

Traveling In Another World

July 9 p. 12

By PETER MARCUSE

Peter 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). Atty. 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 first in a series on Mississippi.

Jackson, Miss. — Going down to Mississippi for all the world like making a trip to a foreign country in the midst of a war. The sense of entering a strange and hostile foreign land is borne out by the difference in the most commonplace habits of life in Mississippi.

The airport at Jackson, clearly covered under the ban on discrimination in inter-state facilities, has solved the problem of desegregating its restaurant by erecting an opaque screen between every table in the entire dining room. Thus each group of diners is segregated from each other group, and Southern mores are still protected!

Service in the restaurant is excellent, for the Negro waiters know the purpose for the arrival of an integrated group. Their warmth is balanced by the angry stares of other passengers at the terminal.

Driving in a car with Negroes and whites together on the streets of Jackson is not like driving down the streets of Connecticut. Arrests on motor vehicle charges are a favorite means of harassment of civil rights workers in Mississippi. One of the Mississippi Project volunteers was arrested in a smaller town

they are the only ones that stop, look and listen at every railroad crossing they come to!

But the situation does not strike the leaders of COFO, the organization handling the Mississippi Summer Project, as funny. In the city of Greenwood, Miss., alone speeding fines totaling over \$4,000 have been paid by the civil rights movement in the last three months.

Other instructions given incoming civil rights workers sound equally strange. An integrated party going to another community had better have enough gas for the return trip; no white service station will serve them and Negro stations are few and far between, and may be subject to intimidation for helping them.

Central headquarters must be notified every two hours of the whereabouts of any individual out of the office.

Although the Supreme Court has ruled that the right to make a telephone call after arrest is an essential ingredient of due process of law, the theory behind the rule is not welcomed in Mississippi, and events such as the disappearance of the three young volunteers in Philadelphia, Miss., show the importance of the check-in requirement.

For lawyers with the summer project, a white shirt, tie and jacket is absolutely mandatory despite the sweltering heat. Constables, sheriffs and justices of the peace are still a little more reluctant to harass or beat up someone who looks as if he might have some formal position or status than they are the average civil rights worker or college volunteer with his T-shirt and dungarees.

The use of private mobs and vandals, a developing technique for accomplishing the job of intimidation, disregard these insignia of respectability, however.

ect volunteers was arrested in a smaller town for driving with only one tail light and a defective muffler.

He was taken to the police station by the sheriff, and had to pay a \$15 fine on the defective muffler; no fine was levied on the tail light because Mississippi only requires one tail light on a car.

Ten blocks from the police station he was rearrested by the same sheriff and taken back on the defective tail light charge again; this time he was fined on that charge also because, to the sheriff's eye, the one tail light seemed to flicker. He narrowly escaped a second fine on the defective muffler charge by showing his receipt for payment of the first fine.

Leaving the police station once again, he was for the third time stopped by the same sheriff 10 blocks away and returned to the police station on the same two charges.

After showing his receipt for payment of the two fines, he was given a lecture on the treatment of trouble makers in Mississippi and told to get out of town and not to come back.

Sensitivity to these possibilities has gone so far that the story now is that you can tell a civil rights worker in Mississippi because

Dr V. P.

Miller, who is not seeking reelection to Congress and planned to retire from politics, augmented these natural assets with his own campaign. William Warner, Miller's political aide and now staff director of the Republican National Committee, promoted Miller in the proper places. So did Miller himself, climax-

A lawyer and two leaders of the civil rights movement, after visiting the mayor of McComb, Miss., to discuss with him plans for the safeguarding of lives of the civil rights workers in his county, were followed by three cars after they left City Hall in the early evening and stopped and badly beaten just after they had crossed the line into the adjoining county.

Two sights, each near the headquarters of each of the opposing sides, vividly show the state of armed hostility.

The COFO headquarters is in a store front located on an appropriately named street, Lynch St., in Jackson. Bricks and chunks of concrete were thrown through the window with time-clock regularity, until finally the windows were boarded over and covered with plywood to protect the safety of the workers inside.

No attempt was made by the vandals to conceal their action. When, on one occasion, they broke the window of an adjoining store by mistake, they stopped and apologized to the store owner for their poor aim!

