentative July 6 preliminary hearing for the perjury and false statement charges. She set Padgett's bail at \$25,000 in the event he is released on the unrelated charges.

He is not scheduled to be released from state prison before Oct. 26



JASON PLOTKIN/STAFF PHOTOGRAPHER

Pennsylvania State Police Trooper Thomas Grothey brings Henry L. Padgett into District Justice Barbara Nixon's office yesterday to face charges of perjury and making false statements before the grand jury investigating the 1969 shooting death of rookie police Officer Henry C. Schaad.

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Lawyer courts public opinion

Hearing ends in defense effort for Robertson

By ELIZABETH EVANS

Dispatch/Sunday News

Although prosecutors say two defense witnesses for Charles Robertson did not shake the murder case against York's mayor, a lawyer with three decades of criminal-trial experience said the testimony may have served other purposes.



Gerald C. Grimaud, a criminal defense attorney in Tunkhannock, Wyoming County, said that by questioning a former neighbor and former coworker of the mayor, lead defense attorney William Costopoulos is, in part, showing the public his client's side of the story.

"The court of public opinion, almost without exception, hears one side of the story," Grimaud said. "The prosecution ... often meets with the press and describes their position in some detail."

While a judge's gag order

has limited what prosecutors can say in this case, the charging documents have given the public details of the prosecution's accusations.

"As far as a defense attorney is concerned, he's got to have an eye toward the public — the pool from which the jury is drawn," Grimaud said. "So (that) pool ... has an opportunity to hear that there is another side. That's very important. It shouldn't always be the prosecution witnesses testifying without somebody answering them."

Testimony in the preliminary hearing concluded before lunchtime yesterday. Attorneys for both sides are scheduled to make oral arguments to Common Pleas Court Senior Judge Emanuel A. Cassimatis at 9 a.m. Monday.

The judge then will have 10 days to rule on whether charges against the men should be bound over for court or dismissed.

Robertson and eight other men are charged in the July 21, 1969, ambush murder of Lillie Belle Allen. The eight are accused of shooting at the woman and her family's car. Robertson is accused of handing out .30-06 ammunition to white gang members and urging them to "kill as many" blacks as they could.

Lawyer's tactics: Grimaud — who stressed that he can only speculate as to Costopoulos' strategy — said there is nothing underhanded about a defense attorney playing his client's side of the story to the public.

"It's being a good lawyer," he said, but added that defense attorneys have to be circumspect about taking the uncommon step of putting on witnesses at a preliminary hearing.

"You've got to tiptoe through the roses on this stuff ... and Bill Costopoulos knows that," Grimaud said. "He knows he has to put on valid witnesses. I don't want to damage my client's case by looking foolish."

Also, he said, it's a good idea for defense attorneys to play their cards close to the vest.

"When I have a preliminary hearing, I don't want to show my hand any more than absolutely necessary," he said. "I want to, as much as I can, keep my witnesses to myself and my client at that early stage. But where the prosecution is well aware of a witness ... then I can feel free to put that witness on the stand as early as the preliminary hearing because I'm not

going to disclose something the commonwealth doesn't already know."

'Freezing' testimony: Grimaud said Costopoulos may have had another reason to put on defense witnesses at the preliminary hearing.

"One of the legitimate purposes that the defense could have is to freeze the testimony. They would, I think, want to know now ... what the testimony will be at trial," he said.

Grimaud said he speculates Costopoulos "did not put those witnesses on in order to have the case thrown out, simply because you had so much (commonwealth) testimony," he said. "But maybe he did."

Costopoulos said he questioned John Henry Blokzeyl and James P. Brown "to put more stone in our foundation," as well as to show the climate in York during the riots.

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Two witnesses: First up was Blokzeyl of Red Lion, who was Robertson's 14-year-old neighbor in the summer of 1969.

He testified to seeing his late father, Henry John Blokzeyl, give Robertson a .300-caliber Savage rifle and six rounds to go with it. He said Robertson returned the rifle and five of the original six rounds to him some five years ago.

The mayor's second witness yesterday was Brown, a 32-year York City Police officer who retired in August 1998 and who saw Robertson with a similar Savage rifle July 18, 1969, the night city Officer Henry Schaad was mortally wounded.

Blokzeyl and Brown each said they'd never seen Robertson with a .30-06 rifle or ammunition — the type of ammunition he is accused of handing out to white youths.

While cross-examining Brown, first assistant district attorney Tom Kelley showed Brown was not always with Robertson, so there was no way Brown could testify with any certainty that the mayor did not hand out the ammunition.

Kelley also learned from Brown that Robertson likely was violating police procedure by carrying the rifle that night. Brown also confirmed that police knew North Newberry Street was a "volatile" area where police needed to quell emotions and keep the peace.

Gun debate: Costopoulos had a different take on the testimony.

He said it shows "the mayor at no time ever gave .30-06 ammunition" to anyone.

The Lemoyne attorney also claimed prosecutors "misled" Robertson while questioning him before the grand jury, and that Robertson was confused about whether he had a .300-caliber or a .30-06 rifle.

But Cassimatis read aloud a portion of Robertson's grand jury testimony, where Kelley asked the mayor if he armed himself with a .30-06 rifle, and the mayor said yes, his neighbor had given it to him.

After the hearing, Costopoulos said he doesn't believe prosecutors made their case, although senior deputy prosecutor Tim Barker said he's "confident" the commonwealth did prove it has enough to take all nine men to trial.

And the family of Lillie Belle Allen also seemed glad the bulk of testimony was over.

Although it was painful to sit through the preliminary hearing for the men accused of killing her mother, Debra Taylor said she was satisfied with the prosecutors' case.

"The DA's done a fantastic job," she said.

Self-defense claim: After the hearing, Kelley rejected the claim that armed youths, including eight of the accused, fired at Allen in self-defense — or, as Costopoulos characterized it, protecting "the women, children and elderly."

Kelley said that when the Cadillac in which Allen was a passenger drove up Newberry Street that night, sentries didn't report it to the crowd as a suspicious or possibly dangerous car.

"The call was, 'Nigger, nigger, nigger,'" Kelley said. "That is nothing other than saying, 'Here comes a person we hate.'"

Ritter case: Yesterday's hearing had resumed with testimony from a county detective about what one of the defendants had told the grand jury.

Tuesday's hearing adjourned an hour early when Cassimatis gave prosecutors and defense attorney Harold Fitzkee time to research arguments on whether county Detective Rodney George

could testify about defendant William C. Ritter's grand-jury testimony.

After hearing arguments, Cassimatis ruled George could recount Ritter's testimony.

George said Ritter told the grand jury he was standing on the Penn Street Bridge when he shot at least a "couple shots," maybe up to six shots, at the Cadillac with a .22-caliber rifle. He was 225 yards from the car, according to testimony.

Ritter told grand jurors he didn't know if anyone was inside the Cadillac, and didn't immediately learn a woman had been shot, according to George.

"He said he could've been shooting at his friends ... and that he could've killed someone," he said.

Ritter testified that at the time of the shooting he was an "acid head," or someone who takes a significant amount of the hallucinogen LSD, adding, "I don't recall a lot of the stuff I did," George recounted.

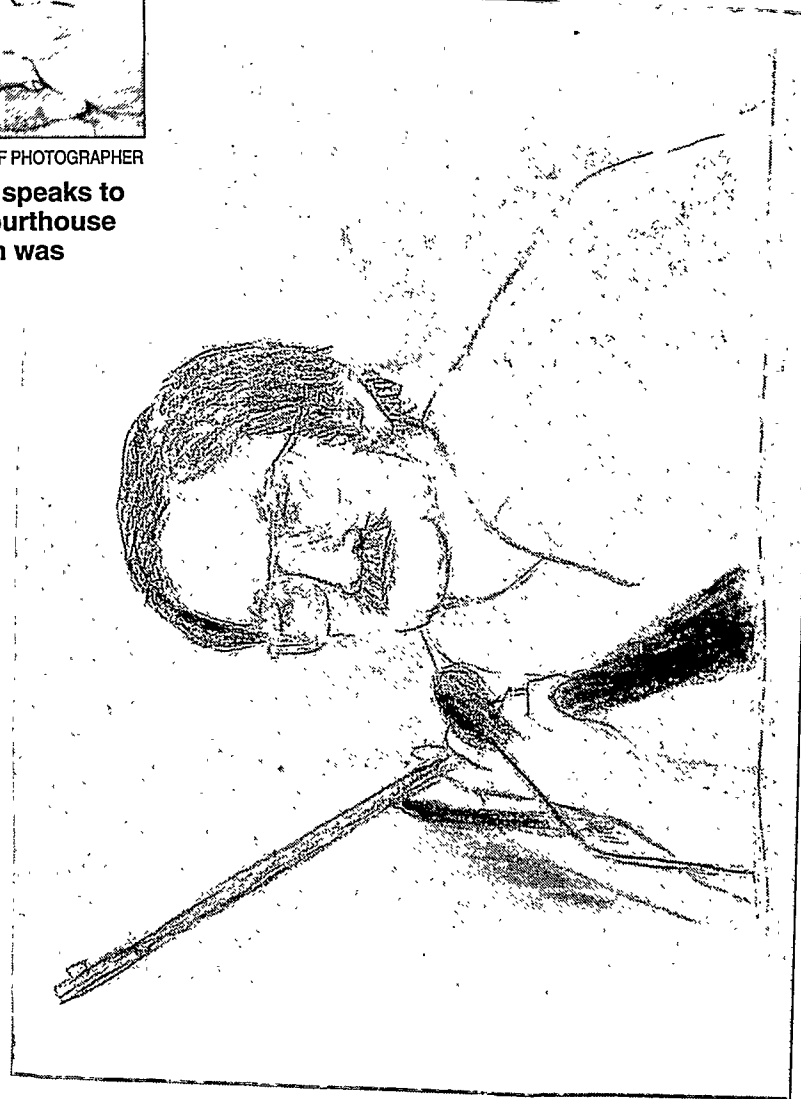
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GREG MAHANY/STAFF PHOTOGRAPHER

Former York City police officer James Brown speaks to the media on the steps of the York County Courthouse yesterday after the preliminary hearing, which was halted until Monday.



SKETCH BY MARY KAY FAGEE
John Henry Blokzeyl of Red Lion testifies at the preliminary hearing yesterday at the York County Courthouse.

"[York police Officer Charlie Robertson] said, 'Hey Knousey, what type of weapon is that?' He threw me a box of shells and said, 'Kill as many . . . as you can.' Asked to say the word he had just omitted, defendant Rick Lynn Knouse testified, 'niggers.'"

Reliving July 21, 1969

Prosecution witness says York victim carried gun

BY PETE SHELLEN
OF THE PATRIOT-NEWS

YORK — A white, street gang member who fired a shotgun at a car during the city's 1969 race riots said a black woman killed in the blaze of gunfire was holding a gun before she was shot.

While there is no evidence to support Gregory H. Neff's testimony that Lillie Belle Allen was armed when she exited the car, the statement feeds into defense contentions that the suspects believed they were acting in self-defense.

"I saw a blue handgun in her hand," said Neff, the leader of the Girarders street gang who admitted firing at Allen's car and cut a deal to testify for York County prosecutors.

Neff's testimony capped a day of dramatic testimony in York County Court in which another former gang member said he felt they had a "license to kill" because Mayor Charlie Robertson, then a city police officer, handed out ammunition and told them to kill blacks.

"It felt insane," said Rick Lynn Knouse. "The police really pumped us up to basically take care of things because they couldn't."

After hearing testimony from other witnesses whose testimony seemingly cut both ways yesterday, the prosecution abruptly announced it intended to rest its case today.

Senior Judge Emanuel A. Cassimatis said he would give attorneys two days to prepare for closing arguments after testimony closes. He will then render a decision on whether there is enough evidence to send the cases against the six men charged with murder — including Robertson — to trial.

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Neff testified in return for a promise that he would be allowed to plead to a misdemeanor conspiracy charge and serve no time in jail. He said he saw other gang members, including defendant Robert Messersmith, shooting at Allen's vehicle on July 21, 1969, but only after he saw she was holding the gun at her side.

ON THE STAND

Highlights of testimony yesterday, the second day of a preliminary hearing into the 1969 York race riots killing:



GARY DWIGHT MILLER / PATRIOT-NEWS

GREGORY H. NEFF testified that victim Lillie Belle Allen was holding a handgun when she stepped out of a car and was hit by gunfire.

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Allen's sister, Hattie Mosley Dickson, who was driving the besieged car during the slaying, said after yesterday's court action that there were no guns in the car. Police reports from the time also said no weapons were found.

"My sister, my father, my mother, my husband, we didn't have guns. We had no weapons," she said.

Knouse testified that police urged the youth gangs to take action and invoked racist rhetoric to merge the separate gangs under white power.

Robertson told the youths that residents of the largely white neighborhood would have white handkerchiefs hanging out their car windows, Knouse testified.

"He said anything that came down the street with a white hankie, leave it alone," Knouse said. "If it didn't, shoot it."

Knouse said he obtained a .30-06 rifle from the Newberry Street home of Robert and Arthur Messersmith, where other youths were arming themselves on the day of the killing. He said Robertson later gave him ammunition for the gun.

Witnesses testified that a car with gunmen in the trunk had shot up the neighborhood the night before, and a confrontation took place between the Messersmiths and a black man who accused them of firebombing his mother's home.

The vehicles in both incidents were described as similar to the White Cadillac in which Allen, 27, of South Carolina, was a passenger on July 21, 1969.

Knouse said that when Allen stepped out of the car, which had stopped on the railroad tracks crossing Newberry Street, she had her hands in the air.

He heard people shouting "she has a gun" and thought he saw a flash coming from her hands before dozens of shooters opened fire.

An autopsy showed she was

struck with a rifled shotgun slug.

The prosecutors did not call East Pennsboro Twp. Police Chief Dennis McMaster, who had been waiting two days to testify against Robertson.

McMaster told a grand jury he had seen Robertson handing out ammunition to one of the defendants. His testimony would have in part corroborated Knouse's.

Knouse said Robertson and other officers told the youths to protect their neighborhoods and kill as many blacks as they could.

Robertson's attorney, William C. Costopoulos, persuaded Cassimatis to allow Knouse in the courtroom when McMaster testified to see if he could identify him as one of the other officers with Robertson.

McMaster said yesterday he did not know why he was not called to testify.

Pete Shellem may be reached at 255-8156 or pshellem@patriot-news.com.

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ROBERT STONER
testified he called police to report armed youths in the neighborhood but got no response. After Allen was shot, he said, he saw Charlie Robertson talking with other defendants, who were still armed.



ANGELA GAUL / PRESS POOL

RICK LYNN KNOUSE
said he felt he had a "license to kill" after Charlie Robertson and other police officers handed him ammunition and told him to kill as many blacks as he could.

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GARY DWIGHT MILLER / OF THE PATRIOT-NEWS

Hattie Dickson, center, sister of 1969 shooting victim Lillie Belle Allen, is flanked by Allen's children, Debra Taylor and Michael Allen, during a news conference yesterday at the York County Courthouse. Dickson, who was driving the car in which her sister was riding just before her death, said there were no guns in her car.

Firing rocked car, accused says

BY JIM LEWIS
OF THE PATRIOT-NEWS

YORK — It was like a scene out of the movie "Bonnie and Clyde." The part where federal agents ambush Faye Dunaway and Warren Beatty in their getaway car. They riddle it with bullets, a hailstorm of gunfire so fierce that it shakes the car.

Two years after the movie's debut, Rick Knouse thought he was watching the scene again — only for real.

It was a white Cadillac filled with four black people, and it was stopped on predominantly white Newberry Street during the race riots of 1969, and gunmen hidden on rooftops and in alleys were riddling it with bullets.



THE ASSOCIATED PRESS / 1969
Lillie Belle Allen was shot after stepping out of the car in which she had been riding, after it stalled.

A woman, 27-year-old Lillie Belle Allen, died in the gunfire after she climbed out of the car. The force of the shooting knocked her out of her sneakers. Her shoes sat, empty, on the street as her body lay beyond.

"It was insane," Knouse testified yesterday in York County Court in the second day of a preliminary hearing for six men charged in Allen's death.

Three others, including Knouse, have waived a preliminary hearing and reached deals with the York County district attorney to testify in the hope of getting a lenient sentence.

In the quiet of the cold, cavernous courtroom, the image of that movie ambush, of that old Packard bouncing up and down from the force of the bul-

lets, likely played in the mind of everyone who saw the film at the theater in 1967, or caught it on cable TV late at night.

The passing of 32 years may have made Allen's death seem like a faded piece of the past, but the movie scene cited by Knouse in his description of the bullet-ravaged car in which she was riding drew a vivid, terrifying picture.

Prosecutors charge that gang members, including teen-agers from the Newberry Street Boys, a gang that hung out on the street where Allen was shot, fired at the car.

Several of the defendants who have been charged were gang members, according to testimony. Knouse admitted in court that he fired two shots but denied hitting Allen. He said one struck a store on Newberry, a street of working-class row houses; he didn't know where the other shot landed.

Allen and her family were driving to the store for groceries, according to testimony by Allen's sister, Hattie Mosley Dickson, who was driving the

Cadillac that night.

Sitting on folding chairs, the crowd in the old brick courthouse's largest courtroom grew still as witnesses described the shooting. Defense attorneys, seated at a long row of tables before the judge, took turns prodding memories foggy from the passage of decades. The marble clock on the back wall was frozen at 2 o'clock; the hands never moved.

On the night of Allen's death, so many shots were fired that a haze from the blazing guns still hung over the street when police arrived, testified Robert Stoner, an employee in York County's juvenile justice system at the time who was in the neighborhood when the shooting happened.

The street that day was filled with guns, Stoner testified — guns on stoops, residents carrying guns, gang members carrying guns. Newberry Street Boys. Girarders. Swampers.

He called the police and told them it was a "scary situation."

The police said they were keeping an eye on it, Stoner testified.

(Indicate page, name of newspaper, city and state.)

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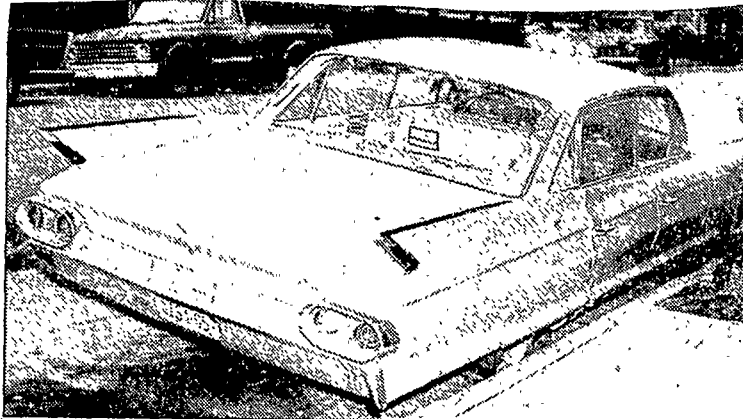
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THE ASSOCIATED PRESS / 1969

The bullet-riddled car in which Lillie Belle Allen was riding shortly before she was shot to death on July 21, 1969.

Hours later, the Cadillac was riddled by "a tremendous volley" of shots as Stoner talked to residents near Newberry Street, he said. Stoner dove to the ground when he heard them. He had served in Vietnam.

For Dickson, the rain of bullets seemed to last a long time, she testified. She ducked down. Her husband, in the passenger's seat, and her parents, in the back seat, ducked, too.

They could hear Allen moan-

ing "Somebody please help me," as she lay outside the car, Dickson said.

The bullets rocked the Cadillac back and forth, she testified.

"Just so many pinging and so many booms and ... oh, my God," she said, overcome by the memory that played in her head.

Jim Lewis may be reached at 255-8479 or jlewis@patriot-news.com.

Sparse numbers of curious attend

BY JIM LEWIS
OF THE PATRIOT-NEWS

YORK — Mayor Charlie Robertson bounded down the stairs of the York County Courthouse, pushing a horde of photographers out of his way, and jumped into a waiting sedan, hurrying past 19-year-old Marlyse McAdam and the message she had written for him on her T-shirt.

There it was, scrawled in black marker, displayed as she stood boldly on the curb, silently watching him pass: "Robertson," preceded by an expletive.

"[It's] point-blank for how I feel," the York woman said, explaining the message on her shirt.

The mayor had little time to read it. Robertson, one of nine people charged

in the shooting death of Lillie Belle Allen during the York race riots of 1969, rushed through the crowd of journalists, the legs of his gray trousers flapping wildly, as he left a preliminary hearing yesterday, ignoring questions shouted at him. He ignored a camera lens stuck against the sedan's back window as the car paused in rush-hour traffic, then whisked him safely down Market Street.

A small group of onlookers gazed at the spectacle from benches and railings across the street. Some had missed what would happen at the courthouse on the first day of the hearings.

Some had hoped to get a glimpse of a national news celebrity. Robertson's arrest had made the papers and TV news around the world, and such big news does not happen every day in York.

But there were no celebrities. No CNN. No George Stephanopoulos grabbing a Kustard Delight at the Maple Donuts on Market Street. Just a line of colorful TV trucks from central Pennsylvania, Baltimore and Philadelphia, and a crowd of local journalists and stringers swarming every attorney who wandered out of the courthouse.

"I thought there would be more people," said Ellen Dickerson, a York resident, as she stood across the street from the courthouse. "When they arrested the mayor, they came from everywhere. Now, here it is..."

Inside the cavernous court-

room, some rows of folding chairs reserved for the media were empty. The rows reserved for the public were mostly empty, too. Only the "well" — the space in front of the judge's bench — was crowded, as attorneys and defendants filled the metal office-furniture tables and chairs.

Residents such as Shannon Fells, a custodian at the bank across the street from the courthouse, had tired of the investigation.

"It's a big mess," said Fells, as he watched Robertson's mad dash from the courthouse yesterday afternoon. "I wish they would just get it over with. I'm tired of hearing about it, tired of seeing it on TV all the time."

Larry Geier Sr. pulled his brawny yellow motorcycle into the parking garage across the street from the courthouse to watch the crowd. Donned in black clothes and a white bandanna, he stared at the scene

from a shady stone bench at the garage entrance, while the three Basset Hounds harnessed to beds on the back of his bike — he calls the dogs Felony, Malicious Mischief and Felonious Assault — panted. His pets drew almost as many curious stares as the courthouse spectacle.

"I'm glad it didn't draw a big crowd," said Geier, of York. "A big crowd is like a mob kind of crowd, and I don't like that. This should be taken care of quietly."

Berto Medina of York brought his 12-year-old stepson to the hearing to give him "a lesson on justice." The possibility that someone could be killed in York simply because of their race may be too disturbing for others to see, he said.

"People would like to stay away from it," Medina said. "Especially if you have to live here."

Jim Lewis may be reached at 255-8479 or jlewis@patriot-news.com.



GARY DWIGHT MILLER / PATRIOT-NEWS
Arthur Messersmith, one of the defendants in the slaying case, leaves the York County Courthouse yesterday.

"It's a big mess. I wish they would just get it over with. I'm tired of hearing about it, tired of seeing it on TV all the time."

