THE NEGRO IN COURT

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I

INTRODUCTION

THIS is not ordinary law review fare. A law professor's bread, even if only half baked, conventionally can be expected at least to emit pungent legal odors. Pursued further, the simile would perhaps prove dangerous. The point is merely that legal doctrine is here only incidentally involved. The principal purpose of this piece is rather to describe the status, problems and influence of all Negroes involved in whatever capacity in a series of jury trials occurring in a single United States district court over a period of one and one-half years. The district in question is located in a highly industrialized Northern state, and the trials were held in three different cities.

Of course only one court and a relatively small number of jury trials fall within the ambit of this discussion. Accordingly, even in terms of its primary purpose, the contribution here must necessarily be meager. As for subsidiary purposes, at least some readers may find useful empirical evidence in terms of which the wisdom of the Supreme Court's numerous "Negro jury trial exclusion" decisions[1] may better be seen. Such decisions, whatever their legal rubrics, rest implicitly and almost exclusively upon the premise that Negroes must be included in the jury trial process in order to insure their participation in at least one phase of government. Accordingly, individual defendants whose convictions have been upset because of the exclusion of Negroes from the jury selection process have, for the most part, been regarded as incidental. In contrast,

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[1] See, *e.g.*, Cassell v. Texas, 339 U.S. 282 (1950) and cases cited therein. The starting point, of course, is *Ex parte* Virginia, 100 U.S. 339 (1880). See generally Scott, *The Supreme Court's Control over State and Federal Criminal Juries*, 34 IOWA L. REV. 577 (1949).

one message here is that the decisions in question serve other equally laudable purposes. Another is that the Civil Rights Act of 1964[2] —whatever its shortcomings—was, insofar as public accommodations are concerned, long overdue. Hopefully, additional points are conveyed.

The data referred to here are based upon the uninterrupted study of all jury trials arising in the district in question from January, 1954, until June 30, 1955. In all, twenty-three jury trials were studied in detail, including sixteen civil actions and seven criminal cases. The writer observed each of the trials from beginning to end. All of the lawyers involved were interviewed personally and, with the permission of the presiding judge, 225 jurors serving on the cases were interviewed in their homes. The average juror interview lasted approximately two hours, with some of the interviews running as long as four and one-half hours. The undertaking was made possible by a Ford Foundation grant to the University of Chicago Law School.[3] Necessarily, all names and places referred to herein have been changed.

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[2] 78 Stat. 241 (1964).

[3] See generally Meltzer, *A Projected Study of the Jury as a Working Institution*, 287 Annals 97 (1953).

The data presented herein are part of what has become known familiarly as the University of Chicago Jury Project. It cannot be overemphasized, however, that what appears here is but a minute part of the writer's own extremely small contribution to the project. Professor Harry Kalven, Jr. of the University of Chicago Law School, the director of the project, has written widely on the dimensions of the project as a whole. See, *e.g.*, Kalven, *A Report on the Jury Project of the University of Chicago Law School*, 24 INS. COUNSEL J. 368 (1957); Kalven, *Report on the Jury Project* 155 (Conference on Aims and Methods of Legal Research, Conard ed. 1955).

The major project publication to date is ZEISEL, KALVEN & BUCHHOLZ, DELAY IN THE COURT (1959). Other project publications include: Kalven, *A General Analysis of and Introduction to the Problem of Court Congestion and Delay*, A.B.A. Section of Insurance, Negligence and Compensation L., 1963, p. 322; Kalven, *The Jury, the Law, and the Personal Injury Damage Award*, 19 OHIO ST. L.J. 158 (1958); Kalven, Zeisel & Buchholz, *Delay in the Court—A Summary View*, 15 RECORD OF N.Y.C.B.A. 104 (1960); Kalven, Zeisel & Buchholz, *Delay in the Court*, 8 U. CHI. L. REC. 23 (1959); Zeisel, *Splitting a Liability and Damage Issue Saves 20 Per Cent of the Court's Time*, A.B.A. Section of Insurance, Negligence and Compensation L., 1963, p. 328; Zeisel & Callahan, *Split Trials and Timesaving: A Statistical Analysis*, 76 HARV. L. REV. 1606 (1963); Zeisel, Kalven & Buchholz, *Is the Trial Bar a Cause of Delay?*, 43 J. AM. JUD. SOC'Y 17 (1959).

