

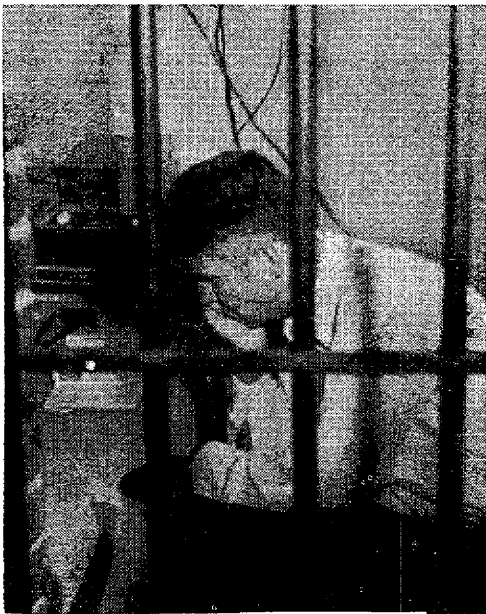
# pacoima CONGREGATIONAL church

Dear Friends:

Our Church is grateful for the opportunity to join Rev. Ashton Jones and many other thoughtful and concerned persons, nation and worldwide, in giving wide publicity to the story of Dykes Simmons. If you agree with our feeling of regret and sense of injustice after reading this story, we hope you will respond in such ways as are suggested below.

Grace and Peace,  
*Paul L. Kittlaus*  
Paul L. Kittlaus

We intended to reprint the full page article from TIME (10/28/66) but were refused permission. We are reprinting a similar article from THE PEACEMAKER (10/8/66). There are also fifteen pages in the Congressional Record (10/7/66) on the Simmons case.



PRISONER SIMMONS

## Will Not "Confess"— Even to Save His Life

In November 1963, while incarcerated in the Atlanta, Ga., jail on the "Disturbing Divine Worship" civil rights case, I read an article in the Sept. 21 *Saturday Evening Post* about the "Forgotten American," Dykes Simmons, Jr. My correspondence with him began at that time. He is the only American ever sentenced to DEATH by a firing squad in Mexico.

The article by James Phelan, reporter for *Saturday Evening Post*, described the most amazing, mystery-shrouded murders which occurred Oct. 12, 1959, on a lonely Mexican highway.

Dr. Paul Villagomez, a Monterrey (Mexico) dentist, with his younger sisters, Martha (21) and Hilda (18) and

brother Juan (14), had been visiting friends in Texas. Car trouble developed on their return trip, 50 miles after crossing the border at Laredo, Tex. Dr. Villagomez left the young people and went for help. When he returned two hours later he found Martha and Juan shot to death. Hilda was shot several times, but was still alive. In the hospital she incoherently described the killer as an American with two gold teeth, wearing dark trousers and white shirt, weighing about 200 pounds. He had blond hair, was driving a blue Chevrolet, and spoke broken Spanish. The assailant's effort to start their car was futile. He suggested that they should go with him. Their refusal infuriated him. He went berserk and began shooting. About 15 shots were fired. Hilda fought with him and scratched his face.

Dykes Simmons crossed the border about 45 minutes behind the Villagomez car. It was dark. He did not see any car parked along the road. He drove until after midnight, then slept in his car. In the village of Allende the next morning, Sr. Jose Mancha, who spoke English, noticed Simmons shaving in his car. The two entered into conversation. Finding him very friendly, Sr. Mancha took him to his home to meet his wife and family. After dinner with them, Sr. Mancha took Simmons to a small hotel.

During the night the village police learned about the tragic murders over the radio. They asked Sr. Mancha to accompany them to the hotel to question Simmons. He was awakened, and after seeing he did not fit the description of the killer, they apologized and left. Simmons went back to sleep. Anyone guilty of such a heinous crime would have avoided the police. He could easily have escaped across the

nearby border into Texas. A few hours later he was awakened by State Police and taken to jail. Simmons could neither speak nor understand Spanish and therefore could not know what was happening. He was held incommunicado and charged with the murders.

A few days later he was forced to dress in dark trousers and white shirt and was taken before the dying Hilda. Simmons said he did not have on dark trousers and white shirt when he came into Mexico. He had no gold teeth, no scratches, weighed only 150 pounds and was driving an Oldsmobile. To be identified by Hilda, Mexican officials should have presented Simmons before her in the company of a group of men. They failed to do that, thereby violating Mexican law. The American Consul stood by and made no protest to the violation. If Hilda could not identify him he would have been freed.

By that time Hilda was 99% dead. She could not hold up her head, nor could she talk audibly. She could see only through a slight slit in her eyes. According to the Mexican prosecuting attorney, Garza Salinas, who bent his ear to her lips, quoted Hilda as saying: "Dykes is the one but if I am wrong, may God forgive me."

During the hysteria of the situation, a few days later another American, a prominent doctor, Donald E. Martin, M.D., was picked up walking around nude on the streets of a small village nearby. He had a 22 calibre pistol and had been shooting at people. He confessed the Villagomez murders to the police and to news reporters. I have 16 newspaper articles to verify this report. Essentially, they convey the same message: "Dr. Donald Elbert Martin (behind the bars) in one of his moments

## The Peacemaker

of tranquility, while being interviewed by one of the doctors diagnosing 'Neurosis intent,' confessed time and time again to the murder of Martha, Hilda and Juan Villagomez during a fit of anger." Dr. Martin, a war veteran, had been a patient in a mental hospital in Little Rock, Ark. He was classed as dangerously insane at times. While in the Mexican jail he threatened to kill his mother who visited him.