Shannon Fells, downtown worker

Nov 10 1991

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The Patriot News

York, Pa.

Date: 10/10/91

Edition: Daily

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Submitting Office: HRA

3 strike deals in slaying

Leniency due for testimony about mayor, co-defendants

BY PETE SHELLEN
OF THE PATRIOT-NEWS

YORK — Three of the nine defendants in the shooting of a black woman during York's 1969 race riots have cut deals to testify for the prosecution in return for lenient sentences.

The three, all of whom admitted firing shots at Lillie Belle Allen's vehicle, waived a preliminary hearing yesterday and are expected to testify later this week against York Mayor Charlie Robertson and the other five defendants charged with murder.

Rick Lynn Knouse, Gregory H. Neff and Clarence E. Lutzinger agreed to plead guilty to misdemeanor conspiracy charges. Prosecutors have promised they will serve no more than a maximum 23½-month county term; in at least one case, the deal is for the two or three days spent in jail awaiting bail.

Knouse, who is expected to testify tomorrow in York County Court, had told a grand jury that Robertson handed him ammunition and told him to kill all the black people he could.

It is unclear what Neff and Lutzinger will offer, but sources close to the case have said prosecutors were shopping the deals for anyone who would provide further information against Robertson and former gang member Robert Messersmith, who prosecutors allege fired the fatal shot.

The deals came to light after Robertson's attorney, William C. Costopoulos, objected when Knouse told Senior Judge Emanuel A. Cassimatis that no promises were made in return for waiving the hearing.

Costopoulos talked to Knouse's attorney, who then told Cassimatis about the deal. The judge then had each of the defendants put their understanding of the plea bargain on the record.

Knouse told the judge that he is being treated for mental illness and had just been released from York Hospital.

He said he is suffering from post-traumatic stress syndrome due to the rehashing of the shooting and had been thinking about suicide.

The most specific agreement was with Neff, who had a letter from his attorney to First Assistant District Attorney Thomas Kelly outlining a deal in which Neff would be sentenced to time served followed by 23 months "nonreporting" probation.

In all three cases, prosecutors agreed to withdraw the charges altogether if the other defendants' cases were dismissed on legal grounds.

Cassimatis, who accepted the waivers, cautioned that the deals must be accepted by the judge hearing the trial and are not binding.

Kelly admitted the plea bargains were like making a "deal with the devil," but defended them as necessary to get those "most culpable" for Allen's slaying.

Costopoulos, who last week told The Patriot-News that deals were bordering on a solicitation to perjury, questioned why the prosecution would cut deals with admitted shooters to

get Robertson, a former police officer who wasn't even present when Allen was shot.

Allen was killed by a rifled slug fired from a shotgun. Knouse claims Robertson was handing out .30-06 rifle ammunition.

The murkiness of 32-year-old memories was evident yesterday as testimony began with conflicting accounts of the shooting.

Hattie Mosley Dickson, Allen's sister, said she was driving the car to get groceries when she saw a man leaning out a window with a rifle.

She said she tried to turn around on railroad tracks on Newberry Street and stopped to let Allen, who was in the back seat, take the wheel.

In choked, emotional testimony, Dickson said the barrage of gunfire began after Allen got out of the car, and almost immediately cut down the 27-year-old mother of two.

"We tried to talk to her, tried to console her," Dickson said. "Those bullets were hitting up against the car. You could hear the pinging and the banging against the car."

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The Patriot News
Harrisburg, Pa

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6/26/01 - Daily

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3 Strike deals in
Slaying

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Dickson said she got out of the car to get help, but her husband pulled her back in as a bullet whizzed by her head. The couple and Dickson's parents ducked down until the shooting stopped, she said.

A lone police officer approached the car, shouted for the shooting to stop and told the family to drive the car out of the neighborhood, she said. An armored police vehicle arrived shortly thereafter and

took Allen to the hospital, where she was pronounced dead.

Dickson could not identify the police officer. When asked if was Charlie Robertson, Dickson said, "I can't say anything — that's been 30-some years ago."

Luis Mercado, a former Newberry Street resident who witnessed the shooting from his home, said he had taken his four children to a relative's home in Columbia because he feared what was happening in the streets.

However, both Mercado and Dickson said they were unaware of the riots that had been raging in the streets for four days before the shooting. A state of emergency was declared and a curfew imposed two days before the shooting.

S. Frederick Flickinger, a former member of the Newberry Street Boys street gang, provided the only incriminating testimony against Robertson yesterday.

Flickinger said he attended a rally of more than 100 gang members the day before the shooting at which Robertson told the youths to protect their neighborhoods and repeatedly shouted "white power."

Flickinger also said that a day earlier Robertson approached him and several other gang members on a street corner and said, "If I wasn't a cop, I would be leading commando raids against the niggers in the black neighborhoods."

However, under cross-examination yesterday, Flickinger said he did not remember testi-

fying at a 1969 civil rights trial that he saw at least 25 police officers giving the clenched-fist white-power sign.

He also said he could not remember what other gang members were present when Robertson made the commando raid statement.

"I've worked for 32 years to forget those names," Flickinger said, adding that he had been persecuted and shot at for testifying at the civil trial.

The riots were sparked July 17, 1969, after a black youth said white gang members had doused him with a flammable liquid and torched him.

The youth later admitted he set himself on fire playing with lighter fluid, but the rumor spread and acts of violence flared throughout the city.

Three days before Allen was killed, a white police officer, Henry Schaad, 22, was fatally shot while on patrol in a black neighborhood.

Schaad's killers were never caught, but the same grand jury that investigated Allen's death is looking into his slaying.

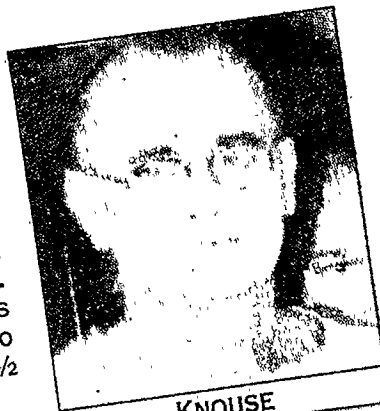
Pete Shellem may be reached at 255-8156 or pshellem@patriot-news.com.



GARY DWIGHT MILLER / OF THE PATRIOT-NEWS
The news media surround attorney William C. Costopoulos, one of Charlie Robertson's lawyers, outside the courthouse.

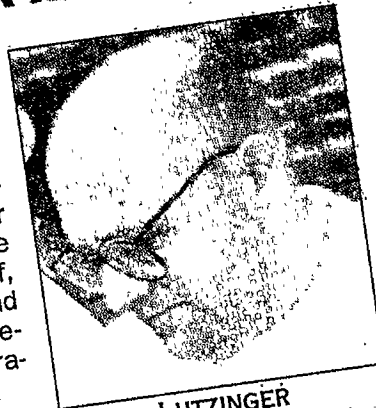
1969 YORK RACE RIOTS

Rick Knouse had told a grand jury that Charlie Robertson handed him bullets and told him to kill all the black people he could. Knouse's deal calls for a sentence of no more than 23½ months in prison.



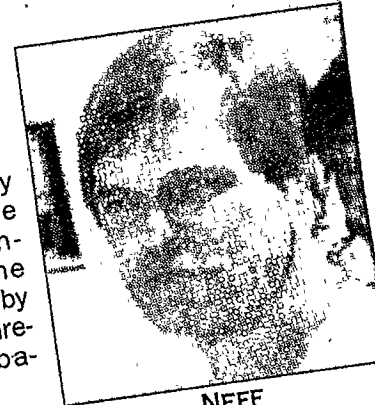
KNOUSE

Clarence Lutzinger's deal is similar to Knouse's. Like Knouse and Neff, he agreed to plead guilty to misdemeanor conspiracy charges.



LUTZINGER

Under Gregory Neff's deal, he would be sentenced to time served followed by 23 months "nonreporting" probation.



NEFF



GARY DWIGHT MILLER / OF THE PATRIOT-NEWS
York Mayor Charlie Robertson, one of nine defendants in the slaying case, leaves the courthouse for lunch.

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Our Views

Justice for
Schaad

“What about Schaad?”
How many times have those words been uttered in York over the last few weeks?

“I’ve had it up to here reading about charges for the murder of that black woman in 1969. When are they going to make arrests for the murder of the white cop?” These unsigned letters slither into our mailbox on a daily basis — the anonymity removing all doubt as to the sender’s essentially racist implications.

As if this were necessarily a package deal.

It’s time for anyone with information about the shooting of Henry Schaad to share it with prosecutors.

As if justice in one unsolved murder had any bearing on the permissibility of justice in another.

It doesn’t. Our legal system is not constrained by any such “if, then” logic — particularly not on the basis

of the respective race of the victims.

The “score,” as York Mayor Charlie Robertson so callously asserted in Time magazine, is not 1 to 1.

As the victims’ families might point out, if there is a score, then it’s -1 to -1.

Anyway you add that up, it’s a losing score for our community as a whole.

But ultimately, this isn’t about win-win or lose-lose situations. It’s about justice. And the hard fact is that both of these cases are worth pursuing regardless of whether both or either ever result in convictions.

To be sure, the possibility of failing to achieve justice for the riot-related murders of both Officer Henry Schaad and Lillie Belle Allen is a dismal prospect.

But prosecutors would be derelict in their duties if they declined to pursue one promising case simply because evidence in the other was less concrete.

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Does anybody truly believe that will occur, though? Is there any credible reason to doubt the district attorney’s explanation that he had to start somewhere so he presented the grand jury with evidence in the case with the most fully developed leads, and that the investigation will now focus on the Schaad murder?

No, of course not.

Yet on and on the anonymous grumblers go about justice for blacks but none for whites.

Let’s hope Wednesday’s news quelled their unfounded, misguided concerns.

Officer Schaad’s family confirmed that authorities had exhumed his body to perform an autopsy looking for further evidence to prosecute the three-decades-old case.

While the slain officer’s loved ones were uneasy at the thought of his final resting place disturbed, they expressed hope the exhumation will help lead to justice for the rookie officer mortally wounded by a sniper’s bullet.

We share that hope — along with the hope that the unearthing was not a sign of desperation on investigators’ part, as some legal experts have theorized.

If the Schaad case depends on 31-year-old evidence that may have turned to dust, say legal experts, prosecutors may have a difficult time supporting murder charges — without, that is, the help of the sort of eyewitness testimony that has clearly led to nine indictments for the killing of Lillie Belle Allen.

So in that sense, the “what about Schaad” worriers are right.

It’s time — long past time, actually — for anyone with information about the shooting of Henry Schaad, the only York officer ever killed in the line of duty, to share it with prosecutors.

It’s time for members of the community who know who shot Henry Schaad to find the courage and conscience to help solve his murder.

It’s time for York’s ugly past to be finally covered over by justice rather than denial.

It’s time for both Henry Schaad and Lillie Belle Allen to rest in peace.

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The York Dispatch
York, Pa.

Date:

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“Our Views”
Justice for Schaad

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1969 RIOT SLAYINGS

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FBI: No Schaad inquiry

Civil rights law focuses on police actions against citizens, not the opposite

By BILL CAHIR

Washington, D.C., bureau

Federal involvement in the 1969 York riots killings is far more likely to focus on the case of a white policeman charged in the killing of a black woman than the slaying of a white policeman by black gunmen, despite the racial nature of both deaths.

Already, the FBI is examining the case against nine white men charged with the ambush slaying of Lillie Belle Allen during the riots, because it involves accusations that a policeman may have violated the victim's civil rights.

However, the shooting of rookie York City police officer Henry Schaad three days earlier, by a group of black men who fired at an armored car in which Schaad was riding, probably doesn't raise federal issues, legal experts say.

"They were private citizens, not government actors, even if the killing was racially motivated," said law professor Chuck Weisselberg, director of clinical law programs at the University of California, Berkeley. "On the other hand, if a police officer kills a civilian with a racial motive, that's a federal civil rights violation because the defendant is a police officer."

York Mayor Charles Robertson, a police officer at the



Schaad
... FBI says shooting doesn't likely raise federal issues.



Allen
... FBI is examining case of those charged in her death.

time of the killing, is one of nine men charged with murder in the July 21, 1969, slaying of Allen, a 27-year-old visitor from Aiken, S.C. Robertson is accused of inciting white gang members to violence and providing ammunition to some of those who shot at Allen or her car.

Wednesday, Pennsylvania's Legislative Black Caucus called for a federal prosecutor to investigate the case, both to get the case resolved, and "because of the message it sends regarding how seriously we, as a state and nation, take such atrocities."

Linda Vizi, spokeswoman for the Philadelphia office of the FBI, confirmed last week that the agency is conducting a preliminary civil rights investigation in the Allen case by monitoring the local prosecution.

But Casey Stavropoulos, a spokeswoman for the U.S. Justice Department, said while

the Allen case is an open matter for federal officials, Schaad's murder is not.

Federal investigators could get involved in the Schaad case only if it were shown civilians conspired to deprive their victim of his civil rights, said Richard Singer, professor of criminal law at Rutgers University Law School at Camden.

"The problem with (the relevant federal law) is that it requires that they conspire not just to injure him, or kill him, but they do so to prevent him from exercising constitutional or federal statutory rights," said Singer.

Statute exemption: The Justice Department can pursue criminal civil rights cases after the usual five-year statute of limitations expires if the cases involve an "intentional" killing.

Such was the case when, in June 1964, federal civil rights authorities launched an investigation into the

death of three civil rights workers who vanished after visiting a burned church in Philadelphia, Miss.

While state charges against 19 white men, including a sheriff and his deputies, ultimately were dropped, the Justice Department secured convictions three years later against seven suspects on federal charges of conspiring to deprive the murdered men of their civil rights.

The Justice Department's

Civil Rights Division includes a criminal section, which investigates misconduct by police officers, such as the racism alleged this year in the Cincinnati police department, or the case of the patrolmen who beat Los Angeles motorist Rodney King.

Nationally, the Justice Department gets about 12,000 complaints every year alleging criminal interference with civil rights, and about 2,500 of them are investigated by the FBI. Prosecutors file charges in 50 to 100 cases for alleged police misconduct each year.

The division also has a special litigation section that investigates patterns of practice within police departments that might indicate widespread abuse of citizens' civil rights.

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The York Dispatch
York, Pa.
6/11/69, Daily
FBI: No Schaad inquiry
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A-4
The York Dispatch
York, Pa.
6/5/01 - Daily
Hearing delay rejected
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HRA

Hearing delay rejected

First court date in riot case will stay on schedule

By ELIZABETH EVANS

Dispatch/Sunday News

A judge has denied a prosecutor's request to delay the preliminary hearing for York Mayor Charles Robertson and eight other men charged with the 1969 race-riot murder of Lillie Belle Allen.

Yesterday, Common Pleas Court Judge John H. Chronister ruled the hearing will be held June 25 as scheduled.

Tom Kelley, first assistant district attorney, had cited a possible time crunch for prosecutors in his petition to delay the hearing a month.

In that request, Kelley said a preliminary hearing for another complex case, involving many victims, was set for June 28, just four days after the hearing for the defendants in the riot slaying. That case involves William Michael Stankewicz, accused in the Feb. 2 machete attack at North Hopewell-Wintertown Elementary School.

Kelley wrote that the consolidated hearing for the nine men accused of Allen's murder is expected to last three days.

But Chronister, president judge of York County's Common Pleas Court, ordered the consolidated hearing to "proceed as scheduled." He offered no written explanation.

Chronister ruled on the motion because Judge John C. Uhler is on vacation.

Kelley's petition said the defendants' attorneys — except for William Costopoulos, who is representing Robertson — were willing to have the hearing rescheduled for July 23-25.

The accused: Those charged with homicide and first- and second-degree murder in the July 21, 1969, ambush slaying of South Carolina resident Allen are:

- Robertson, 67
- Robert Messersmith, 52, of Perkiomenville
- Arthur Messersmith, 47, of Windsor Township
- Gregory H. Neff, 53, of York
- Rick Lynn Knouse, 48, of York
- Clarence "Sonny" Lutzinger, 49, of York
- Chauncey Gladfelter, 49, of Windsor Township
- William C. Ritter, 50, of Springettsbury Township
- Thomas P. Smith, 50, of Manchester Township

Robertson is accused of inciting white youths to kill blacks, and providing them ammunition. The other men are accused of shooting at Allen and her family.

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York

Robertson quits race for mayor

Riot probe arrest
leads to decision
after primary win

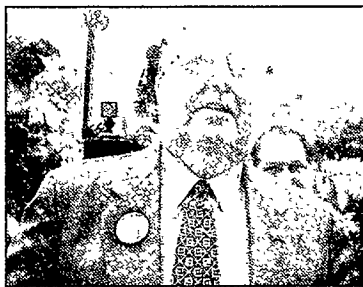
BY IRVIN KITTRELL III
OF THE PATRIOT-NEWS

YORK — Facing a growing wave of calls for his resignation and to not seek a third term, embattled Mayor Charlie Robertson met his adversaries half-way yesterday by saying he has withdrawn as a candidate for re-election.

Robertson, who has been charged with murder in the death of a black woman during civil unrest in York in 1969 when he was a police officer, said he realized it was "not possible" to serve four more years as mayor and wanted to save the city from more unrest.

He reiterated that he won't resign. "As of today, I am no longer a candidate for mayor," he said outside his York home. "I'm going to spend my last seven months in office working hard for the city of York, and I'm going to enjoy it."

Robertson's announcement fell short of the wishes of the York chapter of the National Association for the Advancement of Colored People. At a rally yesterday on the steps of City Hall, chapter President Leo Cooper called on Robertson



GARY DWIGHT MILLER / PATRIOT-NEWS
York Mayor Charlie Robertson plans to "enjoy" his last seven months in office.

INSIDE

Robertson career timeline . A7

to withdraw and resign.

Robertson's announcement came nine days after he defeated Councilman Ray Crenshaw by less than 100 votes in the Democratic mayoral primary.

Crenshaw said Robertson did the right thing by withdrawing. "Things have happened so fast," he said. "I stated from the beginning that if he was indicted, he should step down, and he has."

Crenshaw, the city's first black candidate for mayor, said he will try to be the Democratic Party's candidate in November.

"Someone must fill the void," he said. "I hope that will be me. I have proven that I can win."

Eugene DePasquale, chair-

(Indicate page, name of newspaper, city and state.)

A-1
The Patriot News
Harrisburg, Pa.

Date:

Edition: 5/25/01 - Daily

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Robertson quits race
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282APH 90508

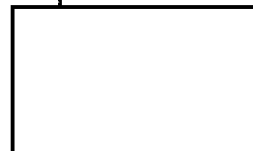
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pg. 2 5/25/01
Robertson quits...
282 A PH 90508

man of York County Democratic Party, said the party's 20-member executive committee will meet Wednesday to begin selecting a replacement for Robertson. The procedure begins with receiving applications from prospective candidates. By July, the executive committee is scheduled to select a replacement.

"We are going to do our best to find a nominee that all the city can be proud of," he said.

DePasquale said Crenshaw has been the only person to apply, but he expects more.

"He obviously will be getting strong consideration," he said.

Robertson said he will not endorse anyone, but he will support the candidate.

Nancy Black, vice chairwoman

of the York County Republican Committee, said she was unaware of the mayor's announcement. She said the Republican Party and its mayoral candidate, Betty Schonauer, will adjust.

Robertson's is one of nine white men charged in the July 21, 1969, death of Lillie Belle Allen, 27, of South Carolina.

According to grand jury testimony, Robertson, who was a city police officer in 1969, handed ammunition to white youth and told them to "kill as many niggers as you can." That ammunition was used to fire on the car Allen was in, the testimony said. Robertson admitted he had racist views in the '60s, but has denied involvement.

The grand jury has recommended 11 indictments in the

Allen case. No arrests have been made in the July 18, 1969, death of white rookie city police officer Henry C. Schaad, who was shot on the first day of civil unrest.

Eric Menzer, the city's Director of Economic Development, said "there's a certain amount of sadness" about Robertson's decision. "He came to that decision on his own. I think at the end of the day, he recognized this is probably what's best for the city of York, not for Charlie Robertson."

Menzer said Robertson will continue to run the day-to-day operations of the city.

Staff writer Jerry Gleason contributed to this report.

Irvin Kittrell III may be reached at 255-8412 or ikittrell@patriot-news.com.

282A-PH-90508 (HRA)
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YORK COUNTY DETECTIVES OFFICE

The following investigation was conducted by Special Agent [redacted] at York, Pennsylvania, on August 2, 2001:

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[redacted] York County [redacted] provided the following information in connection with the investigation into the racially motivated homicide of LILLIE BELLE ALLEN in 1969:

[redacted] provided copies of the YORK COUNTY [redacted] BUREAU arrest booking forms for each of the nine defendants charged in this matter. Additionally, [redacted] provided the specific criminal complaint and affidavit in connection with each defendant. The following is a list of the nine charged individuals, including descriptive data:

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1. [redacted]

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2. [redacted]

3. [redacted]

4. [redacted]

5. [redacted]

6. [redacted]

7. [redacted]

8. CHARLES HENDRY ROBERTSON, white male, Date of Birth April 12, 1934, Social Security Account Number 162-26-5606, address 828 West Princess Street, York, Pennsylvania.

282A PH-90508-41

9. [REDACTED]

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[REDACTED] advised that defendants [REDACTED]

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[REDACTED] Legal proceedings are scheduled for August 24, 2001 to begin hearings into the "delayed prosecution" motions filed in behalf of the other six defendants. [REDACTED]

[REDACTED] advised that the investigation appears to indicate that the focus of the prosecution would be [REDACTED]

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[REDACTED] advised that active investigation continues as additional witnesses are being sought, located and interviewed. Exhumation orders for both LILLIE BELLE ALLEN and Police Officer HENRY C. SCHADD, have been obtained and autopsies are being conducted. Final reports have not been received but additional metal fragments have been obtained in both autopsies.

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[REDACTED] opined that the two remaining individuals that were included in the Grand Jury's presentment, but have not been charged, will likely not be charged, unless the continuing investigation uncovers additional evidence against those two individuals.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
PHILADELPHIA	PHILADELPHIA	01/02/2002	08/24/2001-12/28/2001
TITLE OF CASE		REPORT MADE BY	TYPED BY
PATROLMAN CHARLES HENDRY ROBERTSON, York Police Department, York, Pennsylvania; LILLIE BELLE ALLEN (Deceased) - VICTIM		SA [REDACTED]	drj
		CHARACTER OF CASE COLOR OF LAW-WITH FORCE/VIOLENCE	

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Philadelphia FD-610 dated 01/29/2001; and report dated 08/24/2001.

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ENCLOSURES

Enclosed for the Bureau are the following:

1. Copies of newspaper articles from The Patriot News, Harrisburg, Pennsylvania, daily newspaper for the following dates: 11/21/2001 and 12/19/2001.

2. A copy of an article from the York Dispatch, a daily newspaper from York, Pennsylvania, dated 12/19/2001.

3. A copy of the Order filed by Bucks County Common Pleas Court Senior Judge Edward G. Biester, Jr., in regard to all

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
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DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
Agency					
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By					

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defendants and, in particular, to case number 3320CA2001, the Commonwealth of Pennsylvania versus Charles Robertson.

