

From the editor: how I became a civil rights lawyer in Mississippi

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In June 1966, after I had worked on the Texas Gulf trial that spring with Orison Marden (by June President of the ABA) he took me to lunch at the Downtown Association at 80 Pine. At lunch, he asked me if I would like to go to Mississippi as a civil rights lawyer for the month of July at White & Case expense. I was thrilled to accept, except that I would leave the remaining burden of the initial draft of the Texas Gulf post trial briefing to my colleagues Tom McGanney and P.B. Konrad Knake. I traveled to Jackson on a 4th of July weekend. I rode on the bus from the Jackson airport with some young African-American women who were interested in what I was doing in Mississippi. They asked me whether I would be taking an active role in civil rights activities, and I said, “no” as “a lawyer I [was] to stay detached.”

I was 32 years old and my wife and young children were safe in Connecticut with my in-laws. It was a Saturday night, and I was curious about life in Mississippi. Therefore, after checking in at the motel in Jackson, I walked around the city. I came upon a lively bar/dance hall establishment. I had a couple of beers with some guys and then accepted their invitation to play basketball with them the next morning—a Sunday—at an air base. I gave them my room number at the motel, which I remember to this day as being something like 328, where they were to pick me up in the morning.

During the evening at some point, one of the guys asked me what I was doing in Jackson, and I replied that I was a volunteer civil rights lawyer. I was asked immediately if I was one of those “New York N_ lovers,” to which I confessed. Thereafter, almost imperceptibly, the number of girls at the table diminished to zero. All at once, my “new best friend,” Mike Moore, got up from his chair and slugged me in the jaw. I also stood up, shook his hand, said, “Good blow Mike!” and walked out without looking back. That’s the last time in Mississippi that I shared a beer with anyone in a white establishment. As I walked to the motel, all I could think of was Orison Marden and how close I came to disgracing myself in a bar an hour or so after arriving in Jackson. I was

also a little nervous about having given my name and motel room number to my new basketball buddies.

The next morning, no one picked me up at the motel to play basketball, so I reported for duty at the Lawyers Committee for Civil Rights Under Law, known as the “President’s Committee.” ABA leaders including Orison Marden had established it in response to President Kennedy’s call of them to a White House meeting to do something about representation of civil rights litigants in Mississippi. At the office I was greeted by John Doyle III who was leaving that day to return to New York after being director of the office. He and I stay in touch to this day

(John is my candidate for an award as the most honest lawyer in New York City. Once after having lunch with him, he pointedly tore up a proffered receipt by the waiter. He said, “A lot of guys take each other to lunch and write it off as a business expense. The government loses a lot of money that way.” As a former government prosecutor, John had and has a very acute sense of propriety that has never left him. My family had some of the same values. My late father, a soil conservationist with a U.S. government car, would not take his car home for lunch if he happened to be in town rather than in the field. He drove his own car. I don’t think my late uncle, a longtime Washington official in the Department of Agriculture and later the State Department, ever took so much as a pencil from the government.)

In any event, the President’s Committee’s office was open, although it was Sunday. I went to work on a file concerning mistreatment of black citizens of Mississippi incarcerated in the state prison. There, *e.g.*, they were given Ex-Lax baked into a chocolate cake as punishment for minor offences. For the rest of the week, I was mainly in the field investigating complaints. In Meridian County, where three civil rights workers had been murdered in 1964 – I met with a tough as nails woman prosecutor who had a very large American flag on one side of her desk and a very large Mississippi state flag on a tall pole on the other side of her desk. She was a little scary. The guys I interviewed in that county traveled only in convoys with guns in every car; in their homes, they had guns on the floor under every window ready for an attack by local Ku Klux Klansmen.

In another county, I won a misdemeanor judge trial for a young African-American man accused of pulling a knife on a white man. I was embarrassed but did ask him to take his dark glasses off on the witness stand. I won a) because there was no white witness for the prosecution, and b) because I was in one of two towns in Mississippi with an independent minded newspaper editor; she was present at trial and the judge glanced at her nervously through-out. In another county, I talked to two civil rights volunteers stationed there for months. There was not much entertainment and one of them had entirely memorized the dialog of "*The Magnificent Seven*" which he had seen maybe a dozen times. The other guy said it was the "best movie (he) had ever heard."