The SHROUDED MYSTERY is how our State Department Consul conspired with the Mexican authorities to "secretly rush" Dr. Martin out of Mexico in a "straight-jacket" without any investigation, much less a trial.

Simmons, a poor man with little education, knew nothing about defending himself. His mother and father came to his rescue and have spent all their savings and mortgaged their home in behalf of their son. She says in her letter to me: "Many prominent lawyers and business men in Monterrey have told me that our Consul could have helped, but he did not. I spent 2 years in Monterrey. The Mexican peo-

ple from the richest to the poorest were wonderful to me and my son. Even the governor of Nuevo Leon told me he thought my son was innocent and that he would do something if he could. It seems to me that everyone is afraid of someone else."

James Phelan, with whom I have visited several times, has traveled 11,000 miles investigating Simmons' case; has spent 100 hours with Simmons; has interviewed Dr. Martin; has read the whole court trial record; and has written about 20,000 words in the Post and the May, 1966, True magazine. Phelan finds no evidence justifying Simmons' guilt.

Mr. McHenry Tichenor, a TV and radio station owner in Harlington, Tex., has spent thousands of dollars in Simmons' behalf; has visited him several times; has investigated every avenue possible and is convinced Simmons was not the murderer. He believes all evidence points to Dr. Martin as the "demented killer." I have copy of a 10 page letter he wrote to

Mr. William R. Jochimsen of our State Department exposing every detail of these terrible murders.

I have talked with Attorney Dennis Fredrickson who has given liberally of his talents, time, and money to help Simmons. He has visited Simmons three times, prepared many legal documents, petitions, et cetera. I think highly of him and his ability. He is a graduate of UCLA law school and speaks Spanish fluently. He is willing to continue his efforts for Simmons' freedom. He needs our help toward legal expenses.

Strange things do happen! In June a deal was worked out behind closed doors between U. S. State Dept. officials and the Mexican officials to free Simmons if he would confess to the crime. A long article in Simmons' home paper, June 20, 1966 of the Ft. Worth (Texas) Press by Terrance W. McGarry has the headline "SIMMONS COULD HAVE GONE FREE."

Simmons' letter to me July 14, 1966 says: "Yes, I might have my physical freedom had I confessed but then never INNER FREEDOM of Conscience. Never will I confess to a crime I didn't commit even to save my mortal life."

What can we do to help this man? I agree with thousands he is innocent. We can all write letters to the State Department and the Governor of Nuevo Leon, Monterrey, Mexico. We can give what few dollars we can spare to publicize this miscarriage of justice. A committee is in the process of being formed here. You might form one in your community. The American Civil Liberties Union is serving as the receiver for whatever funds are contributed.

Make checks payable to: DYKES SIMMONS FREEDOM FUND.

Mail contribution to: The American Civil Liberties Union, 323 W. Fifth, Los Angeles, Calif. 90013.

Ashton Jones

Your contribution helps give greater publicity to this Mystery-shrouded miscarriage of Justice.

A few quotes from

## TIME

Picked up once more, Simmons was threatened with a cocked gun in a vain effort to make him confess, then hauled to Hilda's hospital room, where the dying girl had already identified the killer as everyone from her own doctor to one of the FBI's ten top fugitives. In such cases, the penal code of the State of Nuevo Leon specifies that the suspect be placed in a line-up with similar persons in similar dress. Simmons was ordered to wear a white shirt and dark trousers and brought into the room with white-coated doctors. Hilda by then could hardly speak; a bullet had destroyed her tongue and upper teeth. The prosecutor leaned close and only he heard her alleged words: "Yes, it is he. May God forgive me if I am wrong."

Present at the time was a U.S. consular official with only one duty: the standard consular task of seeking for arrested Americans the same justice enjoyed by the arresting country's own citizens. In Simmons' case, however, the U.S. official failed to protest the patent violation of Mexican line-up law. He had never heard of it.

A "Confession." Simmons is convinced that U.S. consular officials dealt him an even worse blow three weeks later after Mexican newspapers headlined a "confession" by another man—a psychotic Texas physician who had been arrested near Múzquiz for running around naked while shooting up an Indian village with a .22 rifle. Not only did the doctor roughly answer Hilda's

description, but on the day of the murder he had been seen carrying a .22 pistol only six miles from where the shooting occurred. According to newsmen and the Múzquiz police chief, the doctor repeatedly stated that he had killed "three children" on the Monterrey highway because "they laughed at me."

Simmons is now permitted such amenities as a TV set, a stereo phonograph, a typewriter and daily visits from his wife, Beatrice, a U.S. nurse whom he married in prison when she visited him there in 1964. Beatrice, though, is about to leave Mexico for lack of money. Because her husband rejects any face-saving deal, State Department officials insist that nothing more can be done for him.

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Dykes Simmons Freedom Fund

c/o ACLU

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