The stance of the City of Jackson is shown by the famous proud display of Thompson's Tank in front of the City Hall. A bright blue heavily armed and armored vehicle, it was specially conceived by Mayor Allen Thompson of Jackson to handle civil rights demonstrations and parades.

Equipped with tear gas guns, as well as more conventional weapons, it is supposed to be invulnerable to any normal attack.

Its main purpose, however, is to be a vivid symbol of the atmosphere of fear and intimidation that one side in this new civil war is using as its main weapon to hold down the other side.

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

By PETER MARCUSE

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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.

part 1 7/17/64 P. 8

"War" In Mississippi

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 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 third article in a series on Mississippi.

COLUMBUS, MISS. — Mississippi communities can perhaps be divided into three groups, those which have reconciled themselves to the coming of integration and seek only to make the transition as long as one as possible; secondly, those communities that are opposed to integration of any nature, but have some degree of respect for law and order and frown on violence; and a third category includes those communities, mainly with a population under 20,000, which basically feel that any means are justified in opposing integration; where law enforcement officials have been a law unto themselves for many years, do not intend to relinquish their prerogative because of any new theories; where outsiders were unwelcome even prior to the civil rights project. These communities are often known as red-neck communities, after the hard red clay of which the soil is composed in the area where they are strongest.

Columbus, Miss., falls somewhere between the second and third of these categories (I don't know its population, but the figure might be interesting).

On Tuesday, July 7, when two attorneys from the Lawyers Constitutional Defense Committee went there, there were pending before the Police City Court of Columbus criminal charges against only one individual, a young white civil rights worker who had been arrested on one occasion for speeding and on another occasion for driving without a Mississippi driver's license, driving a car without Mississippi registration, driving a car without Mississippi inspection tags, and passing on the right.

He had been unable to obtain any local counsel to represent him, and when an out of town counsel from New York appeared on the speeding charge, the city prosecutor and one other attorney objected to his practice before the Police City Court under a little-used Mississippi statute governing the admis-

sion of out of state lawyers. In the building in the heart of the poor Negro neighborhood of Columbus, we found great excitement, for three volunteers, two white and one Negro had just been arrested and were at the time on their way to jail. No one knew the charges except that a telephone call to the police station had indicated it was because they were distributing leaflets (voter registration forms and information prepared by COFO and SNCC).

Since Don and I had intended in any event to visit the prosecuting attorney and the mayor for informal conference and a little bit of public relations we decided to combine that expedition with an attempt to ascertain the facts, which the police department would not give to the local people.

Mayor Pleasant

We visited the mayor and found him to be a pleasant politician, who received us openly and spoke to us frankly. He indicated that he had no sympathy whatsoever with integration or civil rights, but that he wanted to see the law observed and would not tolerate any violence. We told him we appreciated his position and were anxious to cooperate in seeing that the law was observed, but that we were also anxious to see that the law was not abused so as to harass COFO and what it stood for. He said it would not be, but that neither would any criminal offense of which any COFO worker was guilty be overlooked because of his connection with COFO. We told him that we had just heard of the arrest of these three, and asked him if he could find out about it. He called in the chief of police, who simply told us that they were arrested for leafleting, and that the bond was \$400. Knowing perfectly well that the volunteers could not raise this kind of money immediately, and that the only purpose of it was to harass and intimidate them, we protested to the chief on the amount of the bail; he shrugged his shoulders.

We next went to see the prosecuting attorney. He was a young, thin lawyer who acted somewhat surprised when he saw us, but took us into his office. A picture of Sen. Goldwater hung on his wall, and segregationists and confederate material and mementos were all about the room. We explained to him, as we had to the mayor, that the purpose of our visit was not to agitate or aggravate tensions, but rather to try to moderate them. Before we could finish he said to us: "Gentlemen, we need not play games. You have handled negligence matters, and so have I. One normally sits down with the other side to discuss settlement of the case he

alson to practice of out-of-state lawyers.

Harassment

Although there was substantial evidence of an underlying desire to harass the young defendant through these charges, his disposition was to admit the passing on the right charge, and ask for dismissal of the other three, none of which under Mississippi law appeared to apply to him because of the brief period of time he had been in the state, as well as the fact that he did not own the car which he was driving.