On a Sunday eight days after my arrival in Jackson, I was having breakfast with a group of 3 or 4 volunteers at the small apartment complex where we were quartered. The radio was on and the news was that a group of African-American citizens of Grenada, Mississippi had been beaten by state highway patrolmen and local police. They had been watching a demonstration by some Southern Christian Fellowship Conference ("SCLC") organizers at the local jail - - protesting the arrest of some of their members. (SCLC was Reverend Martin Luther King's organization.) In 1966, before I arrived in Mississippi, Richard Meredith had marched about 100 miles south from the Tennessee border towards Jackson when he was wounded by gunfire. Civil rights organizers had determined that the black population of Grenada had been sympathetic to Meredith's march when he passed through. Therefore, SCLC dropped off several organizers from the march into Grenada, a town of about 10,000 people -- the county seat of Grenada County, which itself only had a population of about 40,000.

The radio station also reported from Grenada that three people including a federal official and a N.Y.U. law school summer volunteer, Ollie Rosengart, had been shot at with a submachine gun. It was only few minutes after the radio reports before Denny Ray, the director of the Jackson President's Committee office, called me. He asked me to drive to Grenada, about 100 miles north of Jackson, to interview the black people who had been beaten by the police. I was to stay in Grenada to work with Henry Aronson and Marion Wright Edelman of the NAACP Legal and Educational Fund Inc. (the "Ink Fund") in giving legal support to the SCLC organizers. The next morning in Grenada, after interviewing witnesses in a church the night before, I found Henry outside the local

sheriff's office. He was writing down the license numbers of the numerous Mississippi state highway patrol cars sitting in the parking lot outside the sheriff's office. Sheriff's deputies tried to stop him without much success.

For the next three weeks, I was quartered at a motel outside Grenada where FBI and U.S. Justice Department personnel were also staying. There was a big antenna over the motel for the U.S. government entities' communications gear. Within a few days, Denny Ray sent a law student volunteer (Mal Whitfield of San Francisco) to assist me and later a secretary, the late Yvonne Carrington; she was from a New York law firm. Later, Yvonne, an African-American went to law school and became a lawyer on Long Island. I heard in 1976 that Mal had stayed in touch with the people in Grenada. I think Mal and I were on the ground every day about sixteen hours to support representation of the Ink Fund lawyers who drove from Jackson to Grenada- as events demanded. It was over 100 degrees every day and Grenada County was dry -- no cold beers for us.

In addition to interviewing the people who were beaten by the Mississippi police officials, I interviewed SCLC organizers in jail who were sitting in their underwear drenched in sweat. The sheriff had turned off the air conditioning in the jail. I also interviewed prospective plaintiffs to sign them up for an injunctive suit against the sheriff, the city police, the state highway patrol and the city constable. I interviewed plaintiffs for suits against the school board, the movie theater, the swimming pool, a gas station and a restaurant. I drove deep into the countryside on a few occasions to do the interviews. I vividly remember one interview with a tall distinguished white haired black man on his small farm. After learning the purpose of my visit, he leaned on his hoe and slowly reflected saying, "My children are raised; I'll sign."

Since I was only two and a half years out of law school and had never tried a case until my Mississippi misdemeanor trial, Denny Ray sent Bob Erhenbard, a partner in Kelly Drye, to Grenada to assist me in two trials. One trial was to desegregate the gasoline station's public restroom facilities and one was to defend "Jim," an SCLC organizer. We won the gasoline station trial in federal court in Oxford. As I sat in the courtroom waiting for the commencement of Jim's trial in the Grenada County court, the presiding judge assembled the entire jury pool for the term for a talk. All the courtroom doors were ordered closed and all tape recording etc. was forbidden by the judge before

he started to speak. *Inter alia*, he informed the jury pool of more than a couple of hundred citizens that he had learned from his youth that “if you are threatened by a snake, then you take a club and kill the snake.” I wrote furiously and later drafted an affidavit based on my notes. After Jim’s case was tried, the all white, all male jury took no more than ten minutes to find Jim guilty.

Amazingly the judge was one of only a few Mississippi residents that I met in 1966 that I ever saw again, and I saw him twice. Once a few months after my service, I saw him in federal court where the U.S. Justice Department was seeking to enjoin him from sitting on the bench -- based on his spate of arbitrary, discriminatory decisions as a judge. The department flew me to Mississippi to testify against him on the facts set forth in my affidavit. (I don’t remember ever hearing of the result in the case.) In about 1976 over a Memorial Day weekend, I also flew back to Mississippi to see what had changed in ten years. I had written one article in *The Village Voice*, and they were willing to pay me another \$65 to write a second, this time about my return to Mississippi. The judge had a headquarters in Grenada for a run for governor of Mississippi. He was as surprised as I when I walked into his storefront and saw him there. (More later on my 1976 trip to Mississippi.)

