

Shine Bright LLCE Cycle Terminal

File 12 Equality on trial

A controversial case p. 139

Girl: I can't believe the jury let that cop off! What is it with these juries? Are they just racist?

Judge: Don't blame the juries!

Girl: Who are you?

Judge: I'm the ghost of William Rehnquist! I was Chief Justice of the Supreme Court until I died in 2005.

Judge: When I was on the court, we ruled that it doesn't matter if a suspect really was dangerous. If a cop says he believed the suspect was dangerous, any police shooting is legal.

Girl: But doesn't that give¹ cops a huge incentive to say they thought they were about to die no matter what the circumstances?

Judge: Clearly!

Girl: So even if a cop shoots a 9 year old kid, he just says he was terrified and he's in the clear²?

Judge: Now you've got it!

Girl: So is the Supreme Court going to fix that?

Judge: Er.... Fix what?

Barry Deutsch, 2017

1. encouragement 2. not guilty of a crime

Brown v. Board of Education p. 140-141

On December 9, 1952, the case Brown v. Board of Education is heard by the Supreme Court. The scene begins with Mr. Marshall, an African- American civil-rights attorney, addressing the Court.

Mr. Marshall: Mr. Chief Justice. May it please the Court, my colleagues will address the Kansas, Delaware, Virginia, and District of Columbia cases. I will speak on behalf of Harry Briggs, Jr., and the Negro¹ children of the town of Summiton, who have raised their attack on the validity of the South Carolina code which reads that “it shall be unlawful for the pupils of one race to attend the schools provided for persons of another race.”

In the law courts, we produced unchallenged experts who testified that segregation damages the personality of Negro children and destroys their self-respect. If Ralph Bunch, this nation’s distinguished ambassador to the United Nations were assigned to South Carolina, it would be the will of the people that his children go to a Jim Crow school. No matter how great anyone becomes, if he happens to be a Negro, his children are relegated to that school.

Yet this Court is being asked by the defense to uphold² the segregation law of South Carolina. Under our form of government, the only testing ground as to whether or not individual rights are violated by the majority is here, in this Supreme Court of the United States. The Court must weigh³ the rights of the Negro children against the public policy of the state of South Carolina, and if that policy violates those rights, then this Court, reluctant or otherwise, is obliged to say that that policy has run up against⁴ the Fourteenth Amendment to the Constitution which guarantees all citizens equal treatment under the law.

We therefore respectfully urge that the judgment of the district court be reversed, and the children’s rights be affirmed.

Justice Reed: Is it fair to say that the South Carolina legislature⁵ set up segregated school to avoid racial friction?

Mr. Marshall: Yes, sir.

Justice Reed: Doesn't the legislature have to weigh the advantage of maintaining law and order against what might be the disadvantage to the segregated group?

Mr. Marshall: I think that the legislature should, Mr. Justice Reed, but I think we have to bear in mind that as far as I know in these states there is not a single Negro legislator doing the weighing. The only point before this Court is the law as it was applied in Clarendon County. All we are asking is that the state-imposed racial segregation be stopped, and the County school board be instructed to work out a solution.

Justice Frankfurter: What kind of solution?

Mr. Marshall: They could assign children to schools on any reasonable basis.

Justice Frankfurter: You mean we would have gerrymandering⁶ of school districts?

Mr. Marshall: Not gerrymandering, Mr. Justice Frankfurter. The new district lines would simply have to be drawn on a natural basis, without regard to race or color.

Justice Frankfurter: It would be important to me for you to spell out⁷ exactly what would happen if the Court reverses, and the case goes back to South Carolina.

Mr. Marshall: What is important is that we get the principle established: segregation by race is not legal. It is impossible to say right now precisely how it would work.

George Stevens Jr., screenplay for *Separate but Equal*, 1991

1. widely accepted term for a black person at the time 2. maintain 3. consider 4. be in contradiction with 5. parliament 6. manipulating the boundaries (usually so as to favour one social group or political party) 7. clarify

Being the first p. 141

In the movie “Hidden Figures,” Janelle Monáe’s character Mary Jackson petitions a Virginia State Court judge for the right to enroll in engineering classes at the local allwhite high school. She reminds the judge that he was the first in his family to join the Armed Forces and to attend college. Now he can help her be the first female engineer at NASA. “Your Honor,” Jackson says, “out of all the cases you’re going to hear today, which one is going to matter one hundred years from now? Which one is going to make you the first?”