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AT HARRISBURG, PA

Will continue to monitor local prosecution under the guidelines of a Pending Inactive matter.

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to: Department of Justice #144-63-800
Attention: [REDACTED]

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Report of: SA [REDACTED] Office: Philadelphia Field
Date: Office
01/02/2002
Case ID #: 282A-PH-90508

Title: PATROLMAN CHARLES HENDRY ROBERTSON,

York Police Department,
York, Pennsylvania;
LILLIE BELLE ALLEN (Deceased) - VICTIM
Character: COLOR OF LAW - WITH FORCE/VIOLENCE

Synopsis: On November 19 and 20, 2001, hearings were held in the York County District Court, York, Pennsylvania, regarding motions filed by the defendants requesting dismissal of the charges based upon "delayed prosecution". Arguments were presented before a visiting judge, Senior Judge Edward G. Biester, Jr., Bucks County Common Pleas Court, who, after two days of arguments, indicated he would make a ruling on this issue on December 18, 2001.

On December 18, 2001, Judge Beister denied the motion for dismissal of the charges in regard to the "delayed prosecution" and denied certification of this issue to the Superior Court of Pennsylvania.

On December 21, 2001, the York County District Attorney's Office advised that other actions are pending in this collective matter. The York County District Attorney's Office advised that still pending are: motions to suppress evidence based upon a search warrant that was executed in this matter; a motion to dismiss the entire York County Bench from this matter; [REDACTED]

[REDACTED] No dates have been set for trial or arguments on the listed pending issues.

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DETAILS: Investigation continuing.



ANGELA GAUL / OF THE ASSOCIATED PRESS
Michael Allen, son of Lillie Belle Allen, talks with his aunt Hattie Dickson yesterday as they leave the York County Courthouse. Closing arguments will be heard Dec. 18 in a case involving nine men accused of killing Allen in 1969.

Riot murder ruling put off

Dismissal sought after 32 years

BY TIMOTHY D. MAY
OF THE ASSOCIATED PRESS

YORK — A judge said he won't rule until at least next month on whether charges against nine white men accused of murdering a black woman 32 years ago should be dismissed or forwarded to trial.

Bucks County Common Pleas Judge Edward G. Biester Jr. said he would wait until Dec. 18 to hear closing arguments. Defense attorneys want the charges dismissed because they say too much time has passed since Lillie Belle Allen's killing.

During two days of testimo-

ny, former and current law enforcement officials attempted to explain why it took more than three decades to make arrests, including that of Mayor Charlie Robertson, who was a police officer at the time of Allen's death in July 1969.

Biester — who was brought in to hear the case in York County when Judge John Uhler recused himself because he is a former district attorney — said he needs time to review written materials and grand jury testimony. He said it is possible he could issue a decision on the matter Dec. 18.

Both sides said no matter what the decision, there is likely to be an appeal.

"I don't think there was ever any intentional delay," said William Costopoulos, Rob-

Both sides said no matter what the decision, there is likely to be an appeal.

ertson's lawyer. "I think there was either negligence of the highest order . . . or there was a societal judgment call made in 1969 [not to investigate]."

Lead prosecutor Ed. Paskey said defense attorneys failed to establish there was any negligence or intentional delay in not bringing the case before now.

Before the hearing concluded, prosecutors questioned a county detective about witnesses he recently interviewed about Allen's shooting, which happened during the city's 1969

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(Indicate page, name of newspaper, city and state.)
B-1
THE PATRIOT NEWS
Harrisburg, Pennsylvania

Date: 11/21/91
Edition: Daily

Title: Riot Murder hearing
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282APH 90508

race riots.

Rodney George, a detective for the York County district attorney's office, said while some of the 309 people questioned in the case were interviewed around the time of the murder, most were not.

George said some witnesses who were interviewed by the state police in 1969 gave him new information when he re-interviewed them, and that several people apparently lied to investigators 32 years ago.

For example, he said defendant Robert Messersmith blamed the shooting on another man who committed suicide last year after investigators interviewed him about the murder.

Messersmith, a former gang member, "put the shooting on Donnie Altland" in a May 2001 interview, George said. When Messersmith was interviewed by state police in 1969, he said he had gone into his house as the car carrying Allen entered his neighborhood, where she was shot.

In early 2000, George also interviewed Altland, who took his life the next day.

Two other men who were not interviewed until last year told George they had information

about Robertson attempting to destroy evidence related to the investigation. Prosecutors later declined to specify what that evidence was.

The prosecutors are trying to prove that they uncovered dozens of new leads that justified a re-examination of the long-un-solved murder. Defense attorneys say it is too late to charge the men now because too many potential witnesses are dead and critical evidence has been lost.

All the defendants except Robertson are accused of firing at the car in which Allen was riding when she was gunned down by a white mob on the night of July 21, 1969. Robertson, a city police officer at the time of the riots, is charged with handing out bullets and encouraging whites to kill blacks before Allen was shot. All the defendants have pleaded innocent.

Allen, 27, a preacher's daughter from South Carolina, was visiting relatives in York when she was killed. Three days earlier, York Police Officer Henry Schaad was fatally shot while on patrol during the disturbances. Two black men were arrested last month and charged with his killing.

**"This case has been delayed
long enough."**

— Bucks County Judge Edward G. Biester

(Below)

(Indicate page, name of
newspaper, city and state.) **B-1**
THE PATRIOT NEWS
Harrisburg, Pennsylvania

Date: **12/19/01**
Edition: **Daily**

Title: **Charges upheld in
Kelling**

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Charges upheld in killing

York mayor, others accused in '69 riots

BY TIMOTHY D. MAY
OF THE ASSOCIATED PRESS

YORK — A judge yesterday upheld the charges against Mayor Charlie Robertson and eight other white men accused in the 1969 killing of a black woman, rejecting the defense's argument that too much time had passed to allow a fair trial.

Robertson and the other defendants were charged earlier this year with the murder of Lillie Belle Allen on July 21, 1969, during a 10-day riot. Bucks County Judge Edward G. Biester said the delay in making arrests was justified because new information uncovered by prosecutors last year gave them a legitimate reason to reopen the case.

Biester also said he would not certify his decision, which would have entitled defense attorneys to immediately appeal his ruling to the state Superior Court.

"This case has been delayed long enough," Biester said.

Seven of the nine defendants, including Robertson, appeared in court yesterday. Several members of Allen's family who attended the hearing smiled, hugged each other and shook hands when Biester issued his ruling.

"I believed that everything was going to be all right. I just had a feeling this was going to happen," said Allen's sister, Hattie Dickson, who was with her on the night of the shooting.



LILLIE BELLE ALLEN

As he walked out of the courthouse, Robertson said he was not surprised by the decision. Asked how he felt about the prospect of a trial, he said: "I didn't shoot anybody."

Attorneys for both sides estimated that it could be six months to a year before the case goes to trial.

"We are happy we're going to be able to proceed. We have sufficient evidence to convict all of the defendants," York County District Attorney H. Stanley Rebert said at a news conference after the hearing.

Defense attorneys said they still expected to appeal Biester's ruling, but that without his certification, the Superior Court would have to decide whether it would hear an appeal.

"I didn't think we were going to actually win at this level," said attorney Frank Arcuri.

When the hearing began last month, defense attorneys argued that it would be impossible for their clients to receive a fair trial because of the lengthy delay between the killing and the arrests.

They said that some witnesses who might exonerate the defendants are now dead, memories have faded, and that important evidence, including the bullet fragment that killed Allen, the car she was riding in and the clothes she was wearing the day of the murder have been lost or destroyed.

"The 30-year delay has not only blurred what happened back then ... but has also blurred why the killings were not prosecuted back then," William Costopoulos, Robertson's

lawyer, said in his closing arguments yesterday. "Thirty years have come and gone, and Charlie Robertson has been prejudiced because of that delay. I'd like to end this nightmare for him today."

Prosecutors tried to show Biester that they unearthed enough new evidence in their recent investigation — launched last year after newspaper coverage of the unsolved murders generated new leads — to warrant their pursuit of



CHRISTOPHER GLASS / OF THE YORK DAILY RECORD
York City Mayor Charlie Robertson, right, answers questions on the steps of the York County Courthouse yesterday with his lawyer, Richard Oare, left.



CHRISTOPHER GLASS / OF THE YORK DAILY RECORD
Hattie Dickson, center, sister of Lillie Belle Allen, leads members of the Allen family to the York County courthouse yesterday in York.

the case. They also said the defendants failed to produce any evidence proving that the delay hurts their ability to mount a defense.

Biester was assigned to hear the case in York County Common Pleas court after Judge John Uhler recused himself, citing his status as a former York County district attorney.

All the defendants except Robertson are accused of firing at a car in which Allen was riding on the fourth night of the riots. Robertson, who was a city police officer in 1969, is accused

of handing out bullets and encouraging whites to kill blacks before Allen was shot. All the defendants have pleaded innocent.

Allen, 27, a preacher's daughter from South Carolina, was visiting relatives in York when she was killed.

Henry Schaad, a white York police officer, also was fatally shot while on patrol during the disturbances; two black men were arrested last month and charged with his killing. A preliminary hearing for both men is scheduled to begin today.

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Ruling makes appeal difficult

Higher courts may not hear arguments until after a trial

By MIKE HOOVER

Dispatch/Sunday News

"I didn't shoot anyone," he said as he left the courtroom. "... I don't have no nightmares. I sleep well at night."

After an out-of-county judge ruled he should stand trial for his role in a 1969 race-riot murder, York

The men had argued that too much time had passed since the July 21, 1969, killing for them to get a fair trial. Robertson, a white city police officer during the

But Judge Edward G. Biester Jr. not only refused to dismiss murder charges against Robertson, 67, and five other white men charged with the murder of



Oare ... said he will file an appeal in the next 30 days for Mayor Charles Robertson.

1969 race riots, is accused of inciting whites to violence against blacks and handing out ammunition that was fired at Allen; the others are accused of shooting at her.

Biester denied their argument and also refused to certify the case for appeal, which would have assured the Superior Court would hear the case. In certifying a case, a judge acknowledges that judicial minds differ and the case law is not clear on the issue, said Christian Fiscanick, appeals coordinator with the Pennsylvania District Attorney's Association.

Now, in this case, the Superior Court can refuse to hear any appeals.

But at an impromptu press conference yesterday on the courthouse steps, Robertson attorney Richard Oare said he would appeal simultaneously to both the state Superior Court and the higher state Supreme Court in the next 30 days.

Although the usual next step in the appeals process is the Superior Court, the Supreme Court can accept jurisdiction over any case and hear any appeal it chooses, he said. Without Biester's certification, first deputy prosecutor Tim Barker said, the defense has a tougher fight to get the courts' attention. Typically, the appeals courts want to review a "concrete record" built at trial and consider time-delay cases as post-conviction appeals, he said.

The state Supreme Court is now considering a similar case, Commonwealth vs. Scher.

In 1998 dentist Stephen Scher

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was sentenced to life in prison for a 22-year-old shotgun killing of his friend, Martin Dillon. In that case, the Superior Court sided with the defense and determined that too much time had elapsed for the defendant to get a fair trial.

The Supreme Court heard oral arguments in May 2000, and it is not known when the court will issue a ruling.

Defense attorney Frank Arcuri, who represents Arthur Messersmith, said any trial is one year away if a higher court refuses to hear an appeal, but the case could drag out for years if either the Superior Court or Supreme Court accepts the case.

As the appeals proceed, Albert Barnes, who represents William "Sam" Ritter, said several pretrial motions must be resolved, including admission of evidence, the validity of an investigative grand jury that recommended charges in the Allen case and whether York County Judge John Uhler should be the trial judge. (Uhler took no action on the Allen case as a former district attorney from 1974-1978.)

Barnes said he warned Ritter to prepare for a long fight.

"I've already told him that we will be going at this for a long while," Barnes said.

DA: RIOT TRIAL COULD START IN SIX MONTHS

'Delayed long enough'

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THE YORK DISPATCH
York, Pennsylvania

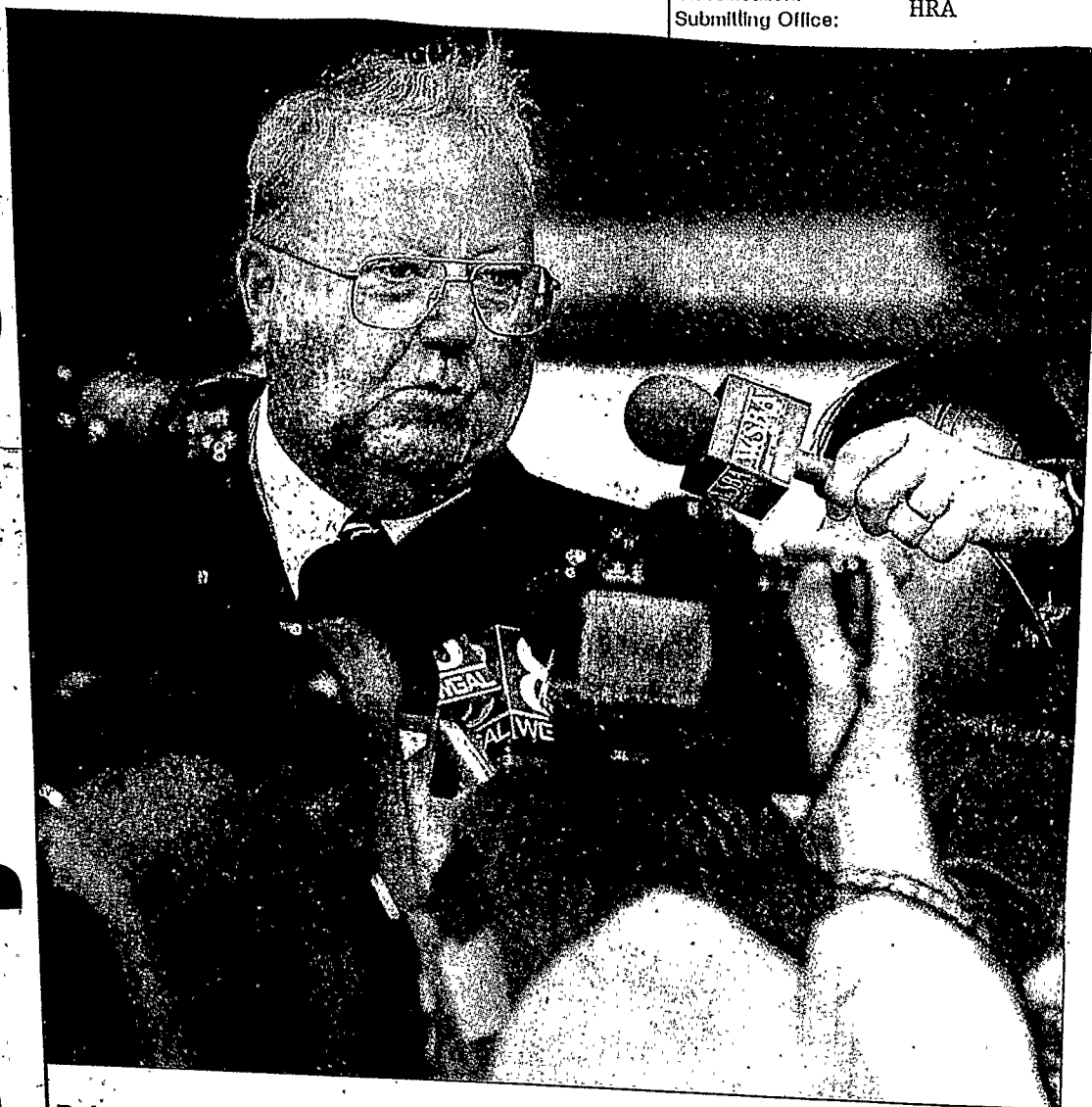
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Robertson talks to the press yesterday after a judge refused to dismiss murder and his co-defendants in the 1969 riot-era slaying of Lillie Belle Allen.

BILL KALINA/STAFF PHOTOGRAPHER

Judge orders slaying case to go forward

By ELIZABETH EVANS

Dispatch/Sunday News

A visiting judge refused to dismiss murder charges against York Mayor Charles Robertson and his co-defendants yesterday, then offered his own reflections on the 32-year-old riot slaying case.

"Many people ... who are members of the community may prefer to see these issues ... buried and put away," Bucks County Common Pleas Court senior Judge Edward G. Biester Jr. said yesterday.

"However, until they are resolved one way or another ... no amount of tamping ... them down ... is really possible."

Only after there is a resolution in the murders of Lillie Belle Allen and rookie city Police Officer Henry Schaad during "that terrible July" in 1969, Biester said, can people in this community "put the past fully and permanently behind this city. ... There is no doubt that this city was convulsed and its social fabric just torn apart."

In a 25-minute ruling from the bench, Biester denied motions from six of the nine Allen defendants to drop the charges based on an alleged prejudicial pre-arrest delay of three decades.

District Attorney Stan Rebert said the defense is "pretty much out of ammo at this point."

Two-day hearing: Biester presided over a hearing on the time-delay issue Nov. 19-20. During

yesterday's proceeding, Biester heard final arguments from attorneys representing Robertson, William "Sam" Ritter, Chauncey Gladfelter, Gregory H. Neff and brothers Robert and Arthur Messersmith.

The other three defendants — Rick L. Knouse, Thomas P. Smith and Clarence "Sonny" Lutzinger — have plea agreements and did not join in the defense argument that the delay has compromised their ability to receive a fair trial.

Biester also refused a defense request that he certify the case for appeal, which would have assured the state Superior Court would hear the case.

Although defense attorneys, including William Costopoulos, Robertson's lead attorney, have said they will appeal, the Superior Court may choose not to hear that appeal.

Biester's ruling also means the local case can move forward right away, and prosecutors said they predict both the Allen and Schaad cases will go to trial in six to nine months.

The preliminary hearing for accused Schaad shooters Stephen D. Freeland and Leon "Smickle" Wright was set to begin at 1:30 p.m. today.

Biester said he denied the motion because it can be more effectively determined after trial, when the trial record can more specifically pinpoint any prejudice — "and also because this case has been delayed long enough."

No negligence: The judge said that when prosecution in the Allen case became possible, it was carried out promptly.

"There was no intentional delay ... to achieve a tactical

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After Biester adjourned the proceeding, Allen's family members hugged each other and first assistant district attorney Tom Kelley.

"Praise the Lord," said Hattie Dickson, Allen's sister.

At a press conference yesterday afternoon, Rebert —

who sat through yesterday's proceeding with Kelley, chief deputy prosecutor Bill Graff and first deputy district attorney Tim Barker — said, "we're obviously very pleased with the decision."

"Now we can seek justice rather than go through the appellate process, which could've taken years," Rebert said. "We've survived all those (defense) motions, which speaks volumes as to the validity of the (prosecution's) case."

Kelley said moving forward to trial is "what's most important to the victims' families" in both cases.

Changing stories: In arguing for dismissal, attorneys for the defendants had claimed the 32-year delay has resulted in lost or tainted witness memories, dead or otherwise unavailable witnesses, lost or destroyed evi-



Rebert

recent witnesses' statements and what they said in 1969.

Barker handled the final argument for the prosecution during yesterday's hearing, speaking for 40 minutes about how police in 1969 had no eyewitnesses willing to testify in the Allen homicide.

"There was no one willing to come forward," Barker said — nothing to corroborate rumors and the statements of confidential informants. He dismissed defense allegations that the DA's Office in 1969 deliberately "shelved" the case.

He noted that of 28 people interviewed in 1969 who were re-interviewed in the last two years by county Detective Rodney George, 18 either changed their stories or provided new information.

It was a lack of witness cooperation at the time that kept law enforcement from filing charges in the case, Barker argued.

"That doesn't mean the quest to prosecute these cases concluded," he said, adding that of all the former district attorneys who testified at the time-delay hearing, "not one" said he wouldn't have prosecuted if he had received new information.

Barker also said that in a prejudicial delay argument, the defense must show both that prejudice occurred and that the reasons for the delay were improper. He argued the defense did not do that, an argument Biester later agreed with.

He then pointed out that in similar case law, the prejudicial delay argument was properly brought up after conviction. He said that at this point, only speculation is possible.

"The trial record is crucial ... for how prejudice is established," he said. "These issues ... will all become clear at trial."



BILL KALINA/STAFF PHOTOGRAPHER

Rick Knouse leaves the York County Courthouse yesterday after a judge refused to dismiss murder charges against York Mayor Charles Robertson and his co-defendants in the 1969 riot-era slaying of Lillie Belle Allen.

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STEVE RUSS PHOTO

Hattie Dickson, center, Lillie Belle Allen's sister, is surrounded by Lillie Belle Allen's son, Michael, and other family members as she answers questions yesterday outside the York County Courthouse.

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

: 3316 CA 2001

v.

: FIRST DEGREE MURDER
: SECOND DEGREE MURDER

[Redacted]

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COMMONWEALTH OF PENNSYLVANIA

: 3318 CA 2001

v.

: FIRST DEGREE MURDER
: SECOND DEGREE MURDER

[Redacted]

COMMONWEALTH OF PENNSYLVANIA

: 3315 CA 2001

v.

: FIRST DEGREE MURDER
: SECOND DEGREE MURDER

[Redacted]

COMMONWEALTH OF PENNSYLVANIA

3314 CA 2001

v.

FIRST DEGREE MURDER
SECOND DEGREE MURDER



b6
b7C

COMMONWEALTH OF PENNSYLVANIA

3319 CA 2001

v.

FIRST DEGREE MURDER
SECOND DEGREE MURDER



b6
b7C

COMMONWEALTH OF PENNSYLVANIA

3320 CA 2001

v.

FIRST DEGREE MURDER
SECOND DEGREE MURDER

CHARLES ROBERTSON

ORDER

AND NOW, to wit , this 18th day of December, 2001, it is ORDERED AND DECREED that the Defendants' collective motions for dismissal of the charges herein due to a violation of due process rights caused by pre-arrest delay in this matter are hereby DENIED.

It is further ORDERED AND DECREED that Defendants' collective motions for certification of this issue and Order to the Superior Court of Pennsylvania are hereby DENIED.

BY THE COURT:



Edward G. Beister, Jr., S.J.

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THE YORK ~~DISPATCH~~ Daily Record
York, Pennsylvania

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Judge hears Many requests

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Judge hears many requests

■ Defendants in a 1969 murder case left court with unanswered questions.

By RICK LEE
and TERESA ANN BOECKEL
Daily Record staff

Heading into the pre-trial conference for the 1969 murder of Lillie Belle Allen case, defense attorney William C. Costopoulos predicted the most important thing to come from the hearing would be a trial date.

Costopoulos, one of three lawyers for former York Mayor Charlie Robertson, said the trial could begin this summer. But the Allen homicide defendants left the York County Courthouse Tuesday afternoon with a number of unanswered questions, including when they

will go to trial.

Allen, a 27-year-old black woman from Aiken, S.C., was killed in York in 1969 at the railroad tracks on North Newberry Street when shooters fired at her family's car. Two white gangs hung out in that area — the Newberry Street Boys and the Girarders.