As indicated by the aforementioned publications, the dimensions of the project are broad indeed. It is within the context of these dimensions that this brief article must be placed. The project as a whole has generated a great amount of material on the subject of Negro participation in jury trials, most of it still unreported. This author's individual contribution to the subject appears at this time because of its peculiarly topical nature. Likewise, as I hope in the near future to publish addi-

Approximately ten per cent of the residents of the district in question are Negroes, and Negroes appeared in the cases studied not only as jurors but as witnesses and as criminal defendants. The Negro population in the district is increasing rapidly and undoubtedly will continue to do so. Most of the Negroes live in urban slums and are constant victims of racial intolerance. With the exception of civil service, white collar employment is largely unavailable to these persons. They cannot, for the most part, even obtain low-paying department store retailing positions. The downtown hotels in each of the cities in which court sessions were held were closed to Negroes, and only one restaurant in the city in which most of the cases were tried would serve Negroes. The pattern is familiar. The cities in question are typical, middle-sized industrial communities located in the North.

This predicate is essential in order for the data presented to be properly understood. One cannot expect miracles of tolerance and impartiality in a jury trial when the window of the restaurant next door bears a sign saying "We reserve the right to refuse service to anyone." None of us is able to cast off completely the deeply ingrained prejudices of a lifetime for even a short while. Taking an oath to do so can at best help only insignificantly. Racial intolerance is not so easily put to one side, and one must be careful in evaluating the occurrences related here.

II

THE NEGRO CRIMINAL DEFENDANT

Of the seven criminal cases studied in detail over the period in question, four—*Meyer*,[4] *Brown*,[5] *Johnson*[6] and *Williams*[7]— involved

tional articles on various aspects of my work on the project, I felt it best to begin with what in any event would be my shortest article. For a discussion of the subject matter of certain of the other proposed pieces, see Broeder, *The University of Chicago Jury Project*, 38 NEB. L. REV. 744 (1959); Broeder, *The Jury Project*, 26 S.D.B.J. 133 (1957).

[4] In the *Meyer* case the indictment charged the defendant, an eighteen year old Negro male, with illegally possessing and selling a heroin capsule. The government's evidence showed that a federal agent had contacted the defendant for the purpose of purchasing the capsule, and that the defendant had sold it to him. The defense consisted of an alibi and an assertion that the agent was mistaken in his identification of the defendant. The jury convicted Meyer of both charges following a thirty-five minute deliberation.

Aside from the data mentioned in the text, *Meyer* is particularly noteworthy because of the following findings: (a) One of the female jurors, afraid to speak out during the deliberations, had wanted very much to acquit the defendant on the sale count and convict him of possession in order to limit the possible punishment

Negro defendants. Johnson was acquitted; the others were convicted. Racial prejudice was present in each case. Ironically, prejudice was involved to a greater extent in *Johnson* than in the other cases, yet in the end this seemed to work in the defendant's favor.

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which the court could impose; (b) The sixteen year old son of one of the male jurors had been offered dope on the day prior to trial, a fact not elicited on *voir dire.* This juror voted for acquittal on the first ballot in order to demonstrate his "impartiality"; (c) The husband of one juror was extremely active in a local civic organization the major project of which at the time of the trial had been to "stamp out the dope racket," another point not brought out on *voir dire;* and (d) The principal basis for the defendant's conviction was that several of the jurors lived in the city where the alleged sale took place and knew that the defendant had lied in denying that he knew the location of the tavern in which the sale allegedly took place, since the tavern in question was located only three blocks from the defendant's residence. This latter point is interesting not only because it shows the importance of the vicinage requirement, but because the issue was not mentioned during the trial.

