



Feb. 24, 1940

p. 6

Court: Dramatic Defense

The 131st anniversary of Lincoln's birth was also decision day, last week, in the Supreme Court. A dignified hush always marks the Court's sessions. But this day, as Justice Black began reading the Court's unanimous verdict on the appeal of four Florida Negroes convicted of murdering an aged white man near Fort Lauderdale, the hush became a tight, dramatic silence.

The Negroes, in appeals which the Florida Supreme Court had denied, claimed their confessions had been extorted by third-degree methods. "The grave question," Justice Black began, "is whether proceedings in which confessions were utilized . . . failed to afford the safeguard of that due process of law guaranteed by the Fourteenth Amendment."

Shortly after Hugo L. Black had been confirmed by his fellow Senators in 1937 as President Roosevelt's first Supreme Court appointee, newspapers reported he had once been made a "life member" of the race-baiting, creed-baiting Ku Klux Klan. In a radio address a few days before taking his court seat, Black admitted the impeachment. "I did join the Klan," he said. "I later resigned. I never rejoined." He disclaimed any racial or religious intolerance.

These facts, and the fact it was the Emancipator's birthday, were in the back of all his hearer's minds as Justice Black's voice cut sharply through the courtroom's silence. He began by reviewing the record of the case:

The four prisoners were rounded up with "twenty-five to forty other Negroes . . . arrested without warrant." They were spirited from their own county to a Miami jail. For five days the Negroes were questioned, singly and continuously, "surrounded by from four to ten men." When one finally "broke," his confession was torn up by the State's Attorney because "that isn't what I want." Finally "worthwhile" confessions were obtained.

Then Justice Black held this record up to the Fourteenth Amendment, which says a State may not "deprive any person of life, liberty or property without due process of law." His auditors, as the careful sentences fell, knew they were hearing one of the Supreme Court's great defenses of civil liberties. He summed up:

"Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement . . . No higher duty . . . rests upon this court than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed or persuasion.

"The Supreme Court of Florida was in error and its judgment is reversed."