In 1966, most court proceedings took place in Oxford in federal court where the Ink Fund brought its affirmative cases. The federal judge for the Northern District of Mississippi (to which I became admitted at the time) was a former general in the U.S. Army. It was clear that he did not like the civil rights organizing that was going on, but he saluted the U.S. constitution, federal law and precedents as determined by the 5th Circuit. Before the commencement of the trial against the school board, the judge called the lawyers and school officials into his robing room for a conference. The school board’s counsel informed the judge that there was no problem because the school board had adopted a plan of integration “over two years ago.” The judge said, “Where is it?” The school board superintendent said that it was in “the drawer of my desk.” That was the end of the case. Recently I saw a Joan Baez documentary showing her and Martin Luther King in Grenada walking the black children to school in the fall in 1966 after we had gotten the order integrating the schools in July.

The Ink Fund lawyers also asked the court that the various police officials be enjoined from violence against black people and civil rights workers and mandated to protect them as well. After an evidentiary hearing, the court ordered the state highway patrol and the other police entities to protect civil rights workers, including police protection for the marches that SCLC organizer Hosea Williams led each night. (Hosea had earlier that year with now Congressman John Lewis led a group on a march from Selma to Montgomery, Alabama where they were set upon by police dogs and firehoses under the direction of the local sheriff. I saw Hosea again when he and I were delegates in the 1972 Democratic convention. When he died *The Economist* gave him a full-page obituary, but in 1966 I had never heard of him.)

In ordering protection in 1966, the court mandated – probably as a result of the judge’s military background - that the marchers march in groups of 20 - two at a time, with space between each group of 20. Plaintiffs’ lawyers (in practical reality me and the law student) were to monitor the marchers to make sure that the judge’s orders about squads of twenty were kept etc. and that the police protected the marchers.

I had been one of the witnesses in the injunction suit against the police officials- since one of them- the notorious Constable Grady Carrol had slugged me in the mouth for trying to serve a federal subpoena on him. (As I previously reported, I picked up the subpoena I had dropped at his feet when he told me to pick it up or he would “beat me to death.”) For that, Grady Connell was sentenced to eight months in jail. The day that he was sentenced, he was so nervous, he was seen stuffing his unwrapped candy bar into his mouth in place of his cigar. Grady only served four months of his eight months. Marian Edelman was disappointed for his being sentenced for hitting me rather than a black person – since he was so notorious for his violence on to black people. In 1976, when I went looking for him after ten years, I learned that Grady was a chastened man – then pounding out fenders of automobiles in a nondescript body shop - reduced from his arrogant swagger as a brutal police official.

Every night Hosea walked with a few volunteers into the black neighborhoods and he picked up dozens and dozens of people--mostly young women as he walked along. The marchers all sang, and it was a stirring moment as each group of twenty singing young people turned onto the town square. The blast of their voices increased in

intensity as each group was added to the others. I can still hear the repetitive “yaahhh, yahh, ya - de - ya, ya, ya, ya” refrain of the song although I have no idea of its identity. I saw a T.V. documentary a year or so later showing the singers still marching in Grenada, and with Roberta Flack, they were still singing the same song.

The square was sealed off from the marchers by 200 white shirted highway patrolmen; each on one knee at the ready with shotguns pointed into the air above the shrieking crowd members. There was a raucous discordant chorus of violent threats and racial epithets as the members of mob in the square jumped up and down in their fury and screamed at the marchers. The TV cameramen caught the bedlam, and, to complete the scene, FBI agents stood around about 20-30 feet apart wearing visible side arms. After events happened, I and others were interviewed by the agents as if they had never been there. The squads of civil rights protestors marched to the street in front of the sheriff’s office where Hosea Williams nightly gave a rousing speech. After the speech, the march proceeded under police protection about six or eight blocks to the Baptist Church where the crowd sang gospel and civil rights songs for another hour or more.