In sounding out the possibilities of a disposition of the case in this manner with the one attorney to whom an informal friendly introduction could be obtained, it soon appeared that the handling of criminal cases for civil rights in Columbus did not fall into normal patterns of the practice of law. The prosecuting attorney was a young man, quite an ardent segregationist, whose father had been an active leader of the community before him. The judge of the court, although having a reputation for fairness, could not be expected to show any unusual consideration for a civil rights defendant. The mayor, in some ways a moderate, had first been elected to office 31 years ago, and intended to remain in that position for the foreseeable future. The only way in which such a case could be handled, it was suggested by a not unsympathetic attorney, would be if the defendant would agree to leave town; then perhaps one or two of the charges could be dropped, and a fine of only \$200 or so imposed.

\$400 Bonds

After Don Elliot (another LCDC attorney, from New York) and I saw this one friendly attorney, we went to the COFO office to interview our client and see how the local COFO people felt about handling the case. We

er side to discuss settlement of the case; before it comes up in court. In our situation, there is no settlement. This is war." We thanked him and left.

Federal Law

We realized immediately that if these defendants were to receive any type of fair trial, we would have to do what we could to remove them from the jurisdiction of the police court of Columbus. A civil rights statute passed shortly after the Civil War provides for the removal of cases from state courts to the Federal District Courts in instances where "a person . . . is denied or cannot enforce in the courts of such state a right under any law providing for the equal civil rights of citizens of the United States." (28 United States Code Section 1443). This is the section of the law that civil rights attorneys have learned is one of their few possibilities in preventing abuses of justice in the courts of states such as Mississippi.

The problem has recently been that Federal judges in the District Court in Mississippi are as hostile to the civil rights movement as the state judges are, and have refused to act on such petitions, although the U. S. Court of Appeals for the Fifth Circuit, which includes Mississippi, is quite liberal and has been concerned affirmatively with the protection of civil rights within its jurisdiction. One of the major amendments included in the new Civil Rights Act which just passed Congress was one that provided that decision adverse to removal could be appealed; previously courts have held that if a district judge refused to remove (or remanded), that action was not reviewable. In any event, we determined that the immediate filing of a removal petition for the three arrested youths was in order.

felt that, if this was an isolated incident, we would be much better off trying to arrange for a small fine and getting rid of the case, rather than expending great efforts in showing that it was part of an anti-civil rights conspiracy and taking away time that could have been better used on other matters. The bond had been set at \$400 for the speeding charge and \$400 on each of the other charges together, and we hoped to get some of this money back.

When we got to the COFO office, in a small

Republicanism

erspective

FREEDMAN

rupting the purposes of the Republican Party. The society is not strong enough to do this dirty deed, and the party is not weak enough to sell its soul in this base fashion.

This whole attempt by the Scranton camp has merely made it all the harder to reach the minds of the Goldwater majority by rational argument and reasoned analysis of public policy. These Goldwater people may be wrong; they may be impulsive; they may be bitter. But they know, in their overwhelming numbers, that they oppose the methods and aims of the John Birch Society, and they resent being denounced in a comprehensive sneer as extremists and bigots. When they are falsely branded as enemies to the Republican faith, they close their minds to all further argument and harden their conviction that Sen. Goldwater is the victim of a sinister plot.

Gov. Scranton was interested in saving his faltering cause, and so he took a long gamble. But the rest of us must be concerned with the presidential campaign now facing us. That campaign will be hard and ugly and divisive. It can only be saved from demoralizing the democratic process if we stop treating Sen. Goldwater as the dupe or the tool of the John Birch Society and treat him instead as a serious contender for the Presidency entitled to fair treatment and compelled to bear full personal responsibility for all his views. He deserves no more but he should receive no less.

The next job was to rent a typewriter and get the necessary office supplies; the COFO office at Columbus is a very crude one, having few facilities and no lawyers' offices were, of course, available to us. The town had no public stenographers, and if it had, they would not have worked for us. We went to the downtown stationery store, and purchased our paper. We asked about the rental of a typewriter, and were told that, since we were obviously (from our accent) out of town, our credit would have to be checked by the manager who would be back shortly. Rather than wait, we decided to try the only other office supply store in Columbus.

