

STUDENT NONVIOLENT COORDINATING COMMITTEE
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Maclaurin vs. The State Of Mississippi

The Supreme Court of the United States, as though to further its recent decline from the mid-Twentieth Century image as a "protector of civil liberties," appeared much like the racist Supreme Court of the post-Reconstruction era in its action of January, 1967, in the case of Maclaurin vs. The State of Mississippi.

In July, 1963, in Greenville, Mississippi, after witnessing the trial in which several black defendants were tried and convicted by the Greenville Municipal Court for "Breach of the Peace," after being arrested for playing ball in a "for white only" public park, Charles Maclaurin, a field secretary for the Student Nonviolent Coordinating Committee, performed the following;

Maclaurin told a group of some 50 black persons, gathered in front of the courthouse, that the charge of "Breach of Peace," as used in this case, was used to attack ~~integrationists~~. He further stated that the conviction of the Greenville Court was unwarranted, and suggested that black people should register to vote in order to deal with such injustice.

A Greenville police officer, a Negro, told Maclaurin to move on, or he would be arrested. Believing in his right to speak freely, Maclaurin proceeded talking to the people, and when the police officers arrested him, he went limp and subsequently was dragged to and placed in the police paddy wagon. Maclaurin was charged with "Disturbing the Peace" and "Resisting Arrest".

Charles Maclaurin, without legal representation, was tried in Greenville Municipal Court and found "guilty". Subsequent to the conviction, Maclaurin, represented by Atty. R. Jett Brown, entered an appeal in the Washington County Court. In peculiar fashion, the Washington County Court held separate trials, including the taking of testimony, for each of the two charges. The court entered not one, but two convictions, and sentenced Maclaurin to 90 days and \$50 fine on each count (or a total of 180 days and \$100).

Under the contention that the conviction of "Disturbing the Peace" was rendered in defiance of the defendants right to "Freedom of speech", as upheld by the First Amendment to the Constitution of the United States, an appeal was then filed in the Washington County Circuit Court. The Appeal stated, also, that the charge of "resisting arrest" was unlawful, due to the absence of overt resistance, and, moreover, because there was no resistance, and because the charge of "disturbing the peace" was in this instance based on an unconstitutional state statute, the arrest itself was of unlawful nature.

The State of Mississippi lacked evidence sufficient to support either charge, however, the Washington County Circuit Court upheld and affirmed the decision of the County Court.

There followed an appeal to the Mississippi Supreme Court, obtaining the same contentions, and including also as precedent a similar case, that of Cox vs. the State of Louisiana, wherein the 5th U.S. Circuit Court of Appeals ruled in favor of Cox, the defendant, overruling the conviction of a lower court. The precedent notwithstanding, the Mississippi Supreme Court upheld the Washington County Circuit Court and further, also overruled a "Suggestion of Error" filed by counsel for defendant MacLaurin.

This procedure was followed by the filing of a Petition to the U.S. Supreme Court for Certiary, requesting that a "Writ of the State of Mississippi" be issued, that the case be reviewed. The Supreme Court of the United States, with three justices desenting, refused to review the case. The addition of one more desension would have provided for the reviewing of the case, in which the conviction could have been upheld or reversed. But the defendant's facing a prison sentence on charges that, in lieu of the factual evidence, have been upheld by racist courts in clear violation of the defendant's civil and human liberties.

The prosecuting attorney for the City of Greenville ordered MacLaurin to surrender by February 1, 1967, and on that date MacLaurin surrendered to the Chief of Police of Greenville to begin serving a sentence of 180 days and \$200 fine. His attorney, R. Jest Brown filed a Writ of Habeaus Corpus. No date has been set for this hearing.

We in SNCC feel that this case is still another example of the fact that the courts and the governmental officials across this country are engaged in a conscious conspiracy to "frame up" and deny justice to black men who dare to fight for their human rights and seek justice.