Tuesday's hearing before Judge John C. Uhler to address all outstanding issues before trial did resolve a handful of defense requests.

■ Potential jurors may be questioned individually by attorneys during jury selection;

■ A request for Uhler to remove himself from the case

was taken "under consideration;"

■ Uhler said he is hesitant to sequester the jury during the trial.

■ "Nothing of evidentiary value" was taken from the homes of defendants Robert N. Messersmith and Arthur N. Messersmith during searches in 2000 and no items will be admitted at trial.

■ A defense petition to have co-defendant and prosecution witness Rick L. Knouse undergo a psychiatric examination is "not proper ... at this time."

Outside the courtroom, Knouse tugged at a bracelet with the letters "WWJD" The letters stand for the question "What Would Jesus Do?"

"I'm going to stay honest

through the whole process," he said.

The prosecution, represented by First Assistant District Attorney Tom Kelley, First Deputy District Attorney Timothy Barker and Chief Deputy Prosecutor Bill Graff, confirmed that any statements Robert Messersmith made to doctors during court-ordered mental health treatment in the 1970s cannot be admitted at trial.

According to defense attorney Thomas Sponaule, Robert Messersmith discussed the shootings of Taka Nii Sweeney and John Washington at state hospitals. Messersmith shot Sweeney and Washington four days before Allen was gunned down. He was later convicted

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LILLIE BELLE ALLEN CASE



DAILY RECORD / CHRISTOPHER GLASS

Former York Mayor Charlie Robertson, left, and one of his attorneys, Richard Oare, leave the York County Courthouse Tuesday afternoon after arguing for a separate trial from eight other defendants in connection with the 1969 murder of Lillie Belle Allen. Another Robertson lawyer, William C. Costopoulos, said the big question is when the trial will be set. Costopoulos predicts it could be as early as the summer.

of the shootings and served nine months in prison.

Sponaule said Messersmith told doctors about shooting two people — Sweeney and Washington — with “pumpkin balls,” another name for rifled shotgun slugs. According to court testimony, Allen also was killed with a rifled slug.

Barker said that none of the statements would be introduced at trial unless first raised by the defense. To do otherwise, he said, would impinge on court-ordered rehabilitation.

Uhler deferred ruling on whether the Sweeney shooting and a ballistics report identifying the projectile that killed Allen as a rifled slug would be admissible at trial.

Sponaule argued that admission of both the shooting and the ballistics report “would preclude (Robert Messersmith) from any chance of getting a fair trial.”

“I think the prejudice would be just overwhelming if both of those are admitted,” he said.

Uhler, likewise, did not rule on a request to bar statements allegedly made by Messersmith to York County Detective Rodney George during the drive from Messersmith’s home in Montgomery County to York after his April 2001 arrest.

George, one of two witnesses to testify Tuesday, said Messersmith told him, “There was no way they could tell who fired the (fatal) shot because there were so many people on the street shooting.”

George said he advised Messersmith to hire an attorney and he would give him the opportunity to tell the truth about the Allen shooting.

“He laughed and said, ‘You don’t want to know the truth,’” George said. “He said, ‘If you wanted to know the truth tell me how many police officers did you arrest?’ I told him to read his affidavit. He said, ‘The animals were going to burn the city down this time.’”

“I asked him what animals and he said, ‘You know who I’m talking about,’” George said.

George said he met with Messersmith six days later at York County Prison.

“He said he was banging his head against the wall and he was going to die in prison,” George said. “He said, ‘You can’t

put this woman's body on me. You can't. I hate to do this a to a friend, but it was Donnie Altland who killed that woman. Why do you think he was gray by 20?"

Altland took his own life on April 11, 2000, the day after being questioned by investigators about Allen's death.

Uhler also did not rule on requests to consolidate or separate cases for trial.

Costopoulos argued that Robertson's trial should be severed from the other defendants' because "the facts are vastly different. He wasn't on the street that night and he didn't shoot anyone."

He told Uhler he wanted to distance the ex-mayor, a police officer in 1969, from the armed, white street gang members who bunkered down on North Newberry Street to protect their neighborhood.

"What they (the prosecution) have been trying to do, and they've been successful up to this point, is put him in bed with them.

After leaving the hearing, Costopoulos said the prosecutors should not "target" Robertson for "some sort of ethnic cleansing after 32 years."

While Sponaugle and Frank Arcuri, attorney for Arthur Messersmith, called for a consolidated trial, Matthew Gover, representing Chauncey Gladfelter, also wanted Robertson's case separated from the rest. Gover maintained that Robertson's presence draws too much attention to the case.

His contention was supported by the exodus of media and Robertson supporters who evacuated the courtroom when former mayor and his attorneys left before the end of the conference.

Uhler dismissed a subpoena for York Dispatch reporter Mike Hoover. Robertson's attorneys had subpoenaed Hoover to testify Tuesday about an October 2000 article in which he quoted Knouse as saying he saw police tossing ammunition to people the day Allen was killed, but Robertson did not hand out any ammunition.

Uhler cited the Pennsylvania Shield Law, which protects reporters from having to disclose source names or information, as his reason for dismissing the subpoena.



ANGELA GAUL / OF THE ASSOCIATED PRESS
Michael Allen, son of Lillie Belle Allen, talks with his aunt Hattie Dickson yesterday as they leave the York County Courthouse. Closing arguments will be heard Dec. 18 in a case involving nine men accused of killing Allen in 1969.

Riot murder ruling put off

Dismissal sought after 32 years

BY TIMOTHY D. MAY
OF THE ASSOCIATED PRESS

YORK — A judge said he won't rule until at least next month on whether charges against nine white men accused of murdering a black woman 32 years ago should be dismissed or forwarded to trial.

Bucks County Common Pleas Judge Edward G. Biester Jr. said he would wait until Dec. 18 to hear closing arguments. Defense attorneys want the charges dismissed because they say too much time has passed since Lillie Belle Allen's killing.

During two days of testimo-

ny, former and current law enforcement officials attempted to explain why it took more than three decades to make arrests, including that of Mayor Charlie Robertson, who was a police officer at the time of Allen's death in July 1969.

Biester — who was brought in to hear the case in York County when Judge John Uhler recused himself because he is a former district attorney — said he needs time to review written materials and grand jury testimony. He said it is possible he could issue a decision on the matter Dec. 18.

Both sides said no matter what the decision, there is likely to be an appeal.

"I don't think there was ever any intentional delay," said William Costopoulos, Rob-

Both sides said no matter what the decision, there is likely to be an appeal.

ertson's lawyer. "I think there was either negligence of the highest order . . . or there was a societal judgment call made in 1969 [not to investigate]."

Lead prosecutor Ed Paskey said defense attorneys failed to establish there was any negligence or intentional delay in not bringing the case before now.

Before the hearing concluded, prosecutors questioned a county detective about witnesses he recently interviewed about Allen's shooting, which happened during the city's 1969

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Rodney George, a detective for the York County district attorney's office, said while some of the 309 people questioned in the case were interviewed around the time of the murder, most were not.

George said some witnesses who were interviewed by the state police in 1969 gave him new information when he re-interviewed them, and that several people apparently lied to investigators 32 years ago.

For example, he said defendant Robert Messersmith blamed the shooting on another man who committed suicide last year after investigators interviewed him about the murder.

Messersmith, a former gang member, "put the shooting on Donnie Altland" in a May 2001 interview, George said. When Messersmith was interviewed by state police in 1969, he said he had gone into his house as the car carrying Allen entered his neighborhood, where she was shot.

In early 2000, George also interviewed Altland, who took his life the next day.

Two other men who were not interviewed until last year told George they had information

about Robertson attempting to destroy evidence related to the investigation. Prosecutors later declined to specify what that evidence was.

The prosecutors are trying to prove that they uncovered dozens of new leads that justified a re-examination of the long-un-solved murder. Defense attorneys say it is too late to charge the men now because too many potential witnesses are dead and critical evidence has been lost.

All the defendants except Robertson are accused of firing at the car in which Allen was riding when she was gunned down by a white mob on the night of July 21, 1969. Robertson, a city police officer at the time of the riots, is charged with handing out bullets and encouraging whites to kill blacks before Allen was shot. All the defendants have pleaded innocent.

Allen, 27, a preacher's daughter from South Carolina, was visiting relatives in York when she was killed. Three days earlier, York Police Officer Henry Schaad was fatally shot while on patrol during the disturbances. Two black men were arrested last month and charged with his killing.

**"This case has been delayed
long enough."**

— Bucks County Judge Edward G. Biester

Charges upheld in killing

York mayor, others accused in '69 riots

BY TIMOTHY D. MAY
OF THE ASSOCIATED PRESS

YORK — A judge yesterday upheld the charges against Mayor Charlie Robertson and eight other white men accused in the 1969 killing of a black woman, rejecting the defense's argument that too much time had passed to allow a fair trial.

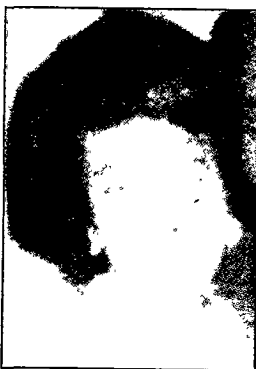
Robertson and the other defendants were charged earlier this year with the murder of Lillie Belle Allen on July 21, 1969, during a 10-day riot. Bucks County Judge Edward G. Biester said the delay in making arrests was justified because new information uncovered by prosecutors last year gave them a legitimate reason to reopen the case.

Biester also said he would not certify his decision, which would have entitled defense attorneys to immediately appeal his ruling to the state Superior Court.

"This case has been delayed long enough," Biester said.

Seven of the nine defendants, including Robertson, appeared in court yesterday. Several members of Allen's family who attended the hearing smiled, hugged each other and shook hands when Biester issued his ruling.

"I believed that everything was going to be all right. I just had a feeling this was going to happen," said Allen's sister, Hattie Dickson, who was with her on the night of the shooting.



LILLIE BELLE ALLEN

(Below)

As he walked out of the courthouse, Robertson said he was not surprised by the decision. Asked how he felt about the prospect of a trial, he said: "I didn't shoot anybody."

Attorneys for both sides estimated that it could be six months to a year before the case goes to trial.

"We are happy we're going to be able to proceed. We have sufficient evidence to convict all of the defendants," York County District Attorney H. Stanley Rebert said at a news conference after the hearing.

Defense attorneys said they still expected to appeal Biester's ruling, but that without his certification, the Superior Court would have to decide whether it would hear an appeal.

"I didn't think we were going to actually win at this level," said attorney Frank Arcuri.

When the hearing began last month, defense attorneys argued that it would be impossible for their clients to receive a fair trial because of the lengthy delay between the killing and the arrests.

They said that some witnesses who might exonerate the defendants are now dead, memories have faded, and that important evidence, including the bullet fragment that killed Allen, the car she was riding in and the clothes she was wearing the day of the murder have been lost or destroyed.

"The 30-year delay has not only blurred what happened back then ... but has also blurred why the killings were not prosecuted back then," William Costopoulos, Robertson's

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Indexing:

lawyer, said in his closing arguments yesterday. "Thirty years have come and gone, and Charlie Robertson has been prejudiced because of that delay. I'd like to end this nightmare for him today."

Prosecutors tried to show Biester that they unearthed enough new evidence in their recent investigation — launched last year after newspaper coverage of the unsolved murders generated new leads — to warrant their pursuit of

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pg. 2
12/14/01
Charges upheld...
J82APH 90508



CHRISTOPHER GLASS / OF THE YORK DAILY RECORD
York City Mayor Charlie Robertson, right, answers questions on the steps of the York County Courthouse yesterday with his lawyer, Richard Oare, left.



CHRISTOPHER GLASS / OF THE YORK DAILY RECORD
Hattie Dickson, center, sister of Lillie Belle Allen, leads members of the Allen family to the York County courthouse yesterday in York.

the case. They also said the defendants failed to produce any evidence proving that the delay hurts their ability to mount a defense.

Blester was assigned to hear the case in York County Common Pleas court after Judge John Uhler recused himself, citing his status as a former York County district attorney.

All the defendants except Robertson are accused of firing at a car in which Allen was riding on the fourth night of the riots. Robertson, who was a city police officer in 1969, is accused

of handing out bullets and encouraging whites to kill blacks before Allen was shot. All the defendants have pleaded innocent.

Allen, 27, a preacher's daughter from South Carolina, was visiting relatives in York when she was killed.

Henry Schaad, a white York police officer, also was fatally shot while on patrol during the disturbances; two black men were arrested last month and charged with his killing. A preliminary hearing for both men is scheduled to begin today.

(Mount Clipping in Space Below)

Ruling makes appeal difficult

Higher courts may not hear arguments until after a trial

By MIKE HOOVER

Dispatch/Sunday News



Oare ... said he will file an appeal in the next 30 days for Mayor Charles Robertson.

"I didn't shoot anyone," he said as he left the courthouse. "... I don't have no nightmares. I sleep well at night."

But Judge Edward G. Biester Jr. not only refused to dismiss murder charges against Robertson, 67, and five other white men charged with the murder of

Allen, a black preacher's daughter, he also made it more difficult for them to appeal his decision.

The men had argued that too much time had passed since the July 21, 1969, killing for them to get a fair trial. Robertson, a white city police officer during the

1969 race riots, is accused of inciting whites to violence against blacks and handing out ammunition that was fired at Allen; the others are accused of shooting at her.

Biester denied their argument and also refused to certify the case for appeal, which would have assured the Superior Court would hear the case. In certifying a case, a judge acknowledges that judicial minds differ and the case law is not clear on the issue, said Christian Fiscanick, appeals coordinator with the Pennsylvania District Attorney's Association.

Now, in this case, the Superior Court can refuse to hear any appeals.

But at an impromptu press conference yesterday on the courthouse steps, Robertson attorney Richard Oare said he would appeal simultaneously to both the state Superior Court and the higher state Supreme Court in the next 30 days.

Although the usual next step in the appeals process is the Superior Court, the Supreme Court can accept jurisdiction over any case and hear any appeal it chooses, he said. Without Biester's certification, first deputy prosecutor Tim Barker said, the defense has a tougher fight to get the courts' attention. Typically, the appeals courts want to review a "concrete record" built at trial and consider time-delay cases as post-conviction appeals, he said.

The state Supreme Court is now considering a similar case, Commonwealth vs. Scher.

In 1998 dentist Stephen Scher

(Indicate page, name of newspaper, city and state.)

THE YORK DISPATCH
York, Pennsylvania

Date: 12/19/01
Edition: Daily

Title:

Ruling makes appeal difficult

Character:

282APH 90508

Classification: HRA
Submitting Office:

was sentenced to life in prison for a 22-year-old shotgun killing of his friend, Martin Dillon. In that case, the Superior Court sided with the defense and determined that too much time had elapsed for the defendant to get a fair trial.

The Supreme Court heard oral arguments in May 2000, and it is not known when the court will issue a ruling.

Defense attorney Frank Arcuri, who represents Arthur Messersmith, said any trial is one year away if a higher court refuses to hear an appeal, but the case could drag out for years if either the Superior Court or Supreme Court accepts the case.

As the appeals proceed, Albert Barnes, who represents William "Sam" Ritter, said several pretrial motions must be resolved, including admission of evidence, the validity of an investigative grand jury that recommended charges in the Allen case and whether York County Judge John Uhler should be the trial judge. (Uhler took no action on the Allen case as a former district attorney from 1974-1978.)

Barnes said he warned Ritter to prepare for a long fight.

"I've already told him that we will be going at this for a long while," Barnes said.

282APH 90508 - 4/6

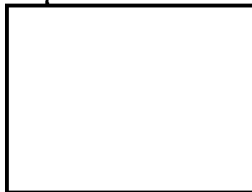
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Trial date set for 9 in 1969 slaying

York court will try
ex-mayor Robertson,
8 others together

BY MARC LEVY
Of The Associated Press

Nine white men, including former York Mayor Charlie Robertson, are scheduled to be tried in September in the 1969 homicide of a young black woman during 10 days of race riots.

Jury selection is scheduled to begin Sept. 23 for all nine men to be tried together, although three of the men have tentative plea agreements that have not been submitted to the judge for approval yet.

Matthew Gover, the attorney for defendant Chauncey Gladfelter, estimated that jury selection could take a week followed by a monthlong trial. The date was set by York County President Judge John C. Uhler during a hearing yesterday.

All nine men have pleaded innocent to the charge of murder.



ROBERTSON

Robertson is the only who has not been accused of shooting at the victim, Lillie Belle Allen of Aiken, S.C., on July 21, 1969.

Intense media attention to the issue — newspaper stories 30 years after the riots prompted investigators to re-



ALLEN

open the case — should not significantly taint the jury pool, Gover said.

"If I had perceived a problem, we would have filed a motion to change the venue," Gover said.

A trial date in the case has been set nearly a year after authorities began arresting suspects in the case, including handcuffing and charging Robertson while he was serving as mayor of the city of 41,000.

The riots began after a white gang member shot and injured a black man. Fights broke out, buildings were set ablaze and police began barricading black neighborhoods. More than 60 people were injured and 100 arrested before the National Guard rolled into town with tanks.

Authorities say Allen, 27, and family members were in a car that had strayed into the neighborhood of a white gang during one night of rioting. Allen got out of the car, waved her arms, and yelled "don't shoot" before being killed by a bullet, authorities say.

Allen was one of two people killed in the riots. Henry C. Schaad, a white rookie police officer, was shot while traveling in an armored vehicle days before Allen was killed during the 10 days of rioting.

Two black men were charged last year in Schaad's death. That case is pending. Stephen Freeland, 50, and Leon Smickle Wright, 53, pleaded innocent to first- and second-degree murder charges in February.

Robertson, a police officer at the time of the riots, has denied accusations that he handed out bullets on the day of Allen's homicide and told members of white gangs to shoot as many blacks as they could.

The former mayor has acknowledged yelling "white power!" at a rally in a city park the night before Allen was killed but says he had no involvement in the killing.

He has also said he no longer has racist attitudes.

(Indicate page, name of newspaper, city and state.)
THE PATRIOT NEWS
Harrisburg, Pennsylvania

Date: 4/26/02
Edition: Daily

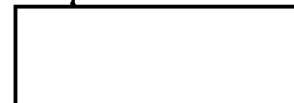
Title: Trial Date set for
9 in 1969 Slaying

Character:
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Classification: 282APH 90508
Submitting Office: HRA

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282APH 90508 - 49

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
PHILADELPHIA	PHILADELPHIA	04/26/2002	01/02/2002 - 04/26/2002
TITLE OF CASE PATROLMAN CHARLES HENDRY ROBERTSON, York Police Department, York, Pennsylvania; LILLIE BELLE ALLEN (Deceased) - VICTIM;		REPORT MADE BY SA [REDACTED]	TYPED BY drj
		CHARACTER OF CASE CIVIL RIGHTS - COLOR OF LAW - FORCE AND/OR VIOLENCE	

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Philadelphia FD-610 dated 01/29/2001, and report dated 01/02/2002.

- P* -

ENCLOSURES

Enclosed for the Bureau are the following:

1. Copies of newspaper articles from The Patriot News, a daily newspaper for Harrisburg, Pennsylvania, dated 04/26/2002.
2. A copy of an article from the York Daily Record, a daily newspaper from York, Pennsylvania, dated 02/27/2002.

LEAD

PHILADELPHIA
AT HARRISBURG, PA:

Will continue to monitor local prosecution under the guidelines of a Pending Inactive matter.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 2- Bureau 1- DOJ, Civil Rights Unit ① PHILADELPHIA (282A-PH-90508)-SD		<div style="text-align: right;">282APH90508-50</div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> SEARCHED INDEXED SERIALIZED FILED MAY 14 2002 </div>			
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
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UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to: Department of Justice #144-63-800
Attention: [REDACTED]
Report of: SA [REDACTED] Office: Philadelphia
Date: 04/26/2002
Case ID #: 282A-PH-90508

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Title: PATROLMAN CHARLES HENDRY ROBERTSON,
York Police Department,
York, Pennsylvania;
LILLIE BELLE ALLEN (Deceased) - VICTIM;

Character: CIVIL RIGHTS - COLOR OF LAW -
FORCE AND/OR VIOLENCE

Synopsis: This matter continues through process in the York County,
Pennsylvania, court system. The case has been assigned a
trial date in September of 2002, to begin with jury
selection on September 23, 2002. All nine (9) defendants
have entered not guilty pleas, but three plea agreements
are in negotiation with defendants other than subject
Robertson.

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DETAILS:

Investigation continuing.

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
PHILADELPHIA	PHILADELPHIA	10/02/2002	04/27/2002 - 09/20/2002
TITLE OF CASE PATROLMAN CHARLES HENDRY ROBERTSON, York Police Department, York, Pennsylvania; LILLIE BELLE ALLEN (Deceased) - VICTIM;		REPORT MADE BY	TYPED BY
		SA [REDACTED]	drj
		CHARACTER OF CASE CIVIL RIGHTS - COLOR OF LAW - FORCE AND/OR VIOLENCE	

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW			
COPIES MADE: 2- Bureau 1- DOJ, Civil Rights Unit 1- PHILADELPHIA (282A-PH-90508) - 51					
		282A-PH-90508-5			
DISSEMINATION RECORD OF ATTACHED REPORT		Notations			
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Date Fwd.					
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By					

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282A-PH-90508

Will continue to monitor local prosecution under the guidelines of a Pending Inactive matter.

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to: Department of Justice #144-63-800
Attention: [REDACTED]
Report of: SA [REDACTED] Office: Philadelphia
Date: 10/02/2002
Case ID #: 282A-PH-90508

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b7C

Title: PATROLMAN CHARLES HENDRY ROBERTSON,
York Police Department,
York, Pennsylvania;
LILLIE BELLE ALLEN (Deceased) - VICTIM;

Character: CIVIL RIGHTS - COLOR OF LAW -
FORCE AND/OR VIOLENCE

Synopsis: This matter continues through process in the York County,
Pennsylvania, court system. The case is scheduled to
begin on September 23, 2002, with jury selection. All but
three (3) defendants have entered into "pending" plea
agreements with the District Attorney's office. At this
time, subjects Robertson, [REDACTED]
[REDACTED] are the three defendants preparing for trial.

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b7C

- P* -

DETAILS:

Investigation continuing.

10th man charged in 1969 riot death

The Associated Press

YORK • Authorities have arrested a 10th suspect in the

killing of a 27-year-old black woman during race riots in York in 1969.

Ezra Slick, who lived near the site where Lillie Belle Allen was gunned down while getting out of a car on July 21, 1969, was arrested Wednesday and charged with criminal homicide, York County police detective Rodney George said.

It had been more than a year since the last arrest in the case. Last year, nine white men were charged after police said they were involved in the killing, including then-Mayor Charlie Robertson.

Robertson has since left office. He has denied accusations that he handed out bul-

lets earlier in the day and told members of white gangs to shoot blacks. He has, however, acknowledged yelling "White power!" during a rally in a city park the night before Allen was killed.

Robertson said he had no involvement in the killing.

Slick was being held without bail in York County Prison.

He has told police that he "did not have a gun and did not shoot" while sitting outside his family's home when Allen was killed.

Police refused to offer many additional details regarding Slick's alleged participation in the shooting.

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(Indicate page, name of newspaper, city and state.)
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THE PATRIOT NEWS
Harrisburg, Pennsylvania
Date: 7/19/02
Edition: Daily

Title: 10th Man Charged in
1969 Riot Death

Character:
or
Classification: 282A PH 90508
Submitting Office: HRA

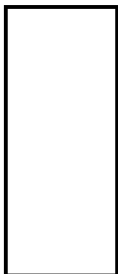
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282A PH 90508 - 52

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Robertson tells court he will have an alibi

The Associated Press

YORK • Former York Mayor Charlie Robertson, who is charged with homicide in the shooting death of a black woman during race riots in York in 1969, has filed a notice saying he will present an alibi at his murder trial.

But prosecutors said it doesn't matter if Robertson was at the site of the homicide or not because Robertson hasn't been accused of shoot-

ing Lillie Belle Allen. Prosecutors say Robertson provided ammunition to the group and made no attempt to disarm the gang members.

Allen was shot to death by a mob after her family tried to drive through a white neighborhood guarded by a group of men, authorities said.

Robertson and nine other men have been arrested in the killing over the past two years. Robertson has filed notice that he will present an al-

ibi at his trial, which is set for September.

"At the time of the alleged offense, as alleged by the commonwealth, [Robertson] was a York City Police officer on duty deployed in an armored personnel carrier together with other police officers at various places within the city of York," the notice states.

The alibi notice names witnesses, including former York police officers Dennis McMaster, now chief of police

for East Pennsboro Twp. in Cumberland County; James V. Vangreen, now chief deputy sheriff for the York County Sheriff's Department; and Ray I. Markle.

First Assistant District Attorney Tom Kelley said Robertson has never been accused of shooting Allen or being at the scene.

Witnesses said that, while he was on duty and wearing a uniform, Robertson incited white gang members, shouted "white power" and provided ammunition to gang members before Allen's death.

During a pretrial hearing in March, Judge John C. Uhler also said Robertson made no attempt to disarm the gang members.

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(Indicate page, name of newspaper, city and state.)
THE PATRIOT NEWS
Harrisburg, Pennsylvania

Date: 8/2/02
Edition: Daily

Title: Robertson tells
Court he will have an
alibi
Character:
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Classification: 282A-P4 90508
Submitting Office: HRA

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4 plead guilty to conspiracy in York riots

Their deals don't worry ex-mayor, his attorney says

BY JACK SHERZER
Of The Patriot-News

Four of the 10 white men charged in the shooting death of a black woman during the 1969 race riots in York pleaded guilty yesterday to reduced charges that guarantee each of them no more than two years in jail.

York County First Assistant District Attorney Tom Kelley said the plea agreements are an effort to get to the truth.

"The most important thing ... has been to get the shooter and those most culpable," Kelley said.

Five other defendants charged with homicide, including former York Mayor Charlie Robertson, are scheduled for trial Sept. 23. A 10th defendant will be tried later. The men who pleaded guilty yesterday could be called to testify.

Robertson's attorney, William C. Costopolous, said the pleas were expected.

"It comes as no surprise to me. I anticipate at least two more will accept pleas, if not more," he said. "Even though these individuals are entering pleas to cut their losses ... my hope is that they testify truthfully and if they testify truthfully, then I have nothing to worry about."



SMITH



LUTZINGER



RITTER



KNOUSE

Rick Knouse, Clarence Lutzinger, William Ritter and Tom Smith pleaded guilty to conspiracy to commit first-degree murder. Each faces a maximum of two years in prison and a \$500 fine. In return, prosecutors dropped first- and second-degree murder charges, which carry life prison sentences.

Lillie Belle Allen, 27, of Aiken, S.C., was gunned down by a white mob on Newberry Street on July 21, 1969, the fourth day of the riots in York, when the car in which she was riding strayed into a neighborhood controlled by a white gang, prosecutors say.

"Speaking for the family, we're very happy they're admitting to what they done," said Angelina Dickson, daughter of Hattie Dickson, one of Allen's sisters. "We feel a little happiness that they're confessing after all of those years."

Angelina Dickson said the district attorney's office informed the family about the plea agreements a couple of days ago.

"It's been a very long time for us," she said. "We're very pleased."

Of the four who entered pleas yesterday, only Knouse has implicated Robertson in Allen's death. Robertson, who was a York police officer at the time, is the only defendant who has not been placed at the scene of the crime or accused of firing at Allen.

Knouse told a grand jury that on the day Allen was killed, Robertson provided ammunition to young white men on Newberry Street, according to court papers.

He told the grand jury that Robertson gave him 30.06 rifle ammunition and told him to "kill as many niggers as you can." Knouse told the grand jury he used the ammunition when he fired on Allen's car.

Robertson has denied handing out bullets or telling people to shoot blacks. He said he shouted "white power" during a rally the night before Allen's death, but said he had no part in the killing.

Knouse's attorney could not be reached for comment.

Allen was one of two people killed during 10 days of riots in 1969. Henry Schaad, a white rookie police officer, was shot while riding in an armored vehicle days before Allen was killed.

Two black men were charged last year in his death. That case is pending.

Attorneys for Ritter, 51, and Smith, also 51, said their clients regret their roles in the crime. Ritter has admitted firing a shot at Allen's car, said attorney Albert Barnes. Smith was at the scene with ammu-

(Indicate page, name of newspaper, city and state.)

THE PATRIOT NEWS

Harrisburg, Pennsylvania

Date: 8/15/02

Edition: Daily

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8/15/02
282APH 90508
+ Plead guilty. . .



The York Daily Record

Lillie Belle Allen, 27, of Aiken, S.C., was shot to death by a white mob on Newberry Street in York on July 21, 1969, after the car in which she was riding strayed into a neighborhood controlled by a white gang, prosecutors say.

dition and a gun, but did not fire a shot, said his attorney, Joe Metz. Smith also attended the rally the night before the shooting, but did not know Robertson.

Metz said he expects Smith to testify.

"He was right there at the scene and saw the shooting and [prosecutors] will want



The Associated Press, 2001

Former York Mayor Charlie Robertson is to stand trial Sept. 23. A York police officer during the 1969 riots, he is accused of providing ammunition to white men on Newberry Street that was used to kill Lillie Belle Allen.

detail on that, I'm sure, plus he's a credible witness," Metz said. "He is a good guy who as a teenager was in a bad spot — that is what it amounts to."

Allen kin oppose deal until Robertson talks about riots, shooting

By MIKE HOOVER
Dispatch/Sunday News

The family of a black woman killed in the 1969 York race riots will not forgive Charles H. Robertson or support a plea bargain for the former city mayor and police officer until he accepts responsibility for his role in events leading to her death, the family's attorney said yesterday.

Attorney Michael McGuckin announced the family's position after Robertson's lawyer indicated last week that he would consider pleading to lesser charges in the July 21,

1969 death of Lillie Belle Allen, if he does not have to go to jail or plead to a murder-related charge.

McGuckin said Robertson has to apologize for inciting whites to violence during the riots.

He said Robertson also must answer to allegations that he shouted "white power" and advocated violence against blacks at a rally in Farquhar Park the day before Allen was killed, handed out ammunition to white gangs that was used to fire at Allen's car, and did not disarm or arrest any of the shooters when he was the first police officer to respond to Allen's slaying.

Robertson also needs to explain why he did not provide key information to investigators so they could make arrests, McGuckin said.

"When he accepts responsibility for this murder, only then will the family consider supporting a plea," McGuckin said.



Allen



Robertson

"He (Gladfelter) admitted his culpability and he also apologized to the family. It means a lot to the family. They were genuinely thankful he was admitting his remorse."

Tom Kelley, first assistant district attorney

Robertson and his attorney, William Costopoulos, could not be reached for comment last night.

Robertson has admitted to shouting "white power" at a rally in Farquhar Park but has denied all allegations that he somehow contributed to Allen's death.

McGuckin said he is unaware of any plea discussions involving Robertson but he wanted Robertson to understand what the family expects. The family wants the truth to come out and justice served, he said.

Apologies accepted: The family has accepted the apology of five defendants who pleaded guilty to lesser charges of conspiracy to commit murder in exchange for testimony at the September murder trial of Robertson and three other codefendants.

The pleas would not have been offered without the Allen family's support, York County Prosecutor Tom Kelley said yesterday after a court hearing for one of Robertson's codefendants.

York County Judge John Uhler said he wanted to hear the wishes of the Allen family in considering whether to accept the pleas.

Allen's sister, Hattie Dickson, said the family supports

the pleas. Dickson was with Allen the night she was killed. Three other family members who were in the car, which was hit by a barrage of gunfire from an estimated 100 armed whites, were not injured.

"Those who truly repent from the goodness of their heart, she (Dickson) will forgive," McGuckin said.

Dickson, who stood by McGuckin's side and nodded as he spoke on the steps of

(Indicate page, name of newspaper, city and state.)
THE YORK DISPATCH
York, Pennsylvania

e: 8/22/02
lion: Daily

Allen kin oppose deal until Robertson talks about riots, shooting

Character:
or
classification:
Submitting Office:

HRA

Indexing:

282 APH 90508

the York County Courthouse yesterday, declined further comment.

Kelley said he cannot comment on plea discussions, but said it is clear that the apologies have helped the Allen family heal after suffering from years of no one caring.

Codefendant Chauncey Gladfelter's guilty plea yesterday was an example of the Allen family finally getting some accountability, Kelley said.

"He admitted his culpability and he also apologized to the family. It means a lot to the family. They were genuinely thankful he was admitting his remorse," he said.

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Jon



Yrb/8

Feb/8

Fifth suspect enters a plea

Gladfelter offers apology

By MIKE HOOVER

Dispatch/Sunday News

Chauncey Gladfelter stood on a balcony, a lookout posted to shoot blacks the night a woman was killed during York's 1969 race riots.

When gunfire erupted July 21, 1969, he had no idea who was shooting or what they were shooting at, Gladfelter said. He said he was too scared to fire or pick up a gun.

When the shots ended, Gladfelter testified yesterday in Common Pleas Court, he ran out onto Newberry Street, where he saw Robert Messersmith standing with a shotgun. He later learned that Lillie Belle Allen, a 27-year-old black woman, had been killed.

With that testimony, Gladfelter became the fifth person charged in Allen's death to plead guilty to a lesser charge of criminal conspiracy to commit



Chauncey Gladfelter is followed by supporters after his hearing yesterday at the York County Courthouse.

■ Ruling on 26-year-old murder case may have effect on riot cases.

Page A4

murder, a misdemeanor that carries up to two years in prison and a \$500 fine. Co-defendants Rick Knouse, Clarence

Lutzinger, Thomas Smith and William Ritter entered similar pleas last week.

In exchange for their cooperation, the York County District Attorney's Office dropped murder charges that carried possible life sentences.

York County First Assistant District Attorney Tom Kelley, who is lead prosecutor in the Allen case, said the pleas help build a case against those most culpable in Allen's death.

He said the co-defendants' cooperation has enabled investigators to gather information and evidence needed to break open the 33-year-old murder case.

Gladfelter's role as a lookout was part of an overall conspiracy that ultimately led to Allen's death, Kelley said.

"It was part and parcel with the gantlet created in the neighborhood to attack any black who came into the area," Kelley said.

York County Judge John Uhler said he will take the pleas under advisement and, if he accepts the pleas, he will not sentence the defendants until after an upcoming Sept. 23 trial of the other four defendants: former city Mayor Charles H. Robertson, who was a city police officer during the riots; Greg Neff; Robert Messersmith; and his brother, Arthur Messersmith. Ezra Slick, who was charged last month, is expected to go to trial at a later date.

'Young and stupid': Gladfelter said yesterday he wanted to accept responsibility for his role in Allen's death, apologize to her family and get on with his life.

"Back then, I was young and stupid. I regret being there. I'd like to apologize to the Allen family for this tragedy," Gladfelter said.

Gladfelter placed Robert Messersmith, the leader of a white street gang called the Newberry Street Boys, at the murder scene. Investigators have said they believe Robert Messersmith fired the shot that killed Allen.

(Indicate page, name of newspaper, city and state.)
THE YORK DISPATCH
York, Pennsylvania

Date: 8/22/02

Edition: Daily

Title:

fifth Suspect enters a plea

Character:

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Classification:

Submitting Office:

HRA

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In detailing the events of July 21, 1969, Gladfelter said he went to the Messersmith home at 229 N. Newberry St., with his friend, Mike Messersmith — the brother of Robert and Arthur Messersmith.

Once they were inside, Gladfelter testified yester-

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5th Suspect...

day, the Messersmiths' father, John, gave Mike a loaded rifle and told him to be a lookout for blacks from an upstairs balcony. Gladfelter went with Mike, figuring he was trying to protect the neighborhood during the city's fifth day of rioting. Mike Messersmith committed suicide in 1988. John Messersmith died in 1985.

John Messersmith was handing out guns and ammunition to white gang members and stationing them in the neighborhood, according to Gladfelter. Moments later, a Cadillac with Allen and four family members inside, was ambushed by an estimated 100 shooters, according to witness accounts.

The police: Gladfelter said he thought the white residents committing violence had the support of city police during the riots.

The night before the Allen shooting, Gladfelter said, whites were throwing rocks at cars occupied by blacks. He said he was standing on North Newberry Street preparing to throw a rock when he noticed a police car at the top of the hill, watching the exchange. He said he put the rock down, fearing he would be arrested.

"They (the police) never came down. It made you feel like they were on your side," Gladfelter said.

Knouse, Lutzinger and Smith also have said police incited whites to violence and advocated that whites shoot blacks.

Robertson is accused of giving white gang members

ammunition that later was used to shoot at the Allen car, and telling whites that if he weren't a cop, he would be leading commando raids against blacks.

After yesterday's hearing, Gladfelter referred questions to his attorney, Matt Gover.

Gover said Gladfelter is relieved he no longer faces the possibility of life in prison and that he had an opportunity to apologize to the Allen family.

Gover described Gladfelter as a decent family man who has a steady job and no criminal record.

"When he was 17 years old, he screwed up. He should have been home in bed," Gover said.



BILL KALINA/STAFF PHOTOGRAPHER

York County First Deputy Prosecutor Tim Barker, left, and special assistant Fran Chardo confer while York County First Assistant District Attorney Tom Kelley talks with the media yesterday on the steps of the York County Courthouse.

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5th Suspect...

AN ISSUE OF ACCEPTING RESPONSIBILITY

Family: No plea for ex-mayor



PHOTOS BY BILL KALINA/STAFF PHOTOGRAPHER

Attorney Mike McGuckin walks behind Lillie Belle Allen's sister, Hattie Dickson, second from right, and her supporters after leaving the York County Courthouse yesterday after a hearing for Chauncey Gladfelter. Gladfelter pleaded guilty to a lesser charge of criminal conspiracy to commit murder in the July 21, 1969, shooting of Lillie Belle Allen. McGuckin is Dickson's attorney.

(Mount Clipping in Space Below)

Man pleads guilty in 1969 killing case

BY MARC LEVY
Of The Associated Press

YORK • A sixth defendant pleaded guilty yesterday to charges in the killing of a black woman during York's 1969 race riots, telling how he sat atop a wall at an intersection and fired a 12-gauge shotgun at her stalled Cadillac.

Arthur Messersmith pleaded guilty to attempted murder and conspiracy charges in the death of Lillie Belle Allen, 27, of Aiken, S.C.

He admitted in court that he attacked the car in which Allen and four family members were riding when they took a wrong turn into a white neighborhood crowded with armed white gang members.

"We thought we were going to be shot at, so we shot at it," Messersmith, 49, told Judge John Uhler.

Messersmith, whose

voice often dropped to a whisper, could face nine years in prison. Murder charges were withdrawn in exchange for his plea, which Uhler has yet to accept. Four defendants remain charged with murder.

Three of them, including former York Mayor Charlie Robertson and Robert Messersmith, Arthur Messersmith's brother, are scheduled to stand trial together beginning Sept. 23.

Robertson, who was a police officer at the time of the riots, is accused of handing out ammunition and encouraging white gang members to shoot blacks.

Robert Messersmith is accused of firing the shot that killed Allen.

The other suspect facing

trial, Greg Neff, is accused of firing at Allen's Cadillac.

It is a "realistic possibility" Arthur Messersmith could testify against his brother, his attorney Frank Arcuri said.

After the hearing adjourned, Messersmith approached Allen's sister, Hattie Dickson, and apologized.

"When I shook his hand, I felt it," she said. "I felt the sorrow."



CHRISTOPHER GLASS, The York Daily Record

Arthur Messersmith, center, is escorted from the rear of the York County Courthouse by Walter Trayer, right, assistant to Messersmith's attorney, Frank Arcuri, yesterday. Messersmith pleaded guilty to attempted murder and conspiracy in the killing of Lillie Belle Allen in 1969.

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Harrisburg, Pennsylvania

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Ex-cop recalls moving barrier

Allowing Allen car into mob area was 'mistake,' he says

BY PETE SHELLEM
Of The Patriot-News

YORK • A former York police officer said yesterday that he made the biggest mistake of his life when he moved a barricade that allowed Lillie Belle Allen's vehicle to drive into a volatile armed mob during the city's 1969 race riots.

But Ronald E. Zeager told a York County jury hearing murder charges against former Mayor Charlie Robertson and two other defendants that he tried to stop the Allen vehicle. He told the jury that he warned the occupants to go in another direction.

"I said they better go around because they were having problems in this area," Zeager testified. "They said they were visiting people in the projects. I wouldn't say it was an insistence, but they just wanted to go that way."

Under cross examination by Robertson's attorney William C. Costopoulos, Zeager agreed that he didn't want to seem racist by singling them out.

"That was the most wrong decision I ever made in my life," Zeager said.

Zeager's testimony contradicts that of Allen's sister, Hattie Dickson, who was driving the car. Dickson testified at the outset of the trial that the barricades were moved off the entrance of Newberry Street, and two police officers stationed there laughed as she drove by.

Called as a state witness, Zeager came under fire from prosecutor

oping

Thomas Kelley, who pointed out that Zeager initially told a grand jury investigating the case he didn't recall the barricades being up. Zeager admitted he lied, but said he didn't know why.

Another witness who was standing near the barricades said an officer there tried to stop the car, but it kept going.

After strained questioning by the prosecution, Clyde Bennett said he heard an officer at the barricade say that the Allen vehicle has to be stopped, to which another officer replied "if they make it to the railroad tracks they're lucky."

The white Cadillac stopped on railroad tracks intersecting Newberry Street and attempted to turn around. Most witnesses say Allen was shot in a hail of gunfire when she stepped from the vehicle.

The prosecution claims there was a tacit agreement between city police and white street gangs to kill blacks after a white police officer was mortally wounded while traveling in an armored vehicle days before Allen was shot.

They say Robertson, 68, a patrolman at the time, incited the youths to violence by invoking racist rhetoric and handing out ammunition.

Costopoulos contends Robertson had nothing to do with Allen's slaying. Attorneys for co-defendants and former gang members Robert Messersmith and Gregory Neff say all the youths that shot at Allen's vehicle were on edge because of prior violent incidents involving a similar car and thought they were protecting their neighborhoods.

In other testimony yesterday, James Spells Jr. testified that he and his brother confronted Messersmith after youths threw firebombs and shot up the Spells' mother's

home. Contrary to prior witnesses, who said the pair went to Messersmith's home in a white Cadillac, Spells said he and his brother Sherman went in a brown Dodge.

Defense attorneys have said Sherman Spells recently admitted shooting up the neighborhood in a white Cadillac.

Prosecutors maintain Messersmith fired the shot that killed Allen. Allen, 27, of Aiken, S.C., who was visiting relatives at the time, was struck

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in the chest with a slug fired from a shotgun. Messersmith was convicted in 1970 of shooting a man with a similar weapon during the riots.

Messersmith, Neff and Robertson could face life in prison if convicted. Neff originally had a plea bargain with prosecutors, but that was withdrawn after he testified at a preliminary hearing last year that he believed Allen was holding a gun when she exited the vehicle.

Six other defendants who admitted shooting at the vehicle have entered plea agreements to testify for the prosecution. Five of those defendants pleaded guilty to misdemeanor conspiracy charges that carry maximum terms of 1 to 2 years in prison, but are likely to receive little or no jail time.

Messersmith's brother Arthur pleaded guilty to conspiracy and assault with intent to kill, which carries a maximum possible sentence of 4½ to 9 years.

In what has become a continuing frustration throughout the trial, prosecutors have virtually had to cross examine many of their own witnesses, confronting them with earlier statements or testimony, because of memory lapses and perhaps reluctance to testify.

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Verdicts are in but this thing isn't over yet

**Robertson is a lucky fellow today,
thanks to his lawyers' legal strategy
and the statute of limitations that
prevented him from being considered
for a lesser charge than murder.**

Last night, for probably the first time in more than two years, former York Mayor Charlie Robertson might have slept like a baby.

Who could blame him? The pressure was off. Robertson was found not guilty of first- or second-degree murder in the race-riot death of Lillie Belle Allen in 1969. He walked away from the York County Courthouse last night a free man.

But know this much: Robertson is a lucky fellow today, thanks to his lawyers' legal strategy and the statute of limitations that prevented him from being considered for a lesser charge than murder.

His two co-defendants, Robert N. Messersmith and Gregory H. Neff, weren't treated nearly as well. Both were found guilty of second-degree murder in the Allen death.

At long last, the verdicts are in. Thank God, I told myself about 6:30 last night, this thing is finally finished. We've been living with this ugly cloud over our heads for 33 years, and now it's over.

Except that it isn't really over. We all know there will be appeals by Messersmith and Neff. They could drag on for a couple more years.

And we should be reminded that two men have

been charged with murder in the death of York City rookie police officer Henry C. Schaad during the '69 riots. Schaad was struck by



**LARRY
HICKS**

bullet fragments while riding in the back of an armored vehicle just three days before Allen was killed.

That trial will be held in upcoming months.

Now might be the appropriate time to applaud the efforts of the men and women who served on this jury. They couldn't possibly have had an easy moment from the day they were selected to serve on the jury until the verdicts were read in the York County Courthouse last night. There was a great deal at stake with this trial, and they stood tall in the face of it.

From the beginning, I doubted that Robertson would be found guilty of murder. There just didn't seem to be enough evidence to make that stick.

He was accused of urging young men and teenagers to arm themselves and shoot blacks during the race riots. He was accused by more

than one witness of having distributed bullets to angry, frightened and impressionable young men.

Witnesses said, and Robertson admitted, that he stood at a gang rally in Farquhar Park and shouted "White Power," the day before Allen was killed. And he did it while wearing the uniform of a York City police officer.

Clearly, Robertson was guilty of being a racist cop who contributed significantly to the atmosphere of racial hate that existed during the summer of '69.

But none of that is the same as murder, especially since there was no forensic evidence, no bullets or even fragments of bullets, nothing concrete that absolutely tied Robertson to Allen's death.

That, in a nutshell, was the strategy of Robertson's lawyers, who steadfastly refused to allow their client to be judged on the lesser charge of voluntary manslaughter. They obviously couldn't applaud his conduct as a city cop, not with straight faces anyhow, but they could argue that one plus one plus one didn't equal murder in this case.

But interviews with jurors last night left hardly any doubt that Robertson can be glad their's wasn't a choice between murder and something less than murder.

Because if there had been any way the jury could have found Robertson guilty of, say, involuntary manslaughter or even contributing to the delinquency of a minor it very well might have done it.

But it was murder or nothing, and the jury decided on nothing.

Whether or not Robertson contributed to Allen's death will be decided by a higher authority at a later time. The statute of limitations won't be a factor then.

Yes, I believe he's a far better person today than he was 33 years ago. That's to his credit.

But by his conduct in 1969, he did disgrace and dishonor his uniform as a York City police officer.

There can be no doubt about that.

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The riots of 1969

Among the many casualties of the race riots in York City in July 1969 were two homicide victims: Henry C. Schaad and Lillie Belle Allen.

That July 18, Schaad, a 22-year-old rookie York City police officer, was in the back seat of an armored vehicle, crossing the West College Avenue bridge over the Codorus Creek, when bullets penetrated the steel plating, wounding him in five places. He died 14 days later at York Hospital.

On July 21, Allen, 27, a preacher's daughter from Aiken, S.C., was visiting York with her parents and two children. Her sister and brother-in-law, Hattie and Murray Dickson, lived in the city.

The family had been on the way to buy groceries when her sister made a wrong turn into the white neighborhood at North Newberry Street and Gay Avenue.

The streets were filled with an armed white mob.

Allen got out to drive the car and died in a hail of gunfire.

No one was charged with either slaying for three decades.

Law-enforcement officials in York said they had suspects, but never enough evidence to bring charges.

Case is reopened

The York County District Attorney's Office refocused its efforts on the cases in December 1999, after receiving new information that began surfacing after The York Dispatch/Sunday News published a week-long series on the 30th anniversary of the riots.

In September 2000, District Attorney Stan Rebert convened a 23-member investigative grand jury.

After meeting for seven months, the grand jury recommended indictments April 26, 2001, against 11 people in connection with Allen's slaying, and in October recommended indictments against two men in Schaad's slaying.

Charges filed

To date, 10 have been charged in the Allen slaying, and two in the Schaad case.

Of the Allen defendants, three went on trial Sept. 23: Robert Messersmith of

Perkiomenville, Gregory Neff of York, and former Mayor Charles Robertson, who was a city police officer at the time of the riots.

A six-man, six-woman all-white jury was seated; testimony began Oct. 1 and concluded Wednesday after jurors toured the crime scene.

Closing arguments followed Thursday morning, after which jurors began deliberations, sequestered for two nights in the Yorktowne Hotel.

Yesterday, Messersmith and Neff were convicted of second-degree murder; Robertson was acquitted.

Six others have accepted plea bargain agreements, providing prosecutors with their testimony in exchange for lesser sentences.

Judge John Uhler announced a Nov. 13 sentencing date for the men: Clarence "Sonny" Lutzinger, William "Sam" Ritter, Chauncey C. Gladfelter, Thomas P. Smith, Rick L. Knouse, and Arthur N. Messersmith, Robert's brother.

The 10th defendant, Ezra Slick, awaits trial during the January criminal court term.

Schaad case pending

In the Schaad case, Stephen D. Freeland and Leon F. "Smickle" Wright, both of York, are now awaiting a hearing on whether their prosecution was delayed too long to allow them to have a fair trial.

Last December, an out-of-county judge rejected similar motions in the Allen case.

Background on the Web

News reports of the case, dating to its reopening in 1999, can be found on our Web site at www.yorkdispatch.com.

The site also complete transcripts of the prosecution and defense closing arguments in the Lillie Belle Allen murder trial, together with Judge John C. Uhler's instructions to the jury.

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Opinions welcome

If you have opinions on the trial you'd like to share, we welcome your letters to the editor.

Send them to The York Dispatch/Sunday News, PO Box 2807, York 17401, or drop them off at 205 N. George St., or email them to letters@yorkdispatch.com.

Reporters on the case can be reached at 854-1575. They are Mark Scoloro, mscoloro@yorkdispatch.com; Lauri Lebo, llebo@yorkdispatch.com; and Scott Rappold, rsrappold@yorkdispatch.com.

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'WE COULDN'T IDENTIFY A SPECIFIC INDIVIDUAL'

FBI stymied in probe of Allen's death

By BILL CAHIR
Washington, D.C., bureau

The U.S. Justice Department in 1969 wanted to file federal civil rights charges against the gunman who killed Lillie Belle Allen on the fifth day of York City's riots.

However, federal authorities dropped the case because they could not definitively identify a suspect, according to Washington attorney Jerris Leonard.

Leonard was assistant secretary for civil rights in 1969, the first year of the Nixon administration. He ordered a probe of Allen's homicide eight days after the 27-year-old mother of two was gunned down on North Newberry Street.

Ultimately, Leonard said, he had no choice but to let the matter drop. The FBI had failed to identify a suspect.

"Under the then-statute as it had been interpreted under a number of court proceedings, you had to be able to identify a specific individual," Leonard said. "We couldn't identify a specific individual at that time. ... If we could've identified somebody I can assure you we would've pursued the case."

Allen was killed July 21, 1969, after a gang of white youths fired at her and her family's car. Her sister,

Ex-prosecutor explains why case dropped

"Under the then-statute as it had been interpreted under a number of court proceedings, you had to be able to identify a specific individual."

Jerris Leonard, Washington attorney

York resident Hattie Dickson, survived the barrage and filed a complaint with the FBI.

Police actions: After a trial got under way this Sept. 23 for former York Mayor Charles H. Robertson and two other men in her slaying, the York City Council asked the Justice Department to launch a federal investigation of the York City Police Department's actions in 1969.

Their request was similar to ones made in the summer of 2001 by the Pennsylvania Black Legislative Caucus and U.S. Rep. John Conyers, D-Mich.

But as those legislators were told last year, a federal probe is no longer possible for the reason Leonard cited: The five-year statute of limitations has lapsed.

The FBI said it was monitoring the York County prosecution of Robertson

and other defendants, but is taking no other action.

Thirty-three years ago, the FBI concluded that it would be "nearly impossible" to determine who among the gang of whites had shot and killed Allen.

So many gunmen had fired at Allen's car, the FBI said in a letter dated Dec. 31, 1969, that the murderer's identity likely would never be known unless a witness came forward.

"I can assure you this was not the only situation where we could not identify a suspect," Leonard said. "There were many situations in which we couldn't identify a shooter."

But during 12 days of testimony in the trial of three men charged with Allen's murder, allegations were made about police misconduct — including moving a barricade that allowed the Allen family into the white

Newberry Street neighborhood and that little, if any, investigation was done after her slaying.

The FBI did not have that information in 1969 and Bernard J. Brown, the U.S. Attorney in Harrisburg in 1969, said Friday he didn't recall the Justice Department ever advising him to pursue indictments in the Allen slaying.

Other cases prosecuted: Two Nixon-era Justice Department attorneys said the administration aggressively pursued allegations of police misconduct whenever they were raised.

James P. Turner, a lawyer with the Justice Department's civil rights division from 1969 through 1994, said that as a Nixon administration lawyer, he had prosecuted Chicago police officers suspected of killing two members of the Black Panthers.

"They talked a good police game and they tried to be sympathetic and tough law-and-order people and everything," Turner said of the Nixon team. "But when it got down to cases, if there was an allegation that a police officer had violated the law, federal law, and it was colorable, they would investigate it. I worked for

15 different attorneys general, and it was essentially the same from the beginning to the end."

The Civil Rights Division was formed in 1957 in part to ferret out police corruption, prosecuting cases that state or local authorities failed to zealously pursue. The division was directed to investigate police agencies or individual officers, especially those in the South, who had trampled on citizens' civil rights under color of law.

J. Stanley Pottinger, who was assistant attorney general for civil rights during Nixon's second term, said those in authority — Nixon, Attorney General John Mitchell and then FBI chief J. Edgar Hoover — well might have welcomed the positive publicity associated with prosecuting a white officer in a northern city.

"This is not the kind of case that would have raised the attention of political eyes or been in any way the subject of partisan or political interference," Pottinger said. "It just wouldn't. And, in fact, on the contrary, because the department took so much heat about its busing policy, it was always looking for opportunities to do God's work in other cases. And this would have been such a case."

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Verdicts provoke mixed reactions

Some York residents say justice was done, others say justice stopped

STAFF REPORT

Five-year-old Kevin Bones Jr. sat on his father's shoulders, straining for a view above the television reporters and cameramen swarming around the jury members for an interview.

"What does guilty mean?" he asked his father, Kevin Bones.

"Guilty means he did it," the older Bones explained.

Bones was at home watching television when he saw the verdict would be announced at 6:20 p.m. He left his York City home and went to the courthouse.

"I wanted to show him how the court system works for some, and not for others," he said. "He never even knew what guilty meant before today."

To some, yesterday's two guilty verdicts meant justice had been served.

To others, like Bones, who is black, justice stopped short with former York City Mayor Charles Robertson's acquittal.

"You can't do much with guns if you don't have ammunition," said Bones, a lifelong city resident. Robertson was accused of providing ammunition to white youths who shot at Lillie Belle Allen.

Official reaction: While many in the crowd outside the courthouse last night expressed disappointment at the verdict, some of the local officials attending the "Tavern Night" fund-raiser for the York County Heritage Trust said they were pleased.

"A lot of people are relieved this part of the process is over," York County Commissioner James Donahue said. "Now, we'll see what the trial for the officer's death brings."

Two men await trial in the slaying of rookie policeman Henry Schaad, who also died during the 1969 riots.

Block party postponed



JASON PLOTKIN/STAFF PHOTOGRAPHER

A group of 14 Newberry Street residents — most of them children — joined hands and prayed yesterday at the railroad tracks where Lillie Belle Allen was slain during York's 1969 race riots. "What happened here was very sad, very tragic, and it really shouldn't have happened," The Rev. Norman "Skip" Spangler of Otterbein United Methodist Church told the group. "So we are gathered to remember that the greatest meaning be found from suffering and tragedy and death." The noon prayer was supposed to be part of a neighborhood block party celebrating unity, but the event was postponed because of light rain that organizer Donna Watkins worried would ruin the disc jockey's equipment. The celebration was rescheduled for today, from 9 a.m. to 6 p.m. on Gas Avenue, off North Newberry Street.

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comment on the verdict last night. Others, such as state Rep. Stephen Stetler, D-York, could not be reached for comment.

But not all community leaders supported Robertson.

York City School Board president Jeffrey Kirkland said he thought the most important — but not surprising — statement made was Robertson's acquittal. He heard the verdict as he waited outside the courthouse.

"It's what I expected. I expected that Bobby Messersmith would be charged. I thought the prime suspect, Mr. Robertson, would have got off. I am still highly disappointed because Mr. Robertson represented the legal justice system in this whole matter. For his actions not to have experienced some type of consequences is justice denied," Kirkland said.

"The city had the opportunity to move forward ... and to ensure people in the city that no one is above the law. And I think now, that people who are connected, like Mr. Robertson, and people who can pay high prices for lawyers appear

to be above the law."

Subject for sermon: While Kirkland waited outside the courthouse, Temple Beth Israel's Rabbi Irwin Goldenberg said he learned of the verdict when he logged onto the Internet. He had been thinking of writing a sermon about the case.

"I was thinking about making the connection between Jonah seeking to escape his responsibilities and being unsuccessful doing it," Goldenberg said.

"I hope (the verdict) should calm the community," he said. "I can't speak for the black population."

But, he added, "I believe that all together the African-American community has been waiting for justice ... and for the community to own up to its history. At least the jury has done so. When a jury comes in with a verdict and says they are guilty, then they are guilty and I don't second-guess it."

M.B. Whisler, an executive committee member of the York Chapter of the NAACP, was talking to television reporters outside the courthouse about the verdict when the

Allen family walked by in a quiet line.

Everyone stopped for them.

Whisler and the women with her told the Allens they were sorry for the verdict. They told them to pursue their case in other courts, if need be.

"The business powerhouse that came here and testified for the mayor let that jury know that they are the rulers of this county," Whisler said later. "You only have a few people employing everyone in this county ... At least this is a step in the right direction. At least something has been resolved."

Kevin Bones Jr. came down off his father's shoulders. They stood beside each other holding hands and wearing matching baseball caps.

They watched the jurors walk away and the throng of reporters move on. And Kevin Bones Jr. knew what guilty meant.

Staff writers Jennifer Gish, Laura Giovanelli, Sarah Lifshin, Lisa Rab and Charlie Young contributed to this report.

As the Allen family waited for justice in Courtroom No. 1, "Tavern Night" patrons paid their \$10 admission, which included a free beer.

As the Allen family made a silent procession in front of television cameras to their post-trial press conference, "Tavern Night" patrons participated in a silent auction.

"I'm glad that the process went its course. I'm glad that the issue was finally aired in public," said York City Mayor John Brenner, who attended Tavern Night. "At least some level of justice is now going to be done for the Allen family. That's what is most important."

Many of York's business and political leaders had supported Robertson throughout the investigation and trial, and some testified as character witnesses.

One who did so was former U.S. Rep. Bill Goodling, who refused to

Ex-mayor free; 2 guilty

Jurors say their verdict a difficult decision

Families grapple with pain

By LAURI LEBRO
Dispatch/Sunday News

As the verdict was read, Lillie Belle Allen's family sat silently in a solid row, linked by tightly grasped hands. Across the aisle, family members of the defendants yelped and gasped.

But it wasn't until the handcuffs snapped on the men's wrists that the reality of it all settled over the courtroom.

After more than three decades, two men, Greg Neff and Robert Messersmith, were convicted last night of second-degree murder in Allen's killing. And York's former mayor, Charles Robertson, was acquitted.

As he was led from the court-

room, Greg Neff never looked at his family. But his daughter and mother thrashed about, sobbing and screaming.

Robert Messersmith, turned to his wife, Deb.

"I love you, baby," he told her from across the courtroom.

"I love you too," she said.

Then, Deb Messersmith, who had sat unmoving in her chair, stood up and started walking toward the end of the aisle. "I hope you're happy," she mouthed to the Allen family.

And then, "I hope you burn in ..." She didn't finish her sentence; a family member covered her mouth.

Outside the courtroom, any emotions still pent up erupted.

As a member of Robertson's defense team used a cell phone to plan a celebration, Deb Messersmith told Allen's family, "I hope you f—ing burn in hell."

Debra Taylor was 11 when her mother was killed by Messersmith's husband. She screamed at Deb Messersmith as her uncle Ben Mosley pulled her away.

"We need to get champagne," Robertson defense aide Ellen Wagner said, peeking out at the commotion from around a corner.

Neff's mother snapped that Wagner should stop celebrating;

her son was going to prison.

As she was escorted away, Deb Messersmith said, "I hope you can sleep tonight."

Both Messersmith's and Neff's families left without talking to reporters.

Still sobbing, Neff's daughter climbed into a car and drove away, the driver threatening to run over cameramen if they didn't get out of the way.

Messersmith's attorney, Peter Solymos, said he understood the reaction of his client's family.

"I think that is human nature and a natural reaction," he said. "I would have expected them to act like that."

Later, during a press conference, Michael Allen, Lillie Belle's only son, spoke for the family.

"We all know that justice sometimes takes a long time," he said.

He was interrupted by Robert Mann, who had been a constant presence during the trial.

"Tell the whole story," he yelled.

Mann, who was in the North Newberry Street neighborhood when Allen was killed, maintains he saw Allen fire a gun.

However, despite his assertion, the defense never called him to testify. Mann was ignored.

Instead, Michael Allen spoke of sympathy for Neff's and Messersmith's families.

"I heard them cry out with pain" when the verdict was read, he said.

It brought back memories of his cries the night his mother was killed. He was only 9.

"We must have compassion of all our brothers," he said.

And he hopes the families will have compassion for his family as well.

"We're all one people and God loves all of us," Allen said.

For the Allen family, the verdicts were bittersweet.

"Justice is not perfect, but it's all we got," Allen said of the jury finding Robertson innocent.

Even though only a few people, including the six defendants who have pleaded guilty, have been convicted in his mother's death, at least a hundred people were involved in her shooting on the fifth night of York's riots of 1969.

Throughout the trial, witnesses testified about police inciting white gang members to violence during the city's riots and then allowing Allen's sister, Hattie Dickson, to

drive into a barricaded neighborhood where armed gang members were waiting.

"I'm not sad," said Dickson, who reluctantly took the podium after Allen. "I feel sort of disappointed."

But it's not over yet.

Lawyers for the family have said they are considering filing a wrongful death lawsuit against the city.

"We're not going to stop here," Dickson said. "We will continue to investigate the rest of the people involved in this tragedy."

Staff reporters Laura Giovanelli and Mike Hoover contributed to this report.

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Allen ... killed in 1969.

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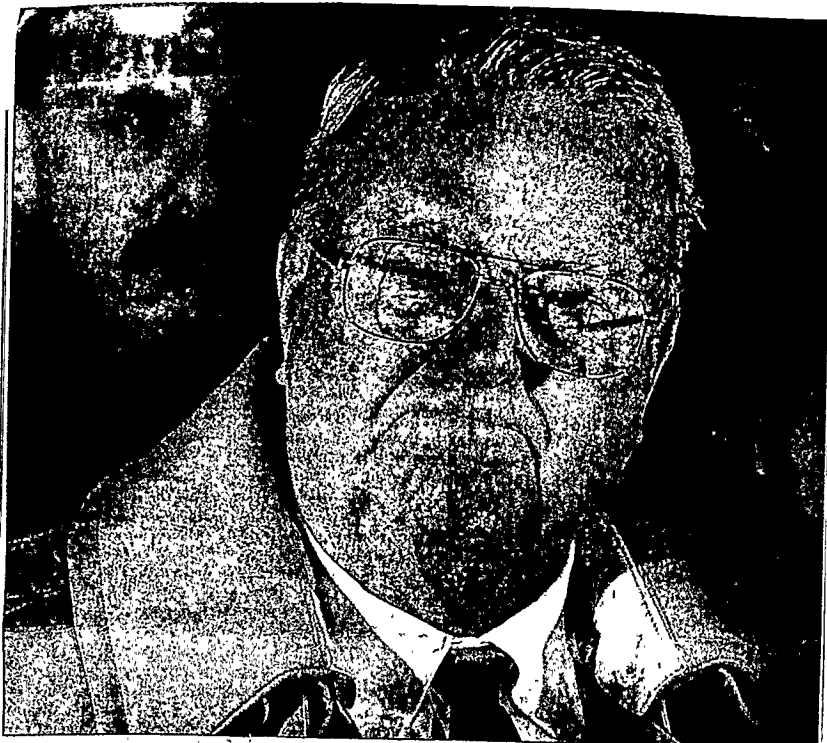
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STEVE RUSS PHOTO

Deb Messersmith, center, breaks into tears as she leaves the York County Courthouse with attorney Peter Solymos yesterday after her husband, Robert Messersmith, was convicted of second-degree murder in the death of Lillie Belle Allen. The person at left is unidentified.



Former York City Mayor Charles Robertson breaks down in tears during a news conference on the front steps of the York County Courthouse last night.



GREG MAHANY/STAFF PHOTOGRAPHER

Lillie Belle Allen's sister, Hattie Dickson, right, holds up two fingers and says "at least two had" seen justice as Allen's children, Michael Allen, left, and Debra Taylor, center, comfort her.

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Thirty-three years after Lillie Belle Allen was slain, jurors last night found two former white teen gang members guilty of second-degree murder in the black woman's death, but acquitted York's former mayor, Charles H. Robertson.

The decision was met with mixed reactions across York, where the case has prompted much debate since it was reopened three years ago. Some said justice was served, but many blacks expressed outrage at Robertson's acquittal.

Robertson, who sat stone-faced during the four-week trial, cried and hugged his lawyers when his not-guilty verdict was read; his lawyer leaned over and kissed his hand.

Outside the courthouse afterward Robertson thanked those who kept him in their prayers, and broke down in tears again. "I'm a little tired, and I'm going home," said Robertson.

As he left, Robertson was asked whether his were tears of joy. "Of prayer," he replied. "It's been two years."

Robertson was accused in May 2001 of providing ammunition to white teen gang members during the 1969 riots, and urging them to kill blacks. He was a city police officer at the time.

Two convictions: His co-defendants, Gregory H. Neff and Robert N. Messersmith, were convicted of murdering Allen, who was visiting York with her family and died in a hail of gunfire after her family's car was driven into a white neighborhood.

Bail was immediately revoked for both men.

Messersmith glared as he was led away in handcuffs.

Neff's family gasped in shock and were unable to stifle pained cries.

The two men face maximum sentences of 10

to 20 years in state prison, but Judge John C. Uhler has discretion to release them on probation at sentencing Dec. 18.

Appeals planned: "The family's devastated. I'm sure he's devastated," said Neff's lawyer, Harry Ness, who had assumed any guilty verdict would be for the lesser charge of voluntary manslaughter.

"Thank God it's not life in prison. But it's jail time. We were hoping for an acquittal," Ness said.

He vowed to appeal, saying one basis will be lead prosecutor Tom Kelley's biblical quote during closing arguments: "Thou shalt not kill."

Ness had called for a mistrial after the statement, which is a violation of state trial rules, but was turned down by Uhler.

Messersmith's attorney, Peter Solymos, said he will also try to overturn the conviction.

"We are very disappointed, obviously, and we are going to look hard at our appeal issues," Solymos said.

Justice at last: For the Allen family, the verdicts were bitter-sweet.

"I'm not sad, I feel sort of disappointed," said Hattie Dickson, the sister Allen had come from Aiken, S.C., to York to visit.

"We're not going to stop here. We're going to investigate the rest of the people involved in this tragedy," she said. The family is considering a wrongful death lawsuit against the city.

Kelley, however, expressed satisfaction over the outcome, saying the trial "finally found justice for the Allen family."

Robertson's acquittal, he said, reflected how difficult it was to charge a police officer in the case.

"But we felt we had to bring charges based on the grand jury's recommendation. As we heard

during the trial, there (was) some pretty terrible behavior on behalf of the police," Kelley said.

"The easiest thing to do was not to charge Charlie. It took true moral courage. It was the right thing to do despite the verdict," said special prosecutor Fran Chardo, brought in from Dauphin County to assist with the case.

Neff and Messersmith "were living on borrowed time," Chardo said. "They should consider themselves lucky because they escaped justice for 33 years."

"These guys were able to live their lives into their 50s. Lillie Belle Allen is in a pauper's grave," Kelley said.

Neff, 54, of York City, works for an area electrical contractor; Messersmith, 53, now of Perkiomen-

"Thank God it's not life in prison. But it's jail time. We were hoping for an acquittal."

Harry Ness,
Gregory Neff's attorney

ville, Montgomery County, has been on disability since a 1995 car accident.

Neff admitted to a grand jury he shot at Allen's car; witnesses testified that Messersmith also fired at the car, and boasted of it afterward.

Jury issues: Under 1969 state law, a first-degree conviction would have required a "specific intent to kill," Uhler had told the jurors; second-degree murder is any other killing committed with malice.

The jury also had the option of convicting Messersmith and Neff of voluntary manslaughter, an intentional killing in which the defendant has an "unreasonable belief" his actions were justified. But because he was not present when Allen was killed, Robertson could not have been convicted of the lesser charge.

During 10 hours of deliberation that began Thursday afternoon, the jury "struggled mightily" with the decision in all three cases, said a juror who identified himself as Jay, an engineer.

He was one of four members of the 12-person, all-white jury who spoke briefly with reporters afterward.

Jay said the panel "never reached consensus" about whether the central allegation against Robertson was true — that he gave the street gang members ammunition and urged them to kill blacks.

Juror Charles Law, a computer technician with the state government and the only one to fully identify himself, said he found it a challenge to wade through the mountain of testimony.

He found it particularly difficult to sort out the timeline of events that occurred more than three decades ago.

"Aside from the death of my parents, this was the most difficult thing I've ever had to do in my life," he said.

Listening to Dickson testify about the assault that took her sister's life, he said, made him want to cry. Law said he "was ashamed" and "sickened by the whole series of events."

Law said the late John Messersmith was "one of the biggest culprits here."

A constant question during deliberations, he said, was, "Where the hell were the parents?"

During the city's 1969 riots, John Messersmith allegedly established a command center in his home, giving out bullets and guns to the frightened young men who congregated on Newberry Street. His son, Robert, was the leader of the Newberry Street Boys gang.

Another juror said he found "one truth" in the case.

"Mothers and fathers, love your children. Teach them the importance of equality and diversity," he said.

No bond: Attorneys for Neff and Robert Messersmith urged Uhler to allow their clients to remain free on the \$100,000 bond they have been under for the past 17 months, but Uhler declined, citing the likelihood the men would serve jail time.

The two were driven from the back of the courthouse in separate marked Sheriff's Department vehicles. They were placed in the gener-



Kelley ...
lead prosecutor
satisfied with
outcome.

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JASON PLOTKIN/STAFF PHOTOGRAPHER

Jurors talk with the media shortly after they announced the verdicts in the murder trial of three men accused in the slaying of Lillie Belle Allen in 1969.

"Mothers and fathers, love your children. Teach them the importance of equality and diversity."

Juror

al population at the York County Prison, said Warden Tom Hogan.

Robertson, his lead attorney William Costopoulos by his side, walked out the front doors a free man.

"It's a huge case, it's a huge win, and there's no question about it," Costopoulos said.

The lawyer said Robertson "wants the community to heal. York has been his life."

As for the Allen family, Costopoulos said he and his client were "very sorry that what happened, happened. It's just that it would not have brought them any satisfaction to convict a man that is innocent."

Ellen Wagner, aide to Robertson attorney Richard Oare, got on her cellular phone just outside the courtroom to order champagne. Neff's mother, Trudy, heard her and broke down.

"She's talking about plans for a party and my son is going to jail," Trudy Neff said. She and other members of Neff's family left out the back door, declining comment.

"I always feel sympathy for the defendants' families. It is a pain they don't deserve," Chardo said. "But it is a pain I didn't bring them."

Staff writers Mike Hoover, Jennifer Gish, Lisa Rab, Sarah Lifshin, R. Scott Rappold and Rochelle Brenner contributed to this report.

JUSTICE OR 'INJUSTICE'?

Ex-mayor acquitted, 2 convicted in '69 York riot death

For jurors, relief mixed with doubts

BY PETE SHELLEM
Of The Patriot-News

YORK • The stress was evident on the faces of the jurors during more than two days of deliberation as they repeatedly asked Judge John C. Uhler to reiterate the law as they weighed the fate of former Mayor Charles Robertson and two others charged with a 33-year-old murder.

The stress appeared to turn to relief last night after they acquitted Robertson and convicted the others in what one juror described as the most difficult job in his life.

But lingering doubts seemed to remain for some jurors, who questioned why the July 21, 1969, death of Lillie Belle Allen took more than three decades to reach a courtroom.

"Even though some of us weren't confident, we feel that justice has been served to the family of Lillie Belle Allen," said the jury foreman, who asked not to be identified.

"We struggled mightily with all of them," said another juror. "There was no easy answer for all three."

The three jurors who spoke to the media after rendering the verdict last night said they were sickened by the blatant racism of the time.

The description given by Allen's sister Hattie Dickson, who was driving the car, of how the vehicle was rocked by a barrage of gunfire that lasted as long as a minute while Allen lay dying outside, crying for help, was one of the most disturbing pieces of evidence the jurors heard.

"Listening to Hattie Dickson, I wanted to cry," said juror Charles Law of Camp Hill. "I was ashamed of what took place then."

"The racial card was played and we were all sickened by it and I hope we never revisit it," Law said.

They suggested that Robertson, who was accused of urging white

youths to kill blacks, may have been one of the York police officers who "fell short" during the 10-day riots, but said they were restricted in their deliberations to murder charges.

"Unfortunately, that was all we had," Law said.

They said fading memories and questionable evidence left them unable to come to a consensus on whether Robertson had handed out ammunition to the youths that killed Allen and incited them to kill.

"There was not sufficient evidence he was part of that group," said another juror who asked not to be identified.

Because of the passage of time and statute of limitations, murder was the only charge available to prosecutors, who also said Robertson should have been charged with other crimes back then.

Law raised the same questions, asking what happened to the investigation at the time.

But by trying to place themselves in the shoes of the defendants, who were in their early 20s at the time,

slow)

While Uhler repeatedly explained the law, the jurors had to rely on their memories of the evidence presented, including a videotape of a television interview where Robertson, who did not testify, admitted he was a racist and yelled "white power" at a rally of youths before Allen's slaying.

"I don't know where he is at today, but there seemed to be a general lack of direction on the police force," Law said. "They were overwhelmed, the city was in total turmoil. In some instances these guys did good and in other instances they fell short."

Yesterday morning, jurors asked Uhler if it was too early to declare they were deadlocked. After being ordered to continue deliberations, they asked for a 90-minute break in the afternoon and 20 minutes later were ready with a verdict.

"We made the best decision we could on the information at hand," Law said. "I hope we did. We gave it our best."

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SEAN SIMMERS, The Patriot-News
Charles Law of Camp Hill, a member of the York jury, speaks to the media outside the courthouse last night. "The racial card was played and we were all sickened by it and I hope we never revisit it," he said.

and involved in gangs whose members were as young as 15, Law said the jury kept coming back to the same question — where were the parents? He said defendant Robert Messersmith's late father, John, whose house became a headquarters and armory for the street gangs was "one of the biggest culprits" in the

(Indicate page, name of newspaper, city and state.)
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Harrisburg, Pennsylvania

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Former York Mayor Charlie Robertson breaks into tears outside of the courthouse last night after his acquittal. MICHAEL FERNANDEZ, The Patriot-News

'Justice? I feel that 2 got theirs'

BY IRVIN KITTRELL III
Of The Patriot-News

YORK • Hattie Dickson held up two fingers, not as a sign of peace, but to show the number of men who were convicted in York County Court yesterday in the 33-year-old slaying of her sister, Lillie Belle Allen.

"Justice," she said about 90 minutes after the verdict. "I feel that two has got theirs."

Dickson was driving the 1961 white Cadillac the night of July 21, 1969, during the height of race riots when Allen was fatally shot on Newberry Street. She witnessed the death of her sister, but she had to wait until yesterday to see justice.

"I'm not sad," Dickson, 56, said about the outcome of the trial. "I feel sort of disappointed and yet I know ... this is God's will. So be it."

The 12-member jury returned convictions against two of the three defendants in the Allen murder trial, a case that has polarized the community.

Gregory H. Neff, 54, and Robert N. Messersmith, 53, were found guilty of second-degree murder. Former Mayor Charlie Robertson, 68, escaped a conviction when the jury found him not guilty of first- and second-degree murder.

As Robertson stared ahead after the reading of the verdicts, some members of Neff's family cried and called out his name. Neff showed no emotion. Arthur Messersmith, Robert Messersmith's brother, dropped his head.

Dickson and her family remained calm. They also showed no emotion after the verdict, but Dickson smiled slightly. She sported that same smile throughout most of the night.

"I have Jesus in my life," she said about the smile. "I'm not here to be angry about anything."

Dickson said the verdict will not stop the family from seeking more justice. She said there are more people the family and their attorney want to interview to bring out more of the facts of that fatal night.

"We will continue to investigate the other people involved," she said. "I know [Allen] would want us to." Though Dickson appeared to be at peace with the jury's decisions, it was not the case with others.

"It's not a good day," said Betty



Members of Lillie Belle Allen's family leave the courthouse last night. From left are Allen's sister Hattie Dickson, daughter Deb Taylor and son Michael Allen. SEAN SIMMERS, The Patriot-News

Smith, 52, of York. Smith, like other residents, said she believed Robertson should have been convicted of a crime. She said Robertson was a police officer during the race riots and should have been "held accountable for what was done."

When Robertson was charged with murder in the Allen case, the arrest did not sit well with many people of York County. Some learned for the first time that Robertson was involved, shouting "White Power!" at a rally of white gangs the day before Allen was killed, and reportedly handing out ammunition to at least one youth. Robertson has admitted he held racist views but denied handing out ammunition.

Others cried foul, saying that Robertson was the victim of political maneuvering by York County District Attorney H. Stanley Rebert. Robertson even questioned the reopening of the case. He also called it a political move by the district attorney's office.

People of note in York County came to Robertson's defense. Some wondered out-loud why Rebert would reopen a case that was 32 years old.

Some wanted Robertson to be held accountable. Robertson then poured fuel on the debate after he was quoted in Time magazine days after he was charged in Allen's death.

"Everyone knew who was involv-



Hattie Dickson, sister of victim Lillie Belle Allen, says: "Justice? I feel that two has got theirs." SEAN SIMMERS, The Patriot-News

BY PETE SHELLEN
Of The Patriot-News

YORK • After more than two grueling days of deliberations, a York County jury last night acquitted former Mayor Charlie Robertson of murder charges in connection with the city's 1969 race riots but convicted two former white gang members.

The two-term mayor and 23-year veteran of the city's police force broke down in tears after the jurors absolved him of complicity in the July 21, 1969, murder of Lillie Belle Allen. The 27-year-old mother of two was shot down by a mob of white youths during the riots.

The other two defendants — Robert N. Messersmith and Gregory H.

Neff — were stone-faced as the jury rendered second-degree murder verdicts. They face 10 to 20 years in prison when they are sentenced Dec. 18.

But after Judge John C. Uhler revoked their bail and committed them to York County Prison, their families broke down as the two men were led from the courtroom in handcuffs.

Emotions continued to flare as the crowd that packed the courtroom filtered out into the hallway. Messersmith's wife got into a shouting match with members of Allen's family.

Facing the news media outside the courthouse, Robertson once again broke down and thanked his attorneys and supporters.

"It's been two years," Robertson said. "I'm a little tired and I'm going home."

Meanwhile, shouts of "It ain't over yet!" could be heard from the crowd that had gathered outside the courthouse.

Ten days of rioting in 1969 shattered the city, leaving two dead, 60 people injured and swaths of buildings smoldering. Many worried that reopening the investigation into the two deaths also would reopen old wounds.

Some rifts were still apparent yesterday.

Leo Cooper, former director of the York chapter of the National Association for the Advancement of Colored People, said Robertson's acquittal was an "injustice."

Robertson stepped down as mayor when the charges were filed against him shortly after he had won York's Democratic Party primary a year ago. His attorneys have long maintained that prosecutors were motivated by political and personal reasons and that the case never amounted to murder.

The prosecution originally had planned to charge him with conspiracy, but upped it to first- and second-degree murder after the defense pointed out the statute of limitations had expired on everything else.

Prosecutors asserted that Robertson handed out ammo to white gang members and urged them to kill blacks after a white police officer was mortally wounded during the 10 days of riots.

They cut deals with six other defendants, many of whom shot at the Allen vehicle when it stopped in the

predominantly white Newberry Street neighborhood, where police had urged white youth gangs to "draw the line" against rioting blacks.

Those deals reduced murder charges to misdemeanors.

Robertson, who like the other defendants did not testify, admitted harboring racist feelings back in 1969. But he denied handing out ammo or urging anyone to kill. He admitted yelling "white power" at a rally before the shooting, but compared that to blacks urging the black



LILLIE BELLE ALLEN

power slogan at the time.

The prosecution pointed out that Robertson and other officers who arrived on the scene moments after Allen was shot did not question witnesses or confiscate weapons.

But defense attorney William C. Costopoulos showed that Robertson and the other officers traveling in an armored car were dispatched to other scenes of violence rocking the city moments later.

In an interview with Time magazine last year, Robertson said: "Everyone knew who was involved. But everyone just thought it was even. One black had been killed and one white — even."

Jurors said they struggled with Robertson's role, but could come to no consensus on whether Robertson handed out ammunition or incited the youths to violence. They said the evidence did not amount to murder. "Unfortunately, that's all we had," said juror Charles Law after the verdict was rendered. "I don't think there are any winners here."

Prosecutors contended Messersmith, who jurors did not know shot and wounded a black man with a shotgun slug the day before Allen's slaying, fired the fatal shot.

Several witnesses said they saw Messersmith standing in the middle of Newberry Street firing a shotgun at the Allen vehicle when, confronted by an armed mob, it stopped and tried to turn around on railroad tracks.

According to witnesses, Messersmith later bragged about the slaying, saying, "I blew the nigger in half."

Expert testimony showed Allen was likely hit with a slug from a 12-gauge shotgun that ripped through her chest and exited her abdomen.

Neff, who had cut a deal with prosecutors before a preliminary hearing last year that would have left him with probation, admitted firing a shotgun loaded with birdshot at the car after the shooting erupted.

But his insistence that he thought Allen was holding a gun led prosecutors to withdraw the deal.

However, it didn't matter who actually fired the fatal shot. Judge John

C. Uhler told the jury that anyone who fired at the vehicle could be found guilty of murder under accomplice liability theories.

Attorneys for Messersmith and Neff argued their clients thought they were acting in self-defense because the black occupants of a vehicle similar to Allen's had terrorized the neighborhood in the days and hours before by randomly firing shots.

They vowed to appeal the verdict.

Allen, a 27-year-old mother of two from Aiken, S.C., was visiting her sister, Hattie Dickson, in York while on her way to New York. Dickson was driving the vehicle, which was occupied by Dickson, Dickson's husband, Allen and her parents.

Dickson said the family members had gone fishing and were on their way to a food store when they entered Newberry Street around 9 p.m. that night.

The case put the entire York police department on trial as First Assistant District Attorney Thomas Kelley suggested there was an "uneasy alliance" between police and the white youth gangs to kill blacks after a rookie patrolman was fatally wounded shortly before Allen was killed.

Dickson said barricades that were supposed to keep blacks off Newberry Street were down and officers laughed as they drove by.

However, Ronald Zeager, a retired York officer who was manning the barricade, said the car's occupants insisted on going through.

Kelley, noting that Zeager had initially told a grand jury investigating the case the barricades were down, said he was lying again.

Fran Chardo, another prosecutor in the case, said he was satisfied with the verdicts because the actual shooters were convicted. He said the long delay in bringing the case played against the prosecution of Robertson.

A state police investigation and a federal civil rights probe both ended without charges decades ago.

But three years ago, after the city's two daily newspapers provided extensive coverage of the 30th anniversary of the riots, prosecutors reopened the investigation. A number of community leaders expressed fears that reopening the case would be a black eye for a community that had moved beyond many of its racial divisions.

"The greater embarrassment is not that your mayor was charged," Chardo told reporters. "It's that it went unresolved for 33 years."

WITNESSES FOR THE PROSECUTION

Highlights of testimony for the prosecution in the murder trial of former York Mayor Charlie Robertson, Robert Messersmith and Gregory Neff.

DENNIS McMASTER: former York police officer; testified that he accompanied Robertson to a white gang rally where Robertson shouted "white power." McMaster was also one of three witnesses to testify that Robertson gave out ammunition.



SMITH

THOMAS P. SMITH: one of six defendants in the case who pleaded guilty; Smith identified Messersmith as firing the first shot with a shotgun. Allen disappeared behind the car after Messersmith

shot, Smith said.

He also identified Neff as having shot at the car.

FRED FLICKINGER: a 20-year-old gang member in 1969; testified that Robertson addressed gang members in front of their hangout on Newberry Street and told them, "If I weren't a cop, I'd be out leading commando raids against" blacks.

MARTIN L. FACKLER: a wound ballistics expert; identified the fatal bullet as an unjacketed lead shotgun slug that must have been shot from a 10-gauge, 12-gauge, or 16-gauge shotgun. The slug fractured and most of it was never found or disappeared from state police custody in 1981.

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KNOUSE

RICK LYNN KNOUSE: one of six defendants in the case who pleaded guilty; testified that Robertson gave him 30.06 rifle ammunition and told him to "kill as many" blacks as he could. Knoose also

identified Neff and Messersmith as having fired at the Allen car.

ELLIS W. STOUGH: worked with Messersmith at a filling station in 1969; testified that he overheard Messersmith talking to fellow gang members about a week after Allen's shooting. Messersmith told them "we got one" and that he was "fairly sure" it was a bullet from his weapon that felled Allen, Stough said.

WITNESSES FOR THE DEFENSE

Highlights of testimony for the defense in the murder trial of former York Mayor Charlie Robertson, Robert Messersmith and Gregory Neff.

RAY E. MARKLE: an officer who rode to the scene in an armored car; testified that he never saw Robertson hand out ammunition and was not aware of an alleged alliance between police officers and white gang members to kill blacks.



GLADFELTER

CHAUNCEY C. GLADFELTER:

a former gang member who pleaded guilty to a conspiracy charge in the case; testified he was a lookout for blacks the night Allen was killed. He said he never saw Robertson hand out ammunition or use racial epithets.

WILLIAM C. RITTER: a former gang member who pleaded guilty to conspiracy in Allen's death, saying he shot at her family's Cadillac; testified that he never saw Robertson hand out ammunition or use racial epithets.

DRS. CYRIL WECHT AND VINCENT DIMAIO: coroners and forensic pathologists; testified that more evidence was needed to identify the type of weapon that fired the fatal slug. Wecht and DiMaio testified that the likeliest weapon to have fired the fatal slug is a shotgun, but so little crime scene evidence remains that it could have been fired from a number of weapons, including a high-caliber pistol.

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A look at the jury

Here's a look at the six-man, six-woman jury that heard the Allen case.

Their identities were protected during the trial. Yesterday, some came forward to speak about the case and their verdict.

No. 1: A York County Prison guard for the last 11 months. He had a run-in with the law as a youth.

No. 2: A world history teacher, 44, who grew up in North York and lives in Springettsbury Township. He has also worked during the summer driving a truck for Martin's Potato Chips.

No. 3: A Camp Hill area resident who works on computer equipment for state unemployment offices. He formerly lived in New Cumberland and moved to York County eight years ago.

No. 4: A woman who has coordinated volunteers at York Hospital for the last 19 years. She was 28, living in Philadelphia and the mother of a newborn during the 1969 riots.

No. 5: A native of Malvern, Chester County, she was in high school during the riots. She sings in her church choir and has worked for a surgeon for the last decade.

No. 6: A General Dynamics engineer, he is 41 and his

family lived in West Manchester Township and avoided York City during the riots.

No. 7: The wife of a Dentsply salesman, she moved to York from New Jersey in 1980. She is retired from Bell Atlantic, where she was an administrative assistant in the government liaison office.

No. 8: He oversees 15 retail Rockport shoe stores along the Atlantic coast. He moved to York County 23 years ago from Baltimore, and lost a nephew in the Sept. 11 terrorist attacks on America.

No. 9: She works in a restaurant and lived across the street from York City Police Officer Henry Schaad, who was also slain during the riots. At the time, she was eight. She is a distant relative of two city police detectives.

No. 10: A 33-year-old man who works for a club in Lancaster that lets people buy directly from a group of 850 manufacturers. He grew up in Michigan, moved to the county in 1988, moved away and then moved back again six years ago. He and his wife, who is the granddaughter of WGCB-TV Channel 49 owner John Norris, live in Springettsbury Township.

No. 11: A woman who is an accountant for an engineering firm.

No. 12: A woman who is in her early 40s and lived in Jacobus at the time of the riots.

(Indicate page, name of newspaper, city and state.)
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York, Pennsylvania

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Plea bargains close with emotional bang

Arthur Messersmith heads to state prison; five other men got lesser sentences.

By RICK LEE and TERESA ANN BOECKEL
Daily Record staff
Thursday, November 14, 2002

With two men facing maximum total sentences of 20 years in prison and a third acquitted of all charges, the family of Lillie Belle Allen expressed dissatisfaction Wednesday when six more co-defendants received plea bargains and short sentences for their roles in Allen's death.

"Under the circumstances it was the best we could get because they had plea bargains," said Jennie Settles, one of Allen's sisters.

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Bil Bowden - YDR

Arthur Messersmith, left, his wife, Jeanne, and Walt Trayer, a paralegal for Messersmith attorney Frank Arcuri, enter the York County Courthouse. Messersmith got the longest jail term of the six men sentenced Wednesday.

[bigger version & more photos \(3\)](#)

Allen was a visitor to York on July 21, 1969, uninvolved and apparently completely unaware race riots had split parts of the city into armed camps.

She was killed by a single shot when the car carrying her family strayed into a white neighborhood guarded by white gang members and was riddled with gunfire.

Wednesday in Common Pleas Court, her brother, daughter and two of her sisters unleashed years of pent-up emotion when five former gang members and a local resident were sentenced to terms ranging from a minimum of three months to a maximum of three years.

All six men had negotiated guilty pleas with the York County District Attorney's Office to avoid going to trial for first- and second-degree murder. As part of their plea deals, they were required to cooperate with the murder investigation and testify truthfully to their knowledge of the events leading to the black woman's death.

Allen's daughter, Debra Taylor, took the opportunity to address the defendants and respond to their requests for leniency. Admittedly angry and unapologetic, she also lashed out at those in the county who had protested the cold-case investigation, the charges and the trial.

"Some people in this courtroom said I should die and go to hell (for the guilty verdicts for her mother's death)," she said to one defendant. "We were just passing through."

"I still see a nullification here of my mother's death, just some old black woman," she said to another.

To a third, she said, "This community still has this attitude of 'Let's get it over with.' This slave mentality has got to end. A mother, a daughter, a sister died and you're still trying to sweep it under the rug."

The sentences

Arthur N. Messersmith, 49, received the lengthiest sentence — 1½ to three years in state prison for felony attempt with the intent to kill and a concurrent one to two years for misdemeanor criminal conspiracy to commit the unlawful act of first-degree murder. He was placed in handcuffs immediately after sentencing and remanded to county prison to await transfer to a state correctional institute.

The other five men who entered guilty pleas to the misdemeanor conspiracy charge all received county prison terms with delayed reporting dates and permission to apply to the outmate work release program.