[5] *Brown* was a Dyer Act case. The indictment charged that the defendant had rented a car in the district and transported it interstate with the intent permanently to appropriate it to his own use. The government's evidence showed that the defendant had in fact rented the car in the district, and that it had been found abandoned some two months later in a deserted area 2,000 miles away. The defendant asserted that he had always intended to return the car. The government conceded that the defendant had never agreed to return the car on any specific date. Defendant Brown was convicted following a forty-five minute deliberation.

The chief subsidiary significance of the *Brown* case lies in the fact that the defense was very poorly handled. In fact the United States Attorney was so disgusted with the verdict that he subsequently recommended an extremely light sentence. The chief defense error was the failure of counsel to even mention the court's instruction (correct under then-existing authorities, but since held to be erroneous in United States v. Turley, 352 U.S. 407 (1957)) that the government had the burden of proving beyond a reasonable doubt that the defendant had intended to steal the car at the very moment he rented it. The evidence on this point strongly favored the defendant.

[6] The *Johnson* case also arose under the Dyer Act. The defendant, a twenty-three year old Negro male, was charged with aiding and abetting the interstate transportation of a stolen car, knowing the same to have been stolen. The government's evidence showed that one Smith had stolen a car in a nearby state and induced the defendant to accompany him into the district. The vehicle in question was a relatively new Cadillac which had to be started by means of a jumper and which had its left front vent window broken. The defendant denied knowledge of the fact that the car had been stolen, and further asserted that knowledge was irrelevant in view of the fact that there was no evidence that he had ever driven the car, bought gas for it or done anything more than accompany Smith as a passenger. Defendant Johnson was acquitted after a heated six hour deliberation. The pertinent aspects of the case are treated in the text.

[7] *Williams* was a Mann Act case, the indictment charging that the defendant, a thirty-five year old Negro male, had transported one Mary Jones from the district to a nearby state with the intention of placing Mary in a house of prostitution. The government's evidence showed that the defendant, along with his prostitute wife who testified on his behalf at the trial, had taught Mary the trade while the three of them were literally sleeping together in the same bed. The government's evidence was overwhelming on the intent and transportation issues. The defendant simply denied knowing that Mary and his wife were prostitutes. The jury convicted in less than thirty minutes.

Such a result was due chiefly to the violent and outspoken prejudice of two white male jurors and to the presence on the jury of Mrs. Green, a religious worker and the only Negro on the panel. Mrs. Green supported defendant; the two white men favored the government. Early in the deliberations the two men advanced the contention that "niggers are just no good," and related several instances of criminal and immoral conduct by Negroes whom they had known personally. Their argument, in effect, was that the defendant should be convicted simply because he was a Negro. A high degree of inter-juror tension resulted, particularly in view of the fact that Mrs. Green frankly accused her opponents of racial bigotry and objected to their use of the words "jig" and "nigger." The two men, however, continued to make such remarks, and there is little doubt but that several of the jurors originally voting to convict switched their votes, partially because of an unwillingness to bear "voting association" with the men. At least two such jurors were themselves strongly prejudiced against Negroes. Both readily admitted prejudice when interviewed; and one, who almost hung the jury, sought to justify his prejudice and said that he saw nothing wrong with convicting a defendant because of his race, even if the evidence were not particularly strong. The juror summed up his views in this manner: "Niggers have to be taught to behave. I felt that if he hadn't done that, he'd done something else probably even worse and that he should be put out of the way for a good long while." Three of the other jurors in *Johnson* endorsed these sentiments during their interviews, and one launched into a bitter denunciation of Negroes and of the practice of allowing Negroes to serve on juries.