CNN, November 1, 2018

Asking for mercy p. 142

In this scene, Jefferson, a young uneducated black man, is accused of the murder of Mr. Gropé, a white storekeeper.

The prosecutor argued that Jefferson and the other two had gone there with the full intention of robbing the old man and killing him so that he could not identify them. When the old man and the other two robbers were all dead, this one—it proved the kind of animal he really was—stuffed the money into his pockets and celebrated the event by drinking over their still-bleeding bodies.

The defense argued that Jefferson was innocent of all charges except being at the wrong place at the wrong time. There was absolutely no proof that there had been a conspiracy between himself and the other two. The fact that Mr. Gropé shot only Brother and Bear was proof of Jefferson's innocence. Why did Mr. Gropé shoot one boy twice and never shoot at Jefferson once? Because Jefferson was merely an innocent bystander. He took the whiskey to calm his nerves, not to celebrate. He took the money out of hunger and plain stupidity.

“Gentlemen of the jury, look at this—this—this boy. I almost said man, but I can't say man. Oh, sure, he has reached the age of twenty-one, when we, civilized men, consider the male species has reached manhood, but would you call this—this—this a man? No, not I. I would call it a boy and a fool¹. A fool is not aware of right and wrong. A fool does what others tell him to do. A fool got into that automobile. A man with a modicum of² intelligence would have seen that those racketeers meant no good. But not a fool. A fool got into that automobile. A fool rode to the grocery store. A fool stood by and watched this happen, not having the sense to run. [...]

“Gentlemen of the jury, be merciful. For God's sake, be merciful. He is innocent of all charges brought against him.

“But let us say he was not. Let us for a moment say he was not. What justice would there be to take this life? Justice, gentlemen? Why, I would just as soon put a hog³ in the electric chair as this. [...]

The jury retired, and it returned a verdict after lunch: guilty of robbery and murder in the first degree. The judge commended the twelve white men for reaching a quick and just verdict. This was Friday. He would pass sentence on Monday.

Ten o'clock on Monday, Miss Emma and my aunt sat in the same seats they had occupied on Friday. [...] The judge, a short, red-faced man with snow-white hair and thick black eyebrows, [...] told Jefferson that he had been found guilty of the charges brought against him, and that the judge saw no reason that he should not pay for the part he played in this horrible crime.

Death by electrocution. The governor would set the date.

Ernest Gaines, *A Lesson Before Dying*, 1993

1. stupid person 2. a bit of 3. pig

Black women deliver justice in a Southern city. Their own way.

“We have broken the mold for women as much as we have broken the mold for African-Americans,” said LaDawn Blackett Jones, the solicitor in South Fulton, Georgia.

South Fulton, Ga.— Inside the municipal courtroom here in this Atlanta suburb, a black man in his early 20s is begging the judge for a second chance. He’s facing his third shoplifting conviction and, under Georgia state law, must serve a jail sentence.

Defendants plead for a second (or third) chance in courtrooms across the country on a daily basis, but here in this majority African-American town, where the population is just over 100,000, the criminal justice system is unique: Black women are in charge, and they say they run things differently. LaDawn Blackett Jones is the city’s solicitor, or prosecutor, Viveca Powell serves as public defender and Tiffany Carter Sellers is the chief judge. The court clerks¹ and staff are also black women.

“As people from around the country are looking at what is going on here, we are trying to set the example for the way true law and justice should work,” Blackett Jones said. [...]

As a black woman and a judge, Carter Sellers told NBC News she can be tough on crime while at the same time give a fairer shake to defendants, depending on the circumstances.

“From a practical standpoint, I think I bring that fact that I’m a wife to an African-American man, and we have African-American children, and so empathy and sympathy — I bring that to the table every day,” she said, adding that she cringes² when she hears people talk about racial bias and corruption in the justice system.

“I know we can do better. In 2018, we just can do better.”

