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THE BEQUEST OF
DANIEL MURRAY
WASHINGTON, D. C.
1925

The Negro's Right to Jury Representation

BY WILFORD H. SMITH

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Committee of Twelve

For the Advancement of the Interests of the Negro Race
Cheyney, Pa.

KE8174
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The Negro's Right to Jury Representation.

The statement which follows has been prepared by Mr. Wilford H. Smith, Attorney-at-Law, 150 Nassau Street, New York. Mr. Smith, it will be remembered, had charge of the Dan Rogers case which came up from Alabama and which was recently decided by the United States Supreme Court, and also of the Seth Carter case which came up from Texas, both of which cases were decided in compliance with the contention made to give Negroes of the country the unquestioned right to be represented upon juries and not to be discriminated against when members of the race are on trial. It is strongly urged that our people insist, through their attorneys, upon this right to be represented upon juries in all cases where their interests are at stake. It is further urged that the information contained in this circular be circulated as widely as possible through the agency of the press, the pulpit, and in all ways where it will reach the masses of the Negro people.

To the Colored People of The South:

The Supreme Court of the United States has decided in the recent cases of Rogers vs. Alabama, and Carter vs. Texas that the exclusion of qualified Negroes from jury service on grand and petit juries on account of their race and color, is a denial to Negroes on trial, in courts where such exclusion is allowed, the equal protection of the law; and the trial and conviction of a Negro under such circumstances will be set aside and annulled, as being in violation of the 14th amendment of the Constitution of the United States. The same is also true in a civil court, and a verdict against a Negro in a civil trial in a court where such discrimination is allowed may be set aside on appeal or writ of error to the Supreme Court of the United States.

You should avail yourselves of the benefit of these decisions, by moving to quash all indictments and panels of petit juries in criminal and civil cases, in courts where competent members of your race are excluded from jury service. If the community in which you live, or the court in which you are tried, is not willing to concede representation on the juries to the competent of your race, which is a right guaranteed by the Federal Constitution, there can be very little reason to hope that your case will be fairly and impartially considered in such a community or by such a court.

In most communities in the South you have no representation in the making of the law, and for that reason you should not fail to avail yourselves of your right to have a voice in its administration. You are so vitally affected in your lives, liberty and property by the law and its administration, that you should not be willing to give up all right to representation in these matters even to your most trusted friends.

Then too, it tends to bring upon the American Negro the scorn and contempt of the foreign element from every land, when they come into communities where Negroes are in large numbers, claiming to be American citizens, and yet find that they have no voice in the law-making bodies, nor in the courts of the country.

This is no contention for social equality but for manhood rights under the law, which you cannot neglect with safety to the liberties of yourselves and your children.

The doctrine announced by the Supreme Court of the United States, in the above mentioned cases, has not been in any respects changed or revised by the decision of that court recently handed down on February 23rd, 1909, in the case of Marcellus Thomas vs. the State of Texas. The decision in that case went off on the question of the sufficiency of the proof of discrimination, offered in the state court.

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