Consolation of a sort, however, comes from the fact that defendant Johnson was acquitted. The forces of prejudice lost the important battle. It is also noteworthy that two jurors in the case apparently were completely unbiased, and that several of those who were prejudiced overcame it to a great extent. Moreover, when asked whether there was "anything you tried consciously to keep out of your mind in reaching a decision," two jurors replied: "That the defendant was a Negro." On the other hand, there is no doubt that defendant Johnson's chances of an acquittal would, but for the incidents previously related, have been substantially reduced on account of his race.

This latter finding is not true with respect to the Negro defendants in *Brown, Meyer* and *Williams*. These men would have been convicted in any event. Proof of their guilt was regarded by all jurors as overwhelming. Nevertheless, there was a great deal of juror prejudice against the defendants because they were Negroes. The interview responses are replete with phrases such as "dirty jig" and "damn nigger," and the interviewer was repeatedly met with derogatory generalizations about Negroes based on isolated personal experience. In addition, many jurors expressed a fear of inter-racial marriage. Not all of the jurors reacted in this manner, of course, but the data clearly indicate that most of the jurors serving in these cases were prejudiced against Negroes, and that such prejudice would probably have found its way into the verdicts had the cases been closer and the government's evidence less presuasive.

One caveat should be noted in examining the data concerning these latter cases. Three of the jurors serving in the *Brown* and *Williams* cases expressed great concern and disappointment over the fact that no Negro jurors served on these cases. Their basis for this feeling was a notion that "one class of society should not exclusively sit in judgment on another." Moreover, these jurors felt that it would have been extremely helpful to have had the advice of someone who was acquainted with Negro culture and values first-hand. *Williams* was a Mann Act case, the evidence showing that the defendant had supported himself on money that his Negro wife and girl friend had earned as prostitutes. The *Brown* case arose under the Dyer Act, with the defendant being accused of renting a car and transporting it interstate with no intention of returning it on time. Do many Negroes engage in such conduct? Did Brown and Williams feel that they were doing wrong? Is it fair to make Negroes conform to the white man's notions of what is proper? The thrust of such questions, of course, seems to be in the direction of an acquittal. In any event these jurors clearly regarded such lines of inquiry as relevant and resented the fact that they could not be investigated intelligently for lack of a competent Negro juror-expert. Perhaps we have here a reflection of the attitude, said to be prevalent in many quarters, that a Negro stealing from a Negro should be dealt with more leniently than one who steals from a white, and that there are some laws which no Negro can ever "in justice" be expected to obey.

III

THE NEGRO JUROR

A. General Reactions

With regard to the Negro as a juror, the data are quite limited, since only three Negroes served as jurors in the cases studied. Seldom did a Negro appear on a venire, and in one case, later settled during the trial, defense counsel peremptorily challenged the two Negroes who did appear. Incidentally, this course of action was later commented upon adversely by several jurors, some of whom were themselves prejudiced. In general, however, there was no problem of challenging Negro veniremen, since none appeared. It should be noted that this exclusion was not conscious or motivated by prejudice. The jury selection officials were not prejudiced and would not in any event have consciously excluded Negroes. Moreover, the presiding judge would never have tolerated the practice. The relatively small number of Negroes on the venire lists resulted from the fact that few Negroes belonged to the organizations from which the names of prospective jurors were drawn. Steps have since been taken to include organizations made up predominantly or exclusively of Negroes.

The experiences of the three Negroes who did serve as jurors are well worth considering. Mrs. Green, the religious worker who served in the *Johnson* case, has already been mentioned. The others were Mrs. Edwards, who served in the *Ward*[8] and *Rose*[9] cases, and Mr. Cox, a garbage collector, who served in *Rose*. All three took their duties seriously, but Mr. Cox was by far the most conscientious and able.

The account of the reactions of these jurors to their service is, for the most part, a dismal one. The chief bright spot consists in

[8] Ward, a white man, was charged with stealing several pairs of trousers from an interstate shipment. The jury hung nine to three in favor of conviction. The three jurors voting for acquittal were simply afraid that the court might impose a penalty "out of line" with the offense charged, although all three agreed that the defendant had committed the criminal act in question. One of the three knew the arresting officers and claimed that they were corrupt, and another was a close friend of the defendant's attorney (a point not elicited on *voir dire*) and "knew he would never take an unjust case." Whether or not a crime had been committed was completely beside the point to these jurors.

[9] The *Rose* case was a relatively uncomplicated negligence action in which the evidence of plaintiff's contributory negligence, an absolute defense under the applicable law, was very strong. The relevant aspects of the case are discussed in the text.

the immense gratification they derived simply from being selected to participate. Mr. Cox expressed his feelings as follows:

> Q. When you received your summons to report for jury duty, Mr. Cox, what were your feelings?
> A. I was extremely proud. . . . It was . . . one of the proudest moments of my life. Ever since I was a little kid in [one of the Southern states] . . . , I've had a desire to serve. Of course, people with dark skin are not permitted to serve . . . down there. I've read many books on the jury and when I was first called to serve I went to the library and read up on the jury system and what a fine institution it is. I think it's really a wonderful way in which citizens regardless of the color of their skin can participate in the day to day administration of justice. When I got my summons . . . I got a sense of really belonging to the American community. . . . It was a very proud moment when I opened my letter and found that I had been . . . selected to serve on a *federal* jury.

Mrs. Green and Mrs. Edwards echoed these sentiments, the latter to a somewhat lesser extent. In no other respect do the data give as much substance to the point that jury service democratizes, serving as a constant reminder that each of us has a say in the affairs of government.

In many ways, however, the findings are not so favorable. Life on the jury was not easy for any of these persons. Socially speaking, not one was a "true" jury member. They were ignored for the most part, and conversation with them was perfunctory, being confined to small talk about the weather or an occasional comment on some aspect of the case. Moreover, the matter of eating created problems for the Negro jurors. As previously noted, the restaurants in the city in which most of the cases were tried would not serve Negroes. Thus, assuming that the other jurors would have invited them, there was no opportunity for becoming better acquainted with their colleagues over lunch. No such invitation was ever in fact forthcoming on the part of a white juror, although one contributing factor in this respect may have been the Negroes' own hurried departures from the courthouse when lunch-time came. Mr. Cox's description of the meal situation is poignant and illuminating:

> It's bad enough that a Negro under ordinary circumstances can't get anything to eat in . . . . It's even more terrible and shocking . . . when a Negro called upon to perform an important public responsibility can't be treated like everyone else. Mrs. Edwards

> and I discussed this at great length when we walked off. We couldn't go with the other jurors and so we went down to [a nationally known dime store] . . . where I used to work. I knew they would let us stand and eat there at the counter but if it hadn't been for my working there for five years several years back we couldn't even have eaten there in the dime store, and it was just lucky of course that I had that connection. Mrs. Edwards discussed, well, maybe we should just go in and sit down in a restaurant and force them to serve us. But I'm not an extremist. I don't want to get anyone in trouble. I don't want to get my name in the paper. I opposed that, and I think she felt that I had done wrong in that regard. . . . The fact that we were discriminated against in that way will be something that I know I will never forget. I know Mrs. Edwards will never forget it. . . . The way the situation is now it's a disgrace to the principles of justice for which the judge and the whole federal courts stand.

