

## 'Indecent Exposure'

Reporters covering the Selma and Montgomery demonstrations have described how Negro men and women, corralled by troopers, were, as the hours passed, obliged to urinate right there in the streets together.

We are pleased that the rest of the nation is finally being informed of this ultimate degradation of the Negro, but it is nothing new. If Negroes are not considered to be worth educating in the schools used by white children, that's bad; but even the old separate-but-equal doctrine acknowledged them to have human intelligence. If Negroes are not welcome in white restaurants, that's unfortunate; but even when they were served in the kitchen, under the old system, they were permitted to eat at a table, like people.

It is only in matters of toilet that the South has insisted on treating the Negro as truly no better than an animal, properly discharging his waste in the bushes or in the alleys or even in the streets.

"Indecent exposure" over the years has been one of the commonest charges brought against Negroes in the South. Far from indicating perversion, however, it usually means that some poor devil has been trapped by natural demands in a section of town where there are simply no toilets a Negro can use. So he goes up against a car or in a doorway, doing his best to maintain some modesty. But he is seen and reported, and the cops haul him away. Negro women, too, of course.

This problem is still the bane of traveling Negroes. Many Southern service stations have no rest rooms for them, and those that do almost always insist that Negro men and women use the same room. (The irony of this is that the white rest rooms which are being protected with such zeal are usually filthy.) A vice president of the Southern Christian Leadership Conference tells us of traveling through northwest Florida with his small daughter, who became ill and desperately needed a toilet. He was turned away from four service stations, and the girl had to use a ditch.

As Charles Silberman has observed, nothing is so brutally efficient in crushing will power as to impose conditions that presume the opponent to have neither sex nor modesty. What was true on the slave ships two centuries ago was still true in the Nazi concentration camps. Professor Stanley Elkins reminds us that the Nazi prisoner "had to ask permission for every single thing—even to urinate or defecate—and permission would not always be granted."

## The Jack Ruby Case

The nightmarish confusion of the Jack Ruby case is still with us. A Dallas jury found Ruby guilty of the murder of Lee Harvey Oswald, after a plea of not guilty by reason of insanity had been entered. On the score of fairness, the trial itself left a great deal to be desired; throughout the proceedings, the atmosphere of the courtroom was that of a three-ring circus. After the trial an appeal was taken, but in February the criminal appellate court entered an order staying

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further proceedings until a new hearing could be held on the question of Ruby's present mental state. In itself this action would indicate that the appellate court had some doubts about Ruby's sanity. Judge Joe E. Brown, who presided (after a fashion) at the criminal trial, will also preside at the insanity hearing which is scheduled to start on March 29.

Since Ruby is a pauper, he will have to be represented by court-appointed counsel, but in the selection of that counsel the court does not have an unlimited or arbitrary discretion. Yet despite the vehement objections of the defendant and members of his family, Judