UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

New Orleans, Louisiana

June 6, 1969

JOHN W. CANCLER

On May 21, 1969, John W. Cancler, Louisiana State Penitentiary (LSP), Angola, Louisiana, was contacted after he had previously contacted the Federal Bureau of Investigation requesting an Agent contact him as he had information of interest to the Federal Bureau of Investigation.

Mr. Cancler furnished information regarding an alleged narcotics dealer in New Orleans, Louisiana, who was reportedly transporting narcotics from Mississippi to New Orleans, Louisiana.

Mr. Cancler then proceeded to discuss the reason for his incarceration and alleged that his civil rights had been violated. Mr. Cancler rambled disconnectedly, jumped from topic to topic and was often incoherent regarding his alleged civil rights violations.

Mr. Cancler was asked specifically as to how his civil rights were violated and he stated that he had a list of violations. Mr. Cancler furnished the list of violations of his civil rights, however, before the Agent left the grounds of the LSP he was recontacted by Mr. Cancler who stated that he located an attorney to his case and requested the list of violations he had furnished be returned to him.

JOHN W. CANCLER

By letter dated May 26, 1969, from John W. Cancler, LSP # 66941 to the Federal Bureau of Investigation which letter read in part as follows:

"Enclosed is a copy of the violations I contend were imposed upon me as you requested that I send you.

"In reference to # 7. That after Mr. Floyd was excused because of his statement before the other eleven remaining Jurors. It is impossible for the remaining jurors to disregard and wipe Mr. Floyd's statement from their minds. Also enclosed is a recent ruling by a U.S. District Judge stating that this cannot be done. This being the case, it is my contentions that I could not receive the fair and impartial trial that the sixth ammendment guarantees all citizens. As for # 9 I cite the Mitchell V U.S. (1958) decision.

"Under each number I will cite what Amendment I contend was violated.

"In acknowledging this letter please send the newspaper clipping back."

"Yours Very Truly

"John W. Cancler"

JOHN W. CANCLER

"P.S.

"I. Fifth Amendment also Fourteenth II. Miranda decision III Same IV. Fourteenth Amendment also 8th Amendment V. Same VI. Same VII. Same and Sixth Amendment VIII. 14th Amendment IX mentioned above X You read the U.S. Supreme Court's ruling on this 5-21-69 XI 14th Amendment XII Same XIII Same XIV Same XV Same XVI Same XVII Same XVIII Same XIX Same XX Same

"All of these may or may not apply to the Amendments indicated. I'm not a lawyer and therefore subject to mistakes. I do not know this 'I haven't been accorded my constitutional rights by those who are supposed to know"

The letter enclosed the attached list of alleged violations of Mr. Cancler's civil rights:

1. The legality of the present Orleans Parish District Attorney's methods of accepting felony charges; either by signing a bill of information or by presenting a bill of information to a Grand Jury for acceptance or denial. These current methods raise serious legal questions, as to whether the following are so: (a) if the District Attorney's office feels that they have enough evidence to present and get an indictment, they will present it before a Grand Jury and let 12 men decide; (b) if, however, the District Attorney feels the case is weak and that he cannot get an indictment, he can sign a bill of information and get an indictment. This gives the District Attorney unlimited power.

This plaintiff's contention is that, in effect, this system constitutes a dual method of charging persons in (or with) felonious crimes and therefore discriminates against individuals and does not accord them due process of law. If the preceding contention is true, then there are two separate systems or methods by which a person can be bound over for trial in Orleans Parish Courts and, in view of recent Supreme Court ruling that anything separate cannot be equal when it pertains to an individual's rights and the Amendment XIV of the Constitution which guarantees its citizens equal protection under the law, it is this defendant's contention that he was not accorded due process of law.

2. Defendant was held Incommunicado, Wednesday, November 17, 1966, in the District Attorney's office, by Detective George Eckert, for one hour or more. At this time, Patrolman Albert Ettcinino and another Patrolman were filing charges in the Detective Bureau. Alvin Oser, Assistant District Attorney accepted these charges and the bond was set at $10,000.00 and Defendant was released to Patrolman Ettcinino for booking.

3. After arrest in Orleans Parish District Attorney's office, I was not advised of my rights before Officer Ettcinino began questioning me, nor was I advised of my rights while in the patrol car on my way to being booked, nor while being booked at the 2nd District Police Station.

4. I was propositioned by Officer Ettcinino about signing a confession and promised that my bond would remain set at $10,000.00, if I co-operated. The patrolman then said that if I did not co-operate, then he wouldn't be surprised if my bond were raised "sky high Within one hour, my bond was re-set at $50,000.00, before being incarcerated in the Parish Prison.

5. I was also propositioned by members of the District Attorney's office (Investigative Staff) after December 19, 1966 (will elaborate about Shilstone and others).

6. Even though out on bond, defendant was incarcerated in Parish Prison before and during trial (February 16, 1967), while there was no complaint from the Bondsman, the General Bonding Company. The Judge Oliver J. Schulingkamp gave no reason for this.

7. A Mr. Floyd, Juror, made statements in front of the remaining 11 jurors (said statements were prejudicial), after being accepted by both sides in the issue (defendant asked counsel to move for a mistrial, but was ignored).

8. Assistant District Attorney's (Richard V. Burnes) opening statement, with all state witnesses present in the Court (this was over my objections to counsel Bruce Waltzer).

9. Defendant wasn't allowed to discharge paid counsel by trial Judge (Schulingkamp) who did not ask my reasons for wanting to discharge counsel (Waltzer), even though counsel cited Mitchell vs. U.S. decision, forcing defendant to go to trial with counsel he had discharged (in Judge's Chambers, February 17, 1967).

10. Defendant wasn't allowed to confront and cross-examine all witnesses against himself (U.S.SupremeCourt decision regarding criminal cases and defendant's rights in same), to-wit: Police Officers who compiled evidence and presented an affidavit to District Attorney's office and were mentioned in Prosecution's opening statement.

11. The use of unrelated testimony.

12. No bail allowed after conviction (which in effect discourages appealing by defendant).

13. Domoll Carroll's confession should have been heard by a Jury to determine its merit. Trial Judge was sole judge of this confession. Trial Judge also showed bias in this case (this is still another contention on part of defendant).

14. Defendant was charged, arraigned and tried as a multiple offender (197-787-F) and was forced to be sole witness against myself, without benefit of a jury and was found guilty as charged. This was a separate bill of information and not related to the retrial case (196-786-F), a charge of Simple Burglary.

15. Sentence was pronounced out of MY presence; when defendant informed Milton Brener (defendant's appeal attorney) that he was not present at time sentence was rendered, he (Mr. Brener) refused to do anything about this and, in fact, tried to pacify defendant by attempting to justify the illegality because of the Trial Judge's illness, because of all this, defendant was rendered ineffective assistance of counsel, in contravention of defendant's rights under the Constitution of the United States.

16. False testimony was inserted, said testimony being contrary to trial transcript, in th State's brief to the Louisiana Supreme Court.

17. Transcript of Defendant's trial (196-786-F) was not made available to himself, even after repeated requests, so that he could prepare an appeal (contrary to U.S.Supreme Court rulings pertaining to such matters of appeal rights). This included transcript of Motion for New Trial re both 196-786-F and 197-787-F--said transcript was also (a copy thereof) not made available.

18. Was informed by trial counsel (Waltzer) that there was "no transcript made of my trial

19. Was informed by appeal counsel (Milton Brener), that there were only "partial segments of transcript (of the bills of exception only), and after mailing me copies of two (2) the three (3) copies of bills of exceptions, said that, as far as he knew, these were t only portions of the trial transcription in existence.

20. In Defendant's attempt for Writ of Certorari to the Louisiana Supreme Court, Defendant was refused copies of transcript of previously mentioned (numbered) trials, said refus being made by Court Clerk Harold Heise, Jr., after I had explained that I wanted said copies and that I needed them as I was acting on my own behalf (as my own attorney). A while applying for the previously mentioned writ, there was a time limit and that "court papers" were required to be mailed by that Court Clerk, to the Hi U.S.Supreme Court an was also informed that the State of Louisiana did not have funds to mail said requested papers to the U.S.Supreme Court. The result of all this was that I was prevented from filing my Writ of Certorari.

NOTE--On November 17, 1966 [illegible] (see paragraphs three -3-, four -4- and, possibly other paragraphs within this statement), there was no Magistrate in Orleans Parish.

JOHN W. CANCLER

Mr. Cancler also enclosed the attached newspaper clipping which is marked as pertaining to his case:

May 7, 1969
Morning Advocate

Dahmer Case Prosecution Rests Effort

MERIDIAN, Miss. (AP) — Federal Judge Dan Russell declared a mistrial Tuesday for Lawrence Byrd, one of 11 defendants in the Vernon Dahmer firebomb case.

After the government rested its case against the men, charged with conspiracy in the attack, Judge Russell declared the mistrial. The judge had issued instructions earlier that Byrd's name should not be used but former FBI agent William Dukes mentioned his name in testimony Monday.

Byrd's attorney, Guy Walker of Laurel, moved for a mistrial immediately, but Judge Russell reserved his ruling until Tuesday.

"It would be important for the court to instruct the jury and completely wipe it (Byrd's name) out of their minds," Russell said, "and that can't be done."

Dukes' testimony revealed government efforts to get before the jury what the government called a confession by Cecil Sessum that he took part in the conspiracy to firebomb the Dahmer home and grocery the morning of Jan. 10, 1966. Dahmer suffered fatal internal burns in the attack.

Dahmer, a Negro, had been encouraging Negroes to register as voters. The government contended the conspiracy by the Ku Klux Klansmen followed Dahmer's voter registration work.

Travis Buckley, former Jasper County prosecuting attorney, testified that he had been in Washington with other Mississippi lawyers the night of Jan. 9, 1966.

He said he was there representing 24 persons called before the House Committee on Un-American Activities.

Buckley said he had never been a member of the Klan but he admitted he had been convicted of kidnap.

The kidnap involved a man the government said was abducted in an effort to extort a statement to be used by the defense in the Dahmer case.

Robert H. Larson of Laurel testified he had been a partner of defendant Sam H. Bowers in the pinball business from 1954-60.

He said he was an Army Reserve officer with top government security clearance and he had never been a member of the Klan nor "had any information that Sam Bowers was a member . . ."