Once a case was submitted, the jurors were not allowed to separate and took their meals together in the custody of the bailiff. When Negroes were on the panel, the jury was taken to the one downtown restaurant known to serve Negroes. It was a Chinese establishment located several blocks from the courthouse. The Negroes' reactions to this practice were even more adverse than their feelings about the situation existing during the trials. Mr. Cox is again worth hearing:

> And then when we walked out together with the other jurors, Mrs. Edwards and I, down those many blocks past all those stores, past all those wonderful nice restaurants, to that Chinese restaurant just because two people on the jury had black skins. I thought, 'Something is wrong with this country. This is not right. This is un-American.' You know, I've always taught my children to love and to respect and to obey America, to think highly of democracy, to work hard, even to be willing to lay down their lives. You see that I have the American flag hanging right here in my front room, right beside the Lord's prayer, and my country means a great deal to me. I think highly of the federal courts and of courts in general and it was a terrible shock to me to know that I wasn't even permitted to eat in a white man's restaurant . . . when I was called upon to undertake an important public responsibility.

The deliberations were another sore spot. The unfortunate remarks and the obvious prejudice against Negroes on the part of certain jurors in the *Johnson* case have already been mentioned. These observations were extremely upsetting to Mrs. Green, and she

stated in her interview that she could not sleep upon returning home, and that the events of the deliberations kept churning around in her mind for some time. She felt that she personally had been on trial, and in an important sense she had been. The anti-Negro bias demonstrated during the deliberations had been directed as much against her as against the defendant.

Racial prejudice also appeared in the *Rose* deliberations, though by no means to the extent that it did in *Johnson*. In *Rose* the prejudice was directed against Mr. Cox, who wanted a plaintiff's verdict and held out alone for several hours. Mr. Jacobs, the white foreman, wrote several "secret" notes to one Cook, a prominent local millionaire, apparently containing derogatory remarks about Negroes, and both Jacobs and Cook consistently treated Cox with disdain. Their attitude was obvious to everyone, and some of the jurors who admitted prejudice regarded such conduct as wrong. Mrs. Edwards, who favored the defendant, likewise commented on the "prejudiced attitude" of Cook and Jacobs and mentioned the names of several other jurors in this respect. The data from *Ward*—where Mrs. Edwards and two others hung the jury—contain nothing of importance in this connection.

One final point should be noted. Mr. Cox was extremely irritated at having been challenged by defense counsel in one of the civil cases later settled during trial.[10] He expressed his feelings regarding the challenge as follows: "I was excused seemingly just because my skin was black. There was no other reason why I should have been challenged. I was very irritated and extremely disappointed that such a practice should be allowed."

In view of all this, one would expect these three Negroes to be sorry that they ever served as jurors. In fact they were not, however, and attention is again directed to the first point discussed in this section. The satisfaction derived from participating far outweighed the discomforts involved. In fact, all three seemed to gain from their experience an increased regard for the judicial process, the institution of the jury trial and the presiding judge, for whom they had the utmost respect and admiration.

[10] Cases which were settled during trial are not included in the figures mentioned in the introduction. The twenty-three jury trials there referred to are cases which actually were submitted to the jury and resulted in either a hung jury or a verdict.

B. The Negro Juror and the Deliberations

Much has been written elsewhere on the sympathy of the Negro juror for the underdog and on his tendency to favor high personal injury awards and to vote for acquittal in criminal cases. The data here strongly confirm these findings. All three of the Negro jurors involved in the cases studied had a strong underdog orientation and, with the exception of Mrs. Edwards in the *Rose* case, voted accordingly. Mrs. Green was one of the defendant's strongest supporters in *Johnson* and actually wept when agreement ultimately came on a verdict of "not guilty." Mrs. Edwards, joined by only two other jurors, hung the jury for the defendant in *Ward.* Mr. Cox stood alone for the plaintiff for several hours in the *Rose* case, and came very close to hanging the jury. His remarks on this point are interesting:

> Q. If you had to do it all over again, Mr. Cox, would you have hung the jury?
> A. I think I would have, yes. I felt so terrible after I left the courtroom and into the wee hours when my wife and I prayed and prayed that I had done right and I knew somehow in the back of my mind that I had not . . . and I was just worried sick over the entire proceedings, so that I know I would have had a much clearer conscience if I had not given in to my human frailties.