Rick L. Knouse, 50, was sentenced to nine to 23 months with a reporting date of Jan. 1. He also must perform 200 hours of community service and pay his share of the costs of prosecution.

Clarence "Sonny" Lutzinger, 50, was sentenced to nine to 23½ months with a reporting date of Jan. 1.

William C. Ritter, 51, received nine to 23½ months with a reporting date of Dec. 13, a \$500 fine, 200 hours of community service and his share of court costs.

Thomas P. Smith, 51, was sentenced to three to 23½ months with a reporting date of Dec. 13, a \$500 fine, 200 hours of community service and a share of court costs.

Chauncey Gladfelter, 50, received three to 23½ months with a Dec. 10 reporting date, a \$500 fine, 200 hours of community service and a share of court costs.

Robert N. Messersmith, 53, and Gregory H. Neff, 54, were convicted of second-degree murder last month and are scheduled for sentencing in December. Charlie Robertson, a

former mayor and retired city police officer, was acquitted of murder charges in the same trial.

The last of the defendants to agree to a plea arrangement, Arthur Messersmith, received the additional felony charge, according to First Deputy District Attorney Timothy Barker, because of his more active role in the shooting. At his plea hearing, Messersmith admitted he shot into the car.

Of the remaining defendants, those who received the nine-month minimum sentences were those who admitted or were identified as firing shots at the car carrying Allen.

There was no testimony or evidence that Gladfelter or Smith shot at the car. Both denied firing weapons.

Barker noted for the record that the six defendants already had received the benefit of a charge bargain, allowing them to escape the possibility of conviction at trial and potential sentences ranging up to life in prison without parole.

He asked Uhler to take into consideration that Knouse, Lutzinger and Smith had cooperated with the investigation without any plea agreement in place and no assurances they would not face murder charges.

Barker said the prosecution would stand by the sentences recommended by the probation department for the other three men.

Apologies offered

The defendants, each in turn, claimed remorse for their actions and offered apologies to Allen's family.

Taylor, Settles and Allen's brother, Henry Mosley, chastised each one as they came before Uhler for not volunteering information earlier in the past 30 years, for not providing investigators with more names and identities of suspects and for not seeking them out and apologizing before or after they entered guilty pleas.

Knouse, who was instrumental in the district attorney's ability to file homicide charges and bring the case to trial, admitted to a longtime drug addiction, ongoing emotional problems, a list of physical ailments and a lengthy criminal record. He confessed, "I cannot say I've been a productive member of society."

He said that when prosecutors approached him in 2000 about Allen's murder, "I knew I had to own up to my part." He said

he volunteered information seeking closure for himself, Allen's family and the city.

His attorney, John Moran, characterized Knouse as an abused child and "a follower" who was easily "influenced by older kids on the streets" and "authority figures to do what he did." Moran said will petition Uhler next week to reconsider the sentence.

Knouse testified at trial that Robertson provided him with ammunition before Allen was shot and directed him to kill as many black people as he could.

Taylor said she could empathize with Knouse's emotional state, explaining she also had recurring nightmares and unrelenting emotional problems. Taylor had stayed behind at her aunt's house when her mother and others went to the store. She testified at trial she heard the barrage of gunfire that riddled the car and killed her mother.

"But society has told me to 'Suck it up,'" she said.

She added that "we teach our children" to take responsibility for their misdeeds and expected Knouse to do the same.

Lutzinger, a former heroin addict with a long record of petty crimes, cried when a local police chaplain and a longtime friend spoke on his behalf.

In a wheelchair recovering from recent hip surgery and medical complications, Lutzinger told Uhler, "I was part of something real wrong. For some reason, at the time, I thought I was doing the right thing.

"(But) this isn't about me. It's about an innocent lady who died."

Taylor repeated her comments to Knouse, telling Lutzinger, "If you do the crime, you do the time."

"If you guys had told the truth back then, we wouldn't be sitting here today," she said.

Defense attorney Frank C. Arcuri said Arthur Messersmith had the added burden in this case of being a "Messersmith."

"This is a particular case of the sins of the father being visited on the son," he said.

According to trial testimony, the Messersmiths' Newberry Street home was the center of activity during the riots and

especially in the hours before Allen was killed.

John Messersmith, the father of Robert and Arthur Messersmith, reportedly marshaled his sons, their friends, Newberry Street Boys and rival gang members as his personal troops during the 1969 riots.

Witnesses testified the Messersmith home contained an arsenal of hunting weapons, shotguns and Molotov cocktails, and John Messersmith assigned the young men to guard different areas of the neighborhood.

Arthur Messersmith, who said he found God during an earlier stint in prison and after a continuing alcohol problem has been sober for 20 years, told Allen's family, "I truly have a repentative heart. I apologize to all youse folks."

"It would have meant so much to us if you said 'It was a terrible thing. I am so sorry.' It would have meant more than doing life," Taylor said.

"Today, I don't believe you," she said. "You say you're sorry but it seems to me you've got your butt stuck in a crack and you will do anything to get it out."

Ritter admitted he did not even know who he was shooting at when he fired a rifle at the car that night.

He said bullets came at him, he went home, retrieved a weapon, ran back and fired at the car.

"He acted inappropriately, doing what everybody around him was doing and he should have known better," his attorney, Albert Barnes, said.

"I don't hate you but I don't like you," Settles said to Ritter who was subpoenaed to testify for the defense at trial. "You continue to slap Lillie Belle in the face. And you still have not apologized."

Gladfelter told Uhler he had been a "productive member of society" since the shooting and that the past two years have been financially and emotionally draining for him and his family. Taylor frowned when he asked for leniency "so I can get on with my life."

Smith, the only defendant who did not live in the city in 1969, had smuggled a rifle into the area and put it in the Messersmith house.

Although he initially claimed to friends that he shot out the back window of the car, he recanted that statement as just bravado and testified he never fired that night.

His attorney, Joseph Metz, said Smith was "effectively encouraged by police" at a rally the day before Allen was killed.

At the rally, teens were told to arm themselves and protect their neighborhoods during the riots.

Smith conceded he was not "blameless" but "I am sorry and ashamed I had any part in this tragedy."

Settles also confronted Smith about not providing more suspects' names to investigators.

"Lillie Belle was a loving, kind person," she said. "I'm not sure she would have any hatred for you today. But she would have wanted to know the truth."

Reach Rick Lee at 771-9707 or rlee@ydr.com. Reach Teresa Ann Boeckel at 771-2031 or teresa@ydr.com.

1969 Riot Investigation >>>

- Feds rebuff council

(Nov 23, 2002)

- Defendants make second try for jury notes

(Nov 22, 2002)

- Trial passes test of time

(Nov 20, 2002)

- Jury foreman: Notes didn't affect decision

(Nov 18, 2002)

- Pre-arrest delay argument difficult

(Nov 18, 2002)

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Messersmith drops sentencing bombshell

By MARK SCOLFORO
Dispatch/Sunday News

Alleges Robertson supplied murder weapon as well as ammo

A judge was forced to stop a sentencing hearing this morning for the two men convicted of murdering Lillie Belle Allen when one defendant's new accusations brought screams from Allen's daughter.

Robert Messersmith told Judge John C. Uhler that former York Mayor Charles Robertson gave Donnie Altland the gun that was used to kill Allen on July 21, 1969.

According to Messersmith, Robertson told Altland, "Here, kill niggers with this."

"That's what he said to my best friend," Messersmith said. Both Messersmith and Altland were members of the Newberry Street Boys youth gang.

Altland committed suicide April 11, 2000, after leaving a taped statement about the

race-riot-related murder of the black preacher's daughter.

Messersmith's allegation today angered Allen's daughter, Debra Taylor, who began screaming at him.

"You are just as guilty, you bastard," she yelled. "Why didn't you tell that before, you son of a bitch!"

Taylor had to be restrained by sheriff's deputies, and prosecutor Bill Graff called for an ambulance crew to examine Allen's sister, Jennie Settles, who has high blood pressure.

According to Messersmith, Altland received the murder weapon from Robertson shortly after the white-power

rally at Farquhar Park at which Robertson has admitted he raised a clenched fist and yelled "white power!"

Messersmith said Robertson and former York City Police Officer Dennis McMaster also gave ammunition to Altland.

"Donnie Altland worshipped Charlie Robertson," Messersmith said. "He was an icon to him."

After Taylor began yelling at Messersmith, Uhler called a recess.

Special prosecutor Fran



Messersmith Neff

Chardo said today, "After all this time, it is bottled-up emotion. It's easy to blame the dead. I wish he (Messersmith) said this a long time ago."

Messersmith and codefendant Gregory H. Neff, jailed since an all-white jury convicted them of second-degree murder nine weeks ago, faced a possible maximum of 10 to 20 years in jail. The men were in court today to learn their sentences.

Robertson, who went to trial with Neff and Messersmith but was acquitted,

could not be reached for comment on the accusations this morning.

His attorneys also could not be reached for comment.

Neff's attorney, Harry Ness, said the defense had tried to bring up Messersmith's allegation, but "the DA didn't want to hear it then."

Before the sentencing hearing began, the defense attorneys said they had each planned to call about six character witnesses to the stand today.

In recent weeks friends and supporters of both men have written letters to York's two daily newspapers arguing for leniency, citing questions about who fired the fatal shot and how the men had led their lives in the 33 years since the killing.

Messersmith's attorney Thomas Sponaule wrote the presiding judge Monday, citing factors he argued should result in a sentence of two to 3½ years in prison.

Sponaule told Uhler that Messersmith has maintained a clean criminal record for 30 years, has had a series of health and mental-health problems, has overcome substance-abuse problems, and in 1969 was acting under the influence of his now-deceased father and at the direction of police.

Both before and after the murder trial, Sponaule wrote, he went to county prosecutors with information

about the case "which the District Attorney's Office did not respond to."

The lawyer said Messersmith has "expressed extreme remorse" to Allen's survivors "and has cooperated with the victim's family surrounding the events" of her death. The letter did not elaborate on that cooperation.

Sponaule said a report by the York County Probation Department improperly calculated a sentencing recommendation, but he did not say what sentence had been suggested.

Messersmith, 53, of Montgomery County and Neff, 54, of York City were among a group of armed white young men who attacked Allen and her family as they drove across the North Newberry Street railroad tracks on July 21, 1969.

Six others pleaded guilty to conspiracy charges in exchange for possible testimony, and were sentenced last month to jail terms ranging from three months to three years, along with fines and community service.

Indicate page, name of newspaper, city and state.)
THE YORK DISPATCH
York, Pennsylvania
Date: 12/18/02
Edition: Daily

Title: Messersmith drops sentencing bombshell
Character:
or
Classification: 282APH 90508
HRA

282APH 90508-67

SEARCHED ☒ INDEXED ☒
SERIALIZED ☒ FILED ☒
MAR 10 2003
FBI/DOJ

2 draw prison in '69 riot slaying

Victim's kin threaten lawsuit against York

BY MARC LEVY
Of The Associated Press

YORK • Two white men convicted in the 1969 race riot slaying of a black woman were sentenced to prison yesterday after a hearing in which relatives of the men begged for leniency and the victim's daughter erupted in anger.

Still, the packed York County courtroom was quiet enough to hear a chair squeak when Judge John C. Uhler sentenced Robert Messersmith to nine to 19 years in prison and Gregory Neff to 4½ to 10 years.

The sentences evoked disappointment from all sides, except prosecutors, who said they were satisfied that Uhler had considered their arguments.

George Barton, an uncle and godfather of Neff, said prosecutors "came up with the wrong answer" for who should be held responsible for the July 21, 1969, slaying of Lillie Belle Allen. Messersmith's attorney Thomas Sponaule said the sentence was "unreasonable and too harsh."

Allen's family members had asked Uhler during the hearing to impose the maximum sentence of 10 to 20 years in prison for the de-

fendants' Oct. 19 convictions for second-degree murder.

"We're not pleased with [the sentences], that's for sure, when you consider all the freedom that [the defendants] had for 33 years," said Allen's brother Ben Mosley, of Columbia, S.C.

With only one case pending out of the original charges against 10 white men in Allen's slaying, prosecutors said their three-year investigation appeared to be nearly completed.

"No case like this is ever closed," said York County District Attorney Stan Rebert. "But I think as a practical matter, we're at the end of the road."

Immediately after the sentencing, lawyers for Allen's family announced that they would file a civil lawsuit seeking damages from York, possibly state police and some people unless the city makes a satisfactory settlement offer before Jan. 1.

The suit would allege that the actions of officers on the streets on the night of Allen's slaying led to her death, attorney Harold Goodman said.

In yesterday morning's testimony before the judge's decision, the courtroom became chaotic when Messersmith, in a 15-minute state-

ment, blamed Allen's shooting on a man who committed suicide in April 2000 and said police had equipped the man with the rifle.

"Why didn't you tell that before?" Allen's daughter Debra Taylor screamed repeatedly after she rose in the gallery to address Messersmith. As family members and sheriff's officers escorted her out, she yelled that Messersmith was "just as guilty."

Prosecutor Thomas Kelley disputed Messersmith's charges, saying that authorities had no evidence to corroborate them. He called the accusations "the last gasps" of a person headed to state prison.

Attorneys for both Messersmith, 53, and Neff, 54, have said they will appeal the verdict.

Acquitted in the trial was former York Mayor Charlie Robertson, 68, a police officer at the time who had been accused of inciting whites to violence against blacks and handing out ammunition to some of the youths who shot at Allen, 27, of Aiken, S.C., on the fifth day of the 10-day riots.

(Indicate page, name of newspaper, city and state.)
THE PATRIOT NEWS

Harrisburg, Pennsylvania

Date: 12/19/02
Edition: Daily

Title: 2 draw prison in '69 Riot Slaying

Character: 282APH 90508
or
Classification: HRA
Submitting Office:

Messersmith was accused of firing the shotgun slug that killed Allen, while Neff was accused of shooting at the white Cadillac carrying Allen, her sister, brother-in-law and parents. Six other men have pleaded guilty.

Both defendants addressed Allen's seven family members in attendance. Messersmith said he was sorry for their "loss" while Neff said he wanted to "sincerely apologize" for his actions.

The case also brought up questions over whether to sentence the men based on who they were in 1969, when Messersmith was 20 and Neff was 21, or now, after lives in which friends and relatives said the men strove to help others and be good citizens.

Many who testified for the defendants cried.

"I'm begging you, your honor, to please have mercy on my father," Neff's daughter, Tricia, told Uhler.

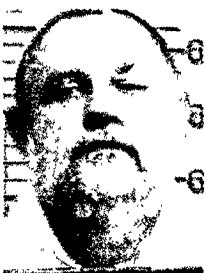
But prosecutor Fran Chardo said the men had lived on "borrowed time" for 33 years, while Taylor said her mother was dead, not merely in prison.

"I'm sure none of the defendants would want to change places with her," she said.

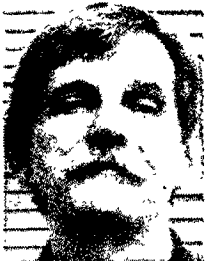
The case was dormant for years before prosecutors reopened it in 1999, saying they had new information. Nine men were arrested last year, and another in July of this year.

The 10-day riots, touched off by simmering violence between white and black youths, left Allen dead, a white patrolman, Henry C. Schaad,

mortally wounded, more than 60 people injured and whole blocks burned.
About 400 National Guardsmen and state police troopers were called in to quell the violence.



MESSERSMITH



NEFF

282APH 90508 18

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE Philadelphia	OFFICE OF ORIGIN PHILADELPHIA	DATE 02/26/2003	INVESTIGATIVE PERIOD 09/21/2002 - 12/20/2002
TITLE OF CASE PATROLMAN CHARLES HENDRY ROBERTSON, York Police Department, York, Pennsylvania; LILLIE BELLE ALLEN (Deceased) - VICTIM;		REPORT MADE BY SA [REDACTED]	TYPED BY drj
		CHARACTER OF CASE CIVIL RIGHTS - COLOR OF LAW - FORCE AND/OR VIOLENCE	

b6
b7c

REFERENCE

Philadelphia FD-610 dated 01/29/2001, and report dated 04/26/2002.

- C -

ENCLOSURES

Enclosed for the Bureau are the following:

1. Copies of newspaper articles from The Patriot News, a daily newspaper for Harrisburg, Pennsylvania, dated 10/08/2002; 10/20/2002; and 12/19/2002.
2. Copies of newspaper articles from the York Dispatch, a daily newspaper from York, Pennsylvania, dated 10/20/2002; 11/14/2002; and 12/18/2002.

APPROVED *[Signature]* SPECIAL AGENT IN CHARGE

COPIES MADE
2- Bureau
1- DOJ, Civil Rights Unit
1- Philadelphia (282A-PH-90508) *69*

DO NOT WRITE IN SPACES BELOW

182 AD 11 90508-69
SEARCHED INDEXED
SERIALIZED FILED

MAR 10 2003

DISSEMINATION RECORD OF ATTACHED REPORT

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

b6
b7c

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of InvestigationCopy to: Department of Justice #144-63-800
Attention: [REDACTED]b6
b7CReport of: SA [REDACTED] Office: Philadelphia
Date: 02/26/2003

Case ID #: 282A-PH-90508

Title: PATROLMAN CHARLES HENDRY ROBERTSON,
York Police Department,
York, Pennsylvania;
LILLIE BALLE ALLEN (Deceased) - VICTIM;Character: CIVIL RIGHTS - COLOR OF LAW -
FORCE AND/OR VIOLENCE

Synopsis: Captioned subject Robertson was acquitted at trial. Two co-defendants convicted of second degree murder and sentenced. Six other subjects entered guilty pleas to lesser offenses and sentenced. Tenth subject charged and awaits trial in 2003. Civil proceedings in filing process by victim's family. No further monitoring of local case required. This matter is considered closed with SAC approval.

- C -

DETAILS:

On October 19, 2002, a York County Jury concluded a three-week trial by finding the captioned subject not guilty. Co-defendants Robert Messersmith and Gregory Neff were found guilty of second degree murder.

On November 13, 2002, York County Courts accepted guilty pleas from six co-defendants for lesser offenses and were sentenced as follows:

1. [REDACTED]
[REDACTED]b6
b7C2. [REDACTED]
[REDACTED]b6
b7C

3.

[REDACTED]

[REDACTED]

b6
b7C

4.

[REDACTED]

[REDACTED]

5.

[REDACTED]

[REDACTED]

6.

[REDACTED]

[REDACTED]

On December 18, 2002, Robert Messersmith was sentenced in York County, Pennsylvania, to nine to nineteen years in prison for second degree murder. Gregory Neff was sentenced to four and one-half to ten years for his second degree murder conviction.

[REDACTED]

[REDACTED]

b6
b7C

York County concluded prosecution of the captioned subject on October 19, 2002, when subject Robertson was found not guilty by a criminal trial jury.

No further report is warranted in this matter.

Memorandum



Subject:

Notice of File Closing
CIVIL RIGHTS DIVISION

Date:

July 08, 2004

To:

Director
Federal Bureau of Investigation

From:

R. Alexander Acosta
Acting Assistant Attorney General
Civil Rights Division

Reference is made to your field office file captioned as on the attached closing form and numbered 282A-ph-90508.^{7D} This matter has been closed as of the date on the attached form.

Attachment

DOJ Number 144-63-800

Attorney/Secretary HA/amb

282A-PH-90508-7D

U.S. Department of Justice
amb

Notice to Close File

File Number:	Case Title:	Date:
DJ 144-63-800	Patrolman Charles H. Robertson, et al. - Subjects; Lillie Balle Allen - Victim	07-08-04

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

Remarks/Special Information:

This matter arises out of the 1969 shooting death of the victim, Lillie Belle Allen, during racial riots in York, PA. Allen, who was African-American, was shot by a group of white youths.

After new information emerged in 1999, a local grand jury was convened and several subjects were indicted and prosecuted on state charges. Following a three-week trial, subject Charles Robertson was acquitted. Co-defendants Robert Messersmith and Gregory Neff were found guilty of second-degree murder. Messersmith was sentenced to nine to nineteen years in prison, Neff was sentenced to four and one-half to ten years in prison and Six additional co-defendants pled guilty to lesser charges, including attempted murder and conspiracy. [REDACTED]

b6
b7C

To:

Files Unit

Civil Rights Division

Signature:

Division:

[REDACTED]

Civil Rights Division

FORM OLD-25-A

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b7C

The investigation revealed insufficient evidence that the shooting occurred on federal land, and likewise revealed insufficient evidence that the shooting was intended to interfere with the victim's federally protected rights or with her participation in a federally protected activity, thus precluding any assertion of federal jurisdiction over the conduct of the white youths.

The investigation indicated that police officers allowed Allen's car to enter a white neighborhood at a time of intense racial hostility, raising potential issues as to the officers' failure to keep Allen from harm. However, even assuming the evidence of this conduct were otherwise sufficient to satisfy the elements of 18 U.S.C. § 242, any prosecution under that provision is barred by the five-year statute of limitations which, under the version of the statute in effect at the time of the incident, applied even in cases resulting in death. This matter should therefore be closed without further prosecution.

Routing Slip

0-7 (Rev. 10-9-84)

(Copies to Offices Checked)

TO: SAC,

TO: LEGAT,

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<input type="checkbox"/> Albuquerque	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> Omaha	<input type="checkbox"/> Bogota
<input type="checkbox"/> Alexandria	<input type="checkbox"/> Jackson	<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bonn
<input type="checkbox"/> Anchorage	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Phoenix	<input type="checkbox"/> Canberra
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<input type="checkbox"/> Honolulu	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Quantico	
<input type="checkbox"/> ASAC, Brooklyn-Queens (MRA)			

Re: DOJ CLOSING(s)

Date 08/04/04

- ☒ For Retention For appropriate
☐ For Information ☐ optional ☐ action ☐ Surep, by _____
- ☐ The enclosed is for your information. If used in a future report,
☐ conceal all sources, ☐ paraphrase contents.
- ☐ Enclosed are corrected pages from report of SA _____
dated _____

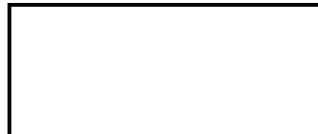
REMARKS: 282A-PH-90508

This case(s) has been closed by the Civil Rights
Division-Department of Justice.
Field Office copy enclosed.

Encl: 1

282A-PH-90508-71

Closed



HRA

CL
4-3-03
Jov



FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 10/07/2002

To: Philadelphia

From: Philadelphia

Approved By:



Drafted By:

Case ID #: 282A-PH-90508

Title: MAINTENANCE OF ORIGINAL FIELD OFFICE
PENDING FILES IN HARRISBURG RESIDENT
AGENCY

Synopsis: Maintenance of original pending files in the
Harrisburg Resident Agency (HRA).

Details: MAOP Part II, Section 2-4.3.1. The retention of the
above file in the Harrisburg Resident Agency will be necessary to
effectively conduct this investigation. The above file will be
retained in a secure manner.

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b7c

MAINTAIN AS TOP SERIAL. DO NOT SERIALIZE.