Dartunorro Clark, *nbcnews.com*, October 29, 2018

1. assistant 2. be shocked

The modern « Atticus », 1 p. 144

In this true story, civil-rights defense attorney Bryan Stevenson works to free a wrongly condemned death row prisoner, Walter McMillian.

Walter McMillian was at least fifteen years older than me, not particularly well educated, and he hailed¹ from a small rural community. Though he had lived in Monroe County his whole life, he had never heard of the author Harper Lee—also a Monroeville, Alabama, native—or her award-winning novel *To Kill a Mockingbird*.

Mockingbird tells the story of an innocent black man who is accused of raping a white woman in the 1930s, and is bravely defended by Atticus Finch, a white lawyer. What is often overlooked is that the black man falsely accused in the story was not successfully defended by Atticus. Tom Robinson, the wrongly accused black defendant, is found guilty. Later, he dies when, full of despair, he makes a desperate attempt to escape from prison. He is shot seventeen times in the back by his captors. While the novel captivated millions of readers—and confronted them with some of the realities of race and justice in the South—its harder truths did not take root.

Bryan Stevenson, *Just Mercy (Adapted for Young Adults)*, 2014

1. come from

The modern « Atticus », 2 p. 144

“Gentlemen, are we ready to proceed?” Judge Norton asked.

“We are, Your Honor,” I replied. [...]

I decided to proceed with an opening statement before calling Myers as our first witness. I wanted the judge to understand that we weren't just defending Mr. McMillian from a different angle than his old lawyers. I wanted him to know that we had dramatic new evidence of innocence that completely cleared¹ Walter. I wanted him to know that justice demanded Walter's immediate release.

“Your Honor, the State's case against Walter McMillian turned entirely on the testimony of Ralph Myers, who had several prior felony² convictions and another capital murder case pending against him in Escambia County at the time of McMillian's trial. At trial, Mr. McMillian asserted that he is innocent and that he did not know Mr. Myers at the time of this crime. He has maintained his innocence throughout these proceedings³.”

The judge had been fidgeting⁴ and had seemed distracted when I started, so I paused. Even if he didn't agree I wanted him to hear what I was saying. I stopped talking until I was sure he was paying close attention. Finally, he made eye contact with me, so I continued.

“There is no question that Walter McMillian was convicted of capital murder based on the testimony of Ralph Myers. There was no other evidence to establish Mr. McMillian's guilt for capital murder at trial than Myer's testimony. The State had no motive, the State had no witnesses to the crime, the State had only the testimony of Ralph Myers.” [...]

“Based on the testimony of Ralph Myers, Walter McMillian was convicted of capital murder and sentenced to death. As you're about to hear, the testimony of Ralph Myers was completely false. Again, Your Honor, the testimony of Ralph Myers at trial was completely false.”

Bryan Stevenson, *Just Mercy (Adapted for Young Adults)*, 2014

1. prove innocent 2. serious crime 3. legal actions 4. move restlessly

The New Mississippi p. 145

U.S. District Judge Carlton Reeves read this speech to three young white men before sentencing them for the death of a 48-year-old black man named James Craig Anderson in a parking lot in Jackson, Mississippi, one night in 2011.

“New generations have attempted to pull Mississippi from the abyss of moral depravity in which it once so proudly floundered¹. Despite much progress and the efforts of the new generations, these three defendants are before me today: Deryl Paul Dedmon, Dylan Wade Butler and John Aaron Rice. They and their co-conspirators ripped off the scab² of the healing scars of Mississippi ... causing her (our Mississippi) to bleed again. [...]

“In the Mississippi we have tried to bury, when there was a jury verdict for those who perpetrated crimes and committed lynchings in the name of White Power ... that verdict typically said that the victim died at the hands of persons unknown. [...]

“Today, though, the criminal justice system (state and federal) has proceeded methodically, patiently and deliberately seeking justice. Today we learned the identities of the persons unknown ... they stand here publicly today. [...]

“Justice, however, will not be complete unless these defendants use the remainder of their lives to learn from this experience and fully commit to making a positive difference in the New Mississippi. And, finally, the court wishes that the defendants also can find peace.”

npr.org, 2015

1. be in a difficult situation 2. crusted wound