When we got there, we were told there were no machines for rent, although there appeared to be several in a section marked rental machines. We returned to the first store, and after a further delay of about half an hour, the owner came in. He took us up to his office, and started asking us a number of questions about who we were and what we were doing and we told him frankly. He took a deep breath, thought hard for several minutes saying absolutely nothing, and then said in a soft voice, "Well all right, I'll take the chance." He then got us a machine, and started to fill out the form. When he asked us where we were staying, we paused. We had tried to make reservations at the Holiday Inn, but were told it was full. They had said they would make reservations for us at another motel; we called that motel to confirm and were told that the room was already taken. The store manager now began to have second thoughts, and finally said he would prefer to back out of the deal. I got a little upset and started to launch into a speech on fairness and decency, when he interrupted and said that if we could satisfy him that we had a room to stay at so that he would know where the machine was, he would rent it to us. Don thereupon got up and drove out to the motel and finally came back with reservations for a less desirable room. We got our typewriter. During the course of waiting, the store owner told us that he sold mimeograph paper to the COFO office, but he was careful not to sell them any bond paper, since this was water marked and anyone interested could tell where the paper came from by examining the water mark!

(Second Installment Tomorrow)

7/18/64 P. 4.

"Progress" In Mississippi

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 fourth article in a series on Mississippi.

(Second of two installments)

We went back to the COFO office to pick up the law student who was living there and to get the further information we needed for our petition. When we arrived, they were just having supper. The Negro community in Columbus was extremely hesitant about working with them, and their program was not a very successful one thus far; they had not been able to set up a freedom school because of lack of community support and were concentrating their primary work on voter registration. It had even been difficult for them to get places to stay in the community, since local Negro families were afraid of reprisal if they housed civil rights volunteers. Two or three had finally gotten accommodations; the rest slept on mattresses on the floor of the headquarters, and the place was badly overcrowded. For supper, however, they had spaghetti and a good baked ham, which had been donated by one of the Negro families in the immediate vicinity of the headquarters who had slowly come to be impressed by the dedication of the people working there and had contributed it to the cause.

After supper, we began to work on our petition at the COFO headquarters. About 9 o'clock the phone rang, and a few minutes later an emergency meeting of everyone at COFO headquarters was called. A woman had just been on the phone, and had explained that she was very sympathetic with the movement, and that she thought we should know that she knew positively that a bombing was planned and the headquarters would not be there after 11 p.m. This was the night after the bomb attack at McComb, and bomb threats were not to be

bail. Removal petition had previously been filed on their behalf.

Permit Denied

We further found that COFO had applied for permit under this ordinance just four days ago, and the mayor had told them it would be considered at the meeting to be held Tuesday night. We asked the Mayor about this, and he told us that the Council had indeed considered the request but had unanimously denied it, and he said he did not know the reasons for it and did not feel we were entitled to know the reasons.

When we got into the facts of the case on which the three newest arrests were made, the pattern seemed to us to be even clearer. Each of the three had been going door to door explaining to people how to register and attempting to get their signatures on freedom registration forms for the purpose of showing the number of eligible voters in the City of Columbus, so that it could later be used as evidence to show the obvious effect of discrimination by the registrar.

There was no question of the general fear of the Negro community of what might happen to those that spoke up or registered to vote in connection with the civil rights movement. Each of the three was stopped by a police officer in a cruiser, who asked them if they were distributing leaflets. Although they said no, they were each nevertheless arrested and taken to the police station, and told that in the officer's opinion they were distributing literature without a permit. Sometime later, they were told that they were also charged with trespass, on the complaint of a white gas station owner whom they had bought some soft drinks from on their way, and one of them was charged with using profane language at the same place. When they were finally told formally what they were charged with, it turned out to be only trespass and use of profane language. Since the new ordinance, extreme as it was, did not cover distributing literature on private property, but only on public sidewalks, the city officials had undoubtedly determined that that charge could not be sustained even under the circumstances prevailing in Columbus.

Bail Totals \$1600

Bail was fixed at \$400 on each of these charges, three individuals with trespassing and one individual with profanity, or a total of \$1,600. Phone calls had been made to the parents of the youngsters, and the parents of one,

taken lightly. The FBI and the local police were called; sheets were nailed over all the windows; guards were dispersed to strategic spots outside, and emergency arrangements were made for the workers that normally slept there either to sleep at the rear of the building or with immediately adjacent families. Since they wanted the lights out, we took our rented typewriter, supplies, and law student and went to the motel.

