

7/13/64 - P. 14 - Waterbury
Modern Mississippi Justice *America*

By PETER MARCUSE

Mr. Marcuse, the author of the following article, is a Waterbury lawyer and former Waterbury alderman who is spending two weeks in Jackson, Miss., as a member of the civil rights project sponsored by the Council of Federated Organizations (COFO). Mr. Marcuse is working with a lawyers' group which is giving legal aid in civil rights cases. The COFO legal assistance program in Mississippi has been organized by the staffs of the American Civil Liberties Union, the National Council of Churches, CORE, and the NAACP. This is the second article in a series on Mississippi.

JACKSON, MISS. — Many parts of Mississippi resemble Connecticut closely. The drive east from Jackson to Meridian, Miss., for instance, 20 miles south of Philadelphia, Miss., where three young civil rights workers recently disappeared, is very much like a ride through the rolling Connecticut hills, with green woods all around and bright skies overhead. But underneath the water in the Mississippi creeks is muddy and stagnant, and the air is humid and heavy.

The law enforcement process in the larger cities of Mississippi resembles much in Connecticut also. In Jackson, with a population of 156,000, the police station is in a bright new building; apart from Thompson's Tank, the anti-riot device of which Mayor Thompson is so proud, Jackson's jail looks just like Middletown's new Municipal Hall.

Inside it is modern too; the office and police court are on the first floor, the jail is on the second and third floors. The solitary confinement cells, about five foot by five foot cubicles with no light or other access to the outside whatsoever, are at one end of the cell block.

Police officers say no one is kept there more than an hour or two unless necessary. A modern steel self-service elevator connects the first floor police station with the jail cells on the upper floors, and a little paint is worn off of some of its walls.

Only after talking with Negro residents of Jackson does one realize that they fear this elevator more than the solitary cells in the rear of the jail block.

Negroes walking into that elevator untouched have emerged bloody and bruised and limping on numerous occasions, people in Jackson believe.

And several cases will shortly be brought against the police department for injuries arising out of such beatings.

as Mr. Jack Carson, while being booked, the arresting officer, using an epithet, said, "Don't use that kind of language here," and punched him in the stomach with his fist.

This is the teenager's story; they were each fined \$30 and expected no other result. It is doubtful whether an appeal can be effective, no matter what procedural protections are afforded; it will be their word against that of the police officers and the white youngsters before a Mississippi jury, and the result is predictable.

COFO and the lawyers Constitutional Defense Committee, and other groups of attorneys, are planning long range attacks on the jury selection system, and suits of damages and false arrests may soon be brought against the police.

The realization is widespread that the form may be slowly improving in the larger communities, but the substance of justice is still far removed from the average Negro.

Harassing Workers

Speeding charges, charges of failing to give proper signals, charges of driving with defective equipment, charges of public drunkenness, are repeatedly made against civil rights workers, and the defense puts the word of a Northern intruder or a Southern Negro against that of a native son obviously upholding the customs of his community against outside interference; the results will be obvious.

The problem of bail alone is a tremendous one; one of the civil rights groups has posted no less than \$250,000 in cash in Mississippi over the last one year!

Even where the Negro is the complainant, the situation is no different. A car stopped in front of the COFO office in Jackson on Sunday, a youth jumped out and ran over and hit a Negro, standing in front of the office, on the jaw; he rushed back to the car and sped away.

The youth who was hit took down the license number of the car and called the police. Two hours later, the offender was in a police lineup and the youngster properly identified him. The offender turned out to be a reasonably respectable small business man in Jackson, and he threatened to sue for libel, slander, false arrest and several other torts if a complaint was rendered.

The civil rights groups in Jackson are now deciding whether to take this very real risk; an acquittal is the overwhelming prospect and an action against the complainant may well follow.

Nevertheless, the risk will probably be taken. It is the feeling that if such prosecutions are insisted upon, sooner or later they will have an effect.

Informal But Efficient

The Meridian, Miss., police station and court room are quite similar to Jackson's, although on a much smaller scale. The procedure in the police court is very informal, but efficient, in many ways like Connecticut's City Courts before we reached court reform.

Two cases related to civil rights came up in this court last Monday afternoon. In one, a civil rights worker had been driving two Negroes and one white volunteer to the main office of COFO, when he hit another car at an intersection. Everyone in his car swore that he had a green light and the other car went through a red.

But after the accident a crowd gathered and saw the integrated occupancy of the car, and the muttering swearing, and cursing spread.

Finally a loud and angry segregationist who owned a gas station half way down the block came up, swore to the officer that he had seen the whole thing, and called for the arrest of the civil rights worker for reckless driving and going through a red light.

The civil rights worker was promptly arrested and only released after posting a \$122 cash bond. The young driver, a relative newcomer to Mississippi, thought that his insurance company should take care of the problem. The local representative paid no attention whatsoever to his calls or requests.

On the other hand, the representative of the insurance company for the other car, whose interest was theoretically adverse to the young workers, went out of his way to cooperate in getting statements and finding witnesses. He explained his basic sympathy for what the young man was doing and his conviction that change would sooner or later have to come to the community.

Despite his efforts, not a single witness in the entire crowd was willing to assist the civil rights worker, and all those connected with the case agreed he had no chance of winning before any Meridian jury.

After several sessions with the city attorney, one charge was finally dropped and a low fine forfeited on the charge of going through a red light.

No Legal Counsel

Later the same afternoon, in Meridian, four Negro teenage boys were convicted of breach of the peace, without a lawyer. They had been held since the previous Saturday on \$200 bond.

Their crime? They had walked home from a dance going past a white teenage hangout. Some of the white teenagers had heckled them, and one had threatened them that he would get a shotgun. The owner, alarmed, called the police; the police arrested the Negroes.

When one of the youngsters gave his name

Jim Fahey, Garbage Man

(The New York World-Telegram)

For man of the year in any profession, we nominate James J. Fahey, Boston author and garbage man.

Here is a fellow we can all admire. He has reached the top in both his chosen fields. And yet he has not let either success go to his head.

Fahey drives a garbage truck for the Boston suburb of Waltham, Mass. He has been doing it for 14 years, draws about \$90 a week in take-home pay, and is looking forward to retiring on a civil service pension some day.

He is also the author of a best-selling book, "Pacific Diary, 1942-1945," based on his experiences as a young sailor during World War II. It already has earned \$15,000 in royalties.

Does this entitle him to bask as a literary lion, take to the lecture circuit and offer weighty opinions on world affairs? Not Jim Fahey.

He refused to go to literary teas and cocktail parties, lives on his garbage man's pay, sends every cent of his royalties to help build a Catholic church in a village in South India.

"The book was a literary freak," he says, "I'm not a writer, never was, never will be."

What's more, Fahey won't let the Madison Ave. boys fudge up his regular job.

Chosen Sanitation Man of the Year in a publicity gimmick, he accepted the honor but vetoed the title. After all, he said, kids don't say: "Hey, Mom, here comes the sanitation man."

He'll get a special award in New York as just plain "garbage man."

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The Dept. of Labor undertakes a crash training program for youth, although statistics indicate this is an activity in which they are already adept.