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**HUFF  
POST** **BLACKVOICES**

## Five Judges in Black Who Think White

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In August 1968, three years after the Voting Rights Act was passed, Henrietta Wright began her testimony on August 10th in the first voting rights damage suit in a Federal United States District Court in a Mississippi courtroom. She was suing Sheriff John Wages, the Sheriff who brutally beat her, hospitalized her and jailed her because she tried to register to vote on August 25, 1965 -- 20 days after the historic act was passed.

When the first voting rights suit was filed by the Department of Justice, Winona County Mississippi had 7639 white persons and 7250 Negroes of voting age. At least 5343 white persons were registered to vote. The only Negro registered to vote in Panola County was R.H. Hightower, 92 years old, who had registered in 1892.

I was Mrs Wright's lawyer. We told the all-white Oxford jury that at 4:00 p.m. on August 26, 1965. Mrs. Henrietta Wright, wearing one of the first "Black Power" buttons Mississippi had seen, went to the circuit courthouse in Winona to register to vote.

The trial testimony showed that Sheriff Wages, from his office two doors from the courthouse, watched Mrs. Wright as she began the registration process. She filled out the form, then drove home to the Last Chance Café, a restaurant which she and her husband owned and from which they made a meager living selling hot meals, potato chips, popcorn and candy. The Wright lived in a two-room building in the back of the restaurant, at the end of a dirt road called Greensborough Street. Mrs. Wright, a bulky woman in her late forties, left her car and started toward the café.

Before she could walk the 25 feet, Deputy Sheriff Miller pulled into the driveway, stopped behind Mrs. Wright's care and said, while still seated: "Henrietta, you're under arrest."

"What for?"

"For reckless driving and passing a stop sign."

"I didn't pass no stop sign. Where is there a stop sign on the way I traveled?"

"You passed the stop sign on Avern Street."

"I did not."

Sensing trouble, Mrs. Wright's husband walked out of the café.

"What's the problem?"

"She passed a stop sign."

"Well, let me pay the fine,"

Miller got out of the car with a pistol and blackjack. "No, I'm taking her to jail."

"Jail? For passing a stop sign? Let me just pay the fine."

"No, I'm taking her to jail."

"There's no reason for that."

Miller yelled, "Henrietta, come her with your hands up."

"I didn't do anything. I'm not going to jail."

"You walked away from me. That's resisting arrest and that's a felony."

Mrs. Wright continued on into the restaurant.

Just then Sheriff Wages and Deputy Sheriff Donald Cross pulled into the driveway. Following them came Highway Patrolman Billy Morgan, who parked across the road and removed his gun from its holster. Sheriff Cross drew a pistol and blackjack. Sheriff Wages took a long-barreled shotgun out of the back seat and started to walk into the restaurant with the gun drawn.

"Come on, Henrietta, you're under arrest for reckless driving. Don't do anything to make me shoot you," Wages said.

He first put the shotgun a few inches from her face and then put the gun hard in her back. As soon as she stepped outside, Miller and Cross grabbed her arms, bent them behind her back, hands pointing up, and handcuffed her.

"She hasn't done anything wrong. If it's just a traffic ticket, let me pay it," Mr. Wright said to Sheriff Wages.

"No we're taking her to jail."

Mrs. Wright was half pushed and half carried the 20 feet to Wages' car, with Cross and Miller on each side of her, their hands grabbing her arms.

She was shoved into Wages' car. Miller and Wages sat in the front, Cross in the back with Mrs. Wright. Wages kept his shotgun across his knees. On the way to the jail, Cross beat Mrs. Wright. Her hands were still handcuffed behind her.

They arrived at the jail at 6:05 p.m. Mrs. Wright was booked and put in a cell, charged with assaulting an officer, resisting arrest, and reckless driving.

"I want a doctor... Let me see my husband... I want a lawyer."

"Now, Henrietta, you just don't give us any trouble. Just be quiet."

Wages put his hands on Mrs. Wright's breasts, thighs, and backside, saying "I want to see if you have any weapons."

Because of the possibility that some jailed blacks may have seen him, Wages was later to testify that he did have his hands on Mrs. Wright's body, but he stated that Mrs. Wright had taken his hand and said, "Do you want to feel some hard black titties? If you want to feel something hot, put your hand in my crotch. Just ask like a man for what you want and you can have it. There's no need to put me in jail." At the time, Mrs. Wright still had her hands bound behind her.

C.W. Wright went to the jail at 7:30 and asked to see his wife. Wages refused; Wright went home.

Henrietta Wright's handcuffs were removed. She spent that night in jail, with no offer of dinner. The next morning Wages, Miller, Morgan, and Cross entered her cell, dragged her off the cot, and slammed her head and back against the concrete floor. They kned her in the stomach, thighs, and mouth, knocking out two front teeth, her mouth filling with blood. She resisted as best she could. They tried to handcuff her to keep her from fighting back, but they were not able to get more than one lock snapped on.

Her damage trial lasted a week. A constant angry white crowd congregated each day, all day, outside the courthouse. Mrs. Wright and I were surrounded, cornered, bumped and threatened as we came and went to the courthouse. I got phone calls at my hotel threatening, "Slick, you won't leave town alive".

The all-white jury deliberated for two hours. We lost the case but we won. Mrs. Wright won first by trying to vote, then by merely bringing the suit and making the Sheriff face her lawyer and her cross examination, and by the fact that an all-white jury needed two hours to deliberate and did not return an immediate verdict against Mrs. Wright.

Mrs. Wright was cheered as she left the courthouse by some of her neighbors who, after hearing of the verdict, came to support and protect her after she left the courthouse.

It is now 45 years after Mrs. Wright's trial. On February 27, 2013, the Supreme Court heard Alabama's attack that the Voting Rights Act could no longer stop states from discriminating against black voters. The lawyers for Shelby County, Alabama argued that the Voter Rights Act of 1965 was no longer necessary in 2006 for times had changed.

Irrespective of the final outcome, the court's members, liberal and conservative, all tipped their hand at the argument. Chief Justice John G. Roberts Jr., in support of Alabama's position, rhetorically asked whether "the citizens in the South are more racist than citizens in the North." Justice Roberts tried to show it was unfair to single out the South for racial discrimination and that the law was now being unequally applied; and that this unequal application may be more troublesome than the racial discrimination itself. Justice Anthony M. Kennedy, whose vote was known to be critical, then rhetorically, asked the government lawyer whether Alabama today is an "independent sovereign" or whether it must live "under the trusteeship of the United States government."

But it was Justice Antonin Scalia who had the temerity to say that the Voting Right Act, a great civil rights landmark, now amounted to a "perpetuation of racial entitlement."

Justice Sonia Sotomayor responded sharply. Because justices during argument do not attack each other directly, she placed her angry question to the Alabama lawyer, "Do you think that the right to vote is a racial entitlement?" "Do you think that racial discrimination in voting has ended, that there is none anywhere?"

The court has now effectively struck down the Voting Rights Act. It is not likely that this partisan Congress can ever arrive at legislation that is fully committed to the preservation of the voting rights of all citizens. This case causes greater damage to the democracy than *Bush v. Gore*, the case that decided the 2000 election, or *Citizens United*, the campaign finance election case, a greater disgrace perhaps than 1857 Dred Scott Supreme Court decision that said blacks were not citizens, thereby legitimizing slavery.

Mrs Wright has now lost. Her heirs will now face an onslaught of legislation intending to deprive citizens of their voting rights. It is tragic.