Early Morning Hours

We worked on the removal petition until the wee hours of the morning. After extensive investigation, we had developed facts which seemed to us to show quite clearly a pattern of consistent harassment by officials of the City of Columbus and the County of Lowndes, which we believed would justify removal to the Federal Court. A background we uncovered is fairly typical, and has been repeated in one form or another in countless communities throughout Mississippi.

With the beginning of expensive and organized civil rights activity in the South, Columbus gave a group of SNCC field workers traveling through the city from Atlanta south a rather rude welcome. The five workers were stopped by an officer of the Mississippi State highway patrol, which Gov. Johnson has doubled in size to take care of the "civil rights emergencies." They were arrested outside of town, taken into a field and individually beaten; they were then taken to the city jail, where, with the knowledge of the local sheriff, the local police, and a justice of the peace, they were each again beaten behind the jail. The youngsters believed that the police officers had every intention of killing them; they believed that the only thing that saved their lives was that, during the next hour, the

in New York, had organized a small committee including other parents of youngsters in the South, and this group by the next morning was able to raise the necessary money and telegraph it down, so they were bailed out.

In the meantime, Don and I worked at the motel putting all of the foregoing information into the appropriate legal form and alleging a concerted policy of harassment on the part of the officials of the City of Columbus in the County of Lowndes. We got through at 5:30 the next morning, and at 8 o'clock went over to get the necessary signatures on affidavits. It took us an hour and a half to find a notary public that was willing to take the oath of the petitioner; we finally filed the petition at the District Court at Aberdeen, Miss., and the cases were successfully removed. We thereafter came back to Jackson, and are now working on an injunction action to declare the ordinance unconstitutional, motion to reduce the bail, and probably a civil action against the police officials for the beating of the SNCC workers.

On the mayor's desk is a little card which he gives to visitors saying "Welcome to Columbus the friendly city." On the reverse it tells you that if you put it on your windshield you will not get a parking ticket even though you are overtime, because Columbus is a city where "progress and tradition blend," and it is eager to extend its courtesy to all.

Old Blacksmith Shop

(Boston Herald)

It wasn't much to look at — just an old, weatherbeaten, rambling shop at the village edge. Around it was a tangled mass of old cultivators, wagons, wheels, sleds, plows and

phone rang for someone named Goldberg, the officer asked if anyone knew him, and one of them said "That's our lawyer," although he had no idea whatsoever who it was. About half an hour after that, they were suddenly released.

Their pockets had been searched and they were fined on charges of reckless driving, possession of illegal literature, and "jail charges" in an amount exactly equal to the cash they had with them. They were then told to leave town, and not to come back. Since they knew no one in the city, and since they realized that no one anywhere knew where they were on the road or would miss them for several days, they were happy to get out in any way they could, and left Columbus quickly. They had given affidavits as to all of this to the FBI, but had not yet heard anything from them. Four of the five were still in the South, in various communities, working actively for the civil rights movement.

City Ordinance

We learned further that on Nov. 5, 1963 the City of Columbus had passed an ordinance that made it a crime "for any person to distribute, hand out, or exhibit to any person . . . any printed matter in any public place in the City of Columbus, Mississippi, without written permission of the chief of police of said city." It would be hard to imagine an ordinance more clearly unconstitutional as violating the First and 14th Amendments than this one, and the city apparently realized it also. In March of 1964 the Mississippi State Sovereignty Commission, an official state body which is actually a device for the use of state funds to marshal all of the private efforts of the state to resist integration, and which works very closely with the White Citizens Council in the state, had sent around a form of ordinance to accomplish the same purpose to all city councils, mayors and city attorneys in the State of Mississippi. The package they sent out included three items, an ordinance against using the streets for other than their normal or accustomed purposes, i. e. walking, without a specific permit; picketing or demonstrating before a public building; and an increase in the fines for misdemeanors. On April 14, 1964 the City of Columbus passed all three ordinances.

On June 9, 10 COFO volunteers who were peacefully giving out leaflets urging registration to vote at various points on the sidewalks in Columbus were arrested by the city police. Three were convinced ultimately to leave town; four were juveniles and were ultimately released without charge; the status of one of the other three is still unclear; and the remaining two were held on charges of violating this ordinance and finally released on \$400

harrow. Inside, the floor was black with dirt and littered with hoof parings. Windows were gray-streaked with grime and half concealed with masses of old cobwebs.