Mrs. Edwards, though strongly sympathetic with the plantiff in *Rose,* nevertheless voted for the defendant. She stated that she would not have done so, however, if she had felt that the defendant had been insured, and she probably would not have done so had she not previously been a member of the minority responsible for the hung jury in *Ward.* She did not want to be on another hung jury, and felt that a civil case such as *Rose* was not important enough to justify voting simply according to her "conscience." The general approach and attitude of these three jurors was thus strikingly uniform.

Certain more unique aspects of their performances also bear mention. Mrs. Green was originally nominated for foreman in the *Johnson* case by the two jurors whom she was later to accuse of racial bigotry. Their purpose in making the nomination was to insure Mrs. Green's "impartiality." Although the post was hers for the asking, Mrs. Edwards declined, saying that it would not be proper

since the defendant was a Negro and she was the only Negro juror. Instead she expressed her preference for Mr. Grant, a white, giving as her reason the fact that "he had previously served on a very similiar case." Her desire to have Mr. Grant selected, however, was in fact due primarily to her privately held opinion that he was free from racial prejudice. She was apparently correct in light of the author's findings regarding Mr. Grant.

Mrs. Green's role in the *Johnson* case is also noteworthy because of her status as the jury's expert on Negro culture. She provided the jury with information concerning the incidence of crime and juvenile delinquency among Negroes, Negro living conditions, the Negroe's attitude toward the law, and the probable fear that a young Negro like the defendant would entertain over the prospect of an arrest by white policemen (an important point since the defendant had fled when faced with apprehension). Several jurors seemed to have been impressed with her expertise, though its effect upon their thinking is not known.

The final point to be noted is the bitter exchange that took place between Mrs. Edwards and Mr. Cox during the *Rose* deliberations, which in some measure seems to have been owing to the fact that both were Negroes. Mrs. Edwards accused Mr. Cox of improper and faithless conduct in failing to disclose voluntarily on *voir dire* that he had once been an insurance broker. Mr. Cox heatedly replied that he had done nothing wrong and began a personalized attack on his accuser. Each shouted loudly at the other for several minutes. Mrs. Edwards, a long-time acquaintance of Mr. Cox, stated during her interview that she considered him too moderate in his "political views," and, as noted above, she had criticized him for his failure to enter a "for whites only" restaurant for lunch. The most unfortunate thing about this incident is that several of the white jurors sat back and laughed. One expressed his reaction as follows: "Those two niggers yelling like that at one another. It was really funny. I thought she was going to kill him."

IV

Negro Witnesses

The principal revelation here again largely concerns the problem of public accommodations. Several Negro police officers from a nearby community were subpoenaed to testify in the *Williams*

case. They arrived with their wives on Sunday, the day prior to trial, and sought unsuccessfully to obtain food and accommodations. It was ultimately necessary for them to drive approximately fifty miles and return the next day for the trial. Upon arriving at the courthouse they went to the United States Attorney, demanding action and complaining bitterly. They also informed their superior officer who wrote directly to the Attorney General of the United States. The Attorney General referred the matter to one of his assistants, who wrote an exceedingly rude letter to the district judge. The judge, of course, knew nothing of the matter and was not even aware that the officers had been subpoenaed until they appeared in court. No legal action was ever taken. These details are perhaps unnecessary. The point is that the police officers in question were quite naturally incensed over the treatment they had received and bore considerable ill will toward the government and the court.

Little can be said concerning the reactions of jurors to the various Negro witnesses. There was no clear-cut evidence of a witness being discredited merely because he was a Negro. However, Negroes appeared as witnesses only in the four criminal cases where the defendants were also Negroes. These were all cases in which the choice was simply one of deciding which Negroes to believe. There was no instance of contradictory testimony between a white and a Negro witness. One can only speculate on the outcome of such a contest, but the racial prejudice manifest in other of the data are hardly encouraging.

A conclusion seems singularly inappropriate, as the data presented adequately convey their message without need of additional explanation or analysis.