There were some scary moments; once I left the square to go somewhere for a few minutes. As I started to walk down the side street, I saw a group of four or five young white men following me. I reversed direction and got back to the square where there was police protection and TV cameras. Another time, I got a call at the motel from a justice department lawyer who told me there was going to be a big riot if I did not do something. I went to a location where a couple of dozen white guys were yelling and screaming at about the same number of black guys who were yelling back at them from an opposite corner. I talked to the black group and asked them to disassemble. I explained that if they responded to the taunts and jeers, there would be a violent incident, which would set them back in the things they were trying to accomplish. Amazingly they disassembled, and I felt a power surge – something new for a third year associate. The justice department lawyer who had called me witnessed the scene and was relieved when it ended peacefully.

After the night marches and most of the day before the night marches, I spent a lot of time at the church interviewing witnesses-- since most of the black citizens of Grenada County were gathering there. A *New York Times* reporter interviewed me, and

many members of the press were there for a Stokely Carmichael interview. He was the head of SNCC (Student Nonviolent Coordinating Committee) --- which was vying for black leadership with SCLC lead by Dr. King. Stokely was not permitted in the sanctuary of the church but had to stay in the hall area behind the sanctuary next to the Sunday school rooms.

During my three weeks, Hosea came in and out of Grenada. His lieutenant on the ground was a slim young quiet man, Leon Hall. The “inspirator” of the group was the gregarious and audacious R.D. Cottonreader. “Cottonreader,” as he was called, engaged with the judge and the prosecutor during the hearing on misdemeanor charges against SCLC organizers for allegedly illegally picketing the retail stores. Cottonreader told the judge he would be back some day to swim in the pool with the judge at the local country club. The judge could not help but laugh and participate in the repartee. (The prosecutor was not amused.) Hosea, Leon and the other organizers met frequently at the church but I never was given any information as to what went on in the meetings.

While in Mississippi I had a white station wagon at my disposal. The license plate was a number with four straight zeros-- highly recognizable. I always had my eye in the rear vision mirror on trips into the countryside to interview witnesses or on my one or two trips for a Saturday night of R&R in Jackson. The SCLC organizers asked me to transport them with their volunteers to different locations for demonstrations. I did so a couple of times before I decided that it did not look good for me as a lawyer. I remembered my comment to the young woman in the bus coming from the airport.

People seemed to know who I was in the small town of Grenada. Once when I was walking down a tree lined residential street, a car stopped in the middle of the street just after passing me and a college girl briskly stepped out of the driver’s side of the car – and, leaving the car door open, she came over to about six feet away and then spit at me. She turned immediately, went back to the car and drove away. The car had a Delta Gamma sorority sticker on the windshield -- the sorority to which two sisters of mine had belonged at Ohio State not more than five years earlier. I did have one white acquaintance in Grenada who was friendly -- the waitress at the motel coffee shop where I ate breakfast every morning; she was from Brooklyn. I don’t recall eating at any other place in Grenada. I just picked up food on the “ fly.” In Jackson, we were privileged to

eat in a wonderful black owned restaurant with white tablecloths, terrific collard greens, cornbread, etc. –“Jane’s Palace” – or something like that. If “palace” was not part of the its name, it felt like eating in a palace.

There was a predecessor to me in Grenada, Peter Swords – later a Columbia Law associate dean. On the day I left Mississippi, Denny Ray asked me if I knew of anyone who might be willing to volunteer to replace me in Grenada. I said I know of only one person, my law school classmate, Nick Roetzel – practicing in Akron, Ohio - who would possibly be willing to come to Mississippi on short notice. They asked me to call him and I did. I flew out of Jackson late that evening and he flew in at 5:00 am the next morning. Nick had a young child and his wife had just been killed in a traffic accident the year before. Yet I knew he would do it.

Nick had a few adventures. Constable Grady Carol came up to him in the courthouse and asked him if he was one of those civil rights lawyers. The tall, lean, taciturn Nick said, “ Yea.” Grady said, “ Did you hear what I did to that other one?” Nick said, “Yep.” Grady said, “ What do you think about that?” Nick said, “ You try that with me and I will beat the shit out of you!” Grady apparently walked away. Later, when another constable tried to take a client from Nick as they were going to court -- Nick twisted the constable’s arm up his back, and Nick was arrested. The federal judge called to get Nick out of jail – and as far as I know – the charges against Nick are still pending in Grenada County.