Overhead on the stringers were rows of new shoes — dainty, lightweight shoes for Morgan roaders and heavy ones for big work horses. In one corner was a heap of discarded shoes plus a tangled mass of odds and ends of metal. At one side was the forge with its big leather bellows; near it was the old anvil and the half tub of black-looking scummy water.

It was fun for small boys to watch the old smith as he heated a shoe red hot in the glowing coals and then pounded the shoe to shape on the anvil. . . .

The old smith talked as he worked and told boys stories of long ago when he shod as many oxen as horses. Perhaps he heated the shoe again and pounded it again for an exact fit. Then he drove nails through the hoof and the holes in the shoe. He twisted off the nail ends and filed the ends smooth with the big rasp.

Old blacksmith shops are gone—gone with the wagons and sleighs of yesterday. But there are men in office and factory who look back over the years and remember the pleasant hours they spent in an old blacksmith shop.

Constant Challenge

(New York World-Telegram)

A good case against overspecialization in science has been made by two University of Michigan researchers.

After a five-year study involving 1311 scientists and engineers they found that people who spent full time in technical work were less effective and creative than those who spent part of their time on entirely different tasks (but still within their fields), such as administration or teaching.

"There was a hint," they concluded, "that excessive dedication was not healthy and that all work and no diversity was making Jack a dull scientist."

There may be meat for thought here for more than just scientists or employers of scientists.

It will be no news to successful company presidents, most of whom are Jacks of all the trades within their particular trade.

What it amounts to is that an occasional vacation at work, in the form of a new challenge, can be as important as the annual one away from it.

Smart is the boss who presents these challenges to his workers. On the way up is the man who creates them for himself.

In some ways, perhaps birds can still fly better than men, but men can watch movies —and Tv—while doing it.

Still A Long Way To Go

7/21/64
P. 6

By PETER MARCUSE

EDITOR'S NOTE: This is the fifth in a series of articles written by Atty. Peter Marcuse, Waterbury lawyer and former member of the Board of Aldermen who has been in Mississippi working with civil rights groups.

lems that this creates. The law, they feel, has been enacted, and should be used as the occasion in practice arises, not made a way of demonstrating something that in fact does not yet exist.

Hamburger Troubles

The problems of desegregation in Laurel, Miss., provide an example of the forces at work. The day after the act was passed, a small group of Negroes went to the local burger-chef, and were refused service. They returned the next day, and were again refused, but this time a group of whites followed them as they were walking home and severely beat two of them. Tempers in the community were aroused, and during the week the Youth Chapter of the NAACP determined on a program of massive testing. The state leadership of COFO, to which the NAACP also belongs, attempted to dissuade the local membership from such action; the local leadership of COFO decided that, whether or not they felt mass testing was a good idea, it was going to take place, and cooperated informally in the organization of the program. They requested two lawyers from the Lawyers Constitutional Defense Committee from Jackson to come down, and set a meeting at the largest Negro church to send out the testers.

Plans for the physical portions of the testing were very carefully made, although on a last-minute basis. The FBI and the chief of police were each given a list of the stores to be visited. The city prosecutor was visited and the program explained to him, and at his suggestion the timing was postponed from 12 o'clock to 1:15 so that there would be fewer crowds in the store and the possibility of trouble could be reduced. Transportation down town was arranged by car, and pick-up spots were arranged so that no one would be left without transportation back to the church. Retainers were signed so that in the event of trouble an attorney could represent anyone arrested, and careful record was made of the names and addresses of each individual going to each store. All of those who wanted to participate in the testing were under 21, the youngest being 12; they were given a brief explanation of the act and the purposes and procedures of the program, but there was very little time for any extended discussion of how to respond to various situations, and no time whatsoever for a discussion of the basic meaning of the act.

The effect of the public accommodation provisions of the Civil Rights Act on the white community has been two-fold: First, it has caused one of the first real splits in the leadership of the white community between the White Citizens Council and the extremist politician on the one hand and the conservative business leadership and less militant segregationist politician on the other; secondly, the smooth operation of desegregation in many places has given additional ammunition to the white Southern moderates. The middle and upper class of the Negro community has been benefited substantially and very practically by its passage; for the average Negro, however, its importance is more symbolic than real, and it has given him only one more weapon in a continuing major battle for even the most simplest elements of equal treatment.

In the City of Jackson, Mississippi's capital, the passage of the Civil Rights Act was greeted by two almost simultaneous statements: Gov. Johnson's declaration that the law was unconstitutional and that it should not be followed until its constitutionality was established by the courts, and the Greater Jackson Chamber of Commerce's statement that the act was now the law of the land and should be followed until it was proven unconstitutional. The White Citizens Council, over the radio, through telephone advertisement, in the newspapers, and elsewhere, of course, took a position as extreme as Gov. Johnson's. The Jackson Clarion-Ledger came out in indorsement of compliance pending court challenge. Open discussion on the subject has occupied much space in the newspapers, both pro and con, over the last week, and Mayor Thompson of Jackson, long an extreme advocate of segregation, came out with a statement urging compliance which many seasoned observers felt was a real omen of a trend toward moderation and adjustment to the new realities on the part of the power structure in the larger Southern cities. The fact that there has been virtually no incident or trouble of any kind in those restaurants and motels that have voluntarily and firmly desegregated, while difficulties and

even violence was confined to those institutions that maintained the barriers against Negroes, has been added ammunition for those advocating a moderate approach.

Better Establishments

Most of the desegregation that has taken place has occurred in the better restaurants and motels in Mississippi, and primarily in the larger communities. Jackson's major hotels desegregated within three days after the act passed, when the National Board of Directors of the NAACP made a tour through Mississippi and several members slept at each of the Holiday Inn chain, which, by and large, has also desegregated, as have many of the larger and newer motels and restaurants.

The one hotel in Jackson that got nationwide publicity when it closed its doors rather than desegregate was one which every knowledgeable businessman in Jackson knew was in serious financial trouble; an older hotel, it had not kept up with the times, and had the Civil Rights Act not provided the excuse it would have had to make some other radical adjustment in the near future. The Negro traveler who prefers and can afford to stay at one of the newer hotels, and the Negro business man or professional who would rather eat at a better restaurant, can now do so in most large Mississippi communities, although he still finds it wise to make certain with the local community that he will not be turned away before going in.

For the average Negro, and in the smaller community, the meaning of the Public Accommodations Section of the Act is quite different. Here its importance is more symbolic than real. Some of the leaders of the NAACP in Mississippi, perhaps feeling insecure in their leadership position in the Negro community because of the more advanced actions of some other groups and individuals, see a program of testing the Public Accommodation Act as a way of dramatically recapturing the spotlight. Other organizations, including COFO, feel that the important job is the voter registration and freedom school project they have undertaken for this summer and they feel that solid gains in these areas are more important than the symbolic victories that may be gained through eating in one or another lunch room, with all the diversion of energy and additional prob-

lematic meaning of the action.

Store Incident

At 1:15 the group left for downtown. Four places were involved; two five and ten cent store lunch counters, one drug store, and the bus terminal lunch counter. The arrangement was that a group of four was to go into each and ask to be served; if they did, they were to eat, pay, and leave; if not, they were to leave quietly and without objection. At the bus terminal, the drug store and one five and ten cent store, the program went without incident; the Negroes were served and left, with some whispering among whites in the store but no untoward conduct. In the remaining five and ten cent store lunch counter, however, the reaction was different. Many Negro teenagers were down at that time anyway; others had been on the fringes of the meeting where the testing had been planned, although they had not signed up or listened to the instructions that were given. When the group went into Kress, they were joined by three of the other Negro teenagers. They sat down at the lunch counter, and as they waited for the attendant to come over to them a group of whites gathered behind them. One white picked up a baseball bat and hit the 12-year-old youngster severely on the back; another of the youngsters sitting at the counter had his hand slashed by a sharp instrument. One of those not with the original group picked up a glass of water and threw it at one of the whites attacking his fellowman; most of the others simply covered their heads with their hands and remained quiet. After one of them was forcefully pulled off the counter by a white, they all left the store, rather than risk a major violent incident. The Laurel police, who had earlier made the decision to be present but remain somewhat distant and inconspicuous in order "not to aggravate the situation," arrested one white person for assault and battery; it then developed that a warrant was sworn out against two of the Negro teenagers for assault at the same time! One Negro youngster tried to get into the store after this had transpired and was told by a policeman not to; he was arrested for public profanity. It will still be a long time before a Negro stops by the five and ten for a soda, or the burger-chef for a hamburger, in the city of Laurel, Civil Rights Act or no Civil Rights Act.