During the three day Memorial weekend I went back in 1976, I checked into the motel where I had stayed in 1966. I tried to find Senora Springfield, the Fisher brothers and a few other people whose names I remembered. One woman told me she remembered me shaving in her bathroom – since I did everything on the move in 1966. Senora was a young black schoolteacher who was the vibrant leader of the rights group in Grenada. As with Marian Wright Edelman -- I ascribed to her some kind of an advanced age well beyond my 32 years – despite their obviously youthful appearances. I just could not think of them as my age because I so respected their poise, courage and leadership. I recently looked up Marian and she is five years younger than me.

In 1976, after I went back to the motel after talking to the local people I remembered, there was a knock on the door. A man who ran a small grocery store came

to see me to see if I could help him with the harassment he was having with the white officials about his lack of a sidewalk. I went to his store the next day and was only sorry I was not going to be around to try to help him out. He had a “shoestring” operation with not more than 25 items on his nearly empty shelves. In 1976, I also interviewed Mr. Quinn, the Grenada mayor, who remembered the days in 1966 with nostalgia. One of the national TV commentators was also named Quinn and was a distant cousin; the two Quinns became quite close. Some of the African-American women told me that because of federal programs, including one for economic development that they served on boards with white people; they thought there was some progress in the ten years that had passed.

While I was in Grenada for the weekend, there was news on the radio that in Sunflower County, not too far from Grenada, that a black girl had been killed on the night of her high school graduation in a drive-by shooting allegedly from a car occupied by three white men. So I drove my rental car to Sunflower County. In Ruleville, the county seat, it was Saturday night, and all I saw open was a black barbershop. I stopped in and changed my clothes in a back room. I then drove to the location the barbers had given me as the home of a civil rights leader. There was a full house when I walked in and R.D. Cottonreader walked up to me and asked for a loan for five dollars. It was like ten years had not passed. The closed casket with the murdered girl sat on folding chairs in the living room, and the local civil rights leaders were in the kitchen.

I talked to them for a while and they gave me directions to the Ruleville home of Fannie Lou Hamer-- a former sharecropper who headed the Mississippi Freedom Democrats delegation at the Democratic national convention in 1964. She came out on her front porch to greet me in her slip, and we sat on the porch swing and talked. When I told her I lived in Brooklyn, she brought up the name of “Cornbread Givens” a self styled “poverty hustler” from Philadelphia who had taken up residence and activity in Fort Green in the late sixties. Cornbread had been in my living room more than once – I kept Thunderbird in the freezer for him. She was mad at him for inviting her to speak at a dinner in Brooklyn. When she came all the way from Mississippi to speak, hardly anyone showed up at the dinner. Cornbread had a very good influence on the young people. He started a drug program and encouraged a former gang member and drug addict, “ Russian ” Knight, to write a book upon which a movie was later produced.

Although we took some pleasure in exchanging Cornbread stories, we mostly discussed the tragic death of the girl whose name I regrettably do not remember. Fannie said she had started a fund to buy a house for the family of the murdered high school graduate. Leaving Fannie Lou's fine brick home on a gravel street --- all the white areas had paved streets – I went to the downtown area. There, outside a black bar, I met the brother of the slain girl. He refused to grant me an interview; he said that he had “ just got back from fighting in Vietnam and these crackers killed my sister!” – “Why should I talk to you!”

Back at the home of the black leader where the casket was, I was introduced to Bob Wilson who graduated with the dead girl. I was asked to help him compose the talk, which he was to give at the funeral the next day. After I worked with him, he and two of his friends took me to his home to spend the night. In the dark, we drove up a long driveway to a magnificent house --- and the group started laughing at my reaction. I obviously first thought it Bob's home. We kept on driving to a small shack behind the main house. There I slept in a small room on the only mattress while the rest of the group slept on large cardboard boxes flattened on the floor of the main room.

The next day we drove back into Ruleville to the home with the casket. Civil rights leaders were there from all over Mississippi and even from Tennessee. We passed the time sitting in the back yard at picnic tables and talking politics. Henry Aaron, Charles Evers, Ralph Abernathy and others were there whose names I don't remember. We also visited the black cemetery. The grass where the young woman was to be buried had been newly mowed – obviously the first time in a while -- the mowed grass had been more than a foot high. Although *The Village Voice* was willing to print a story, I have been unable to write it all these years. Neither could I at the time bring myself to take some black person's place at the funeral in the crowded church where Bob Wilson “said goodbye.” Since I was not in the church, I did not hear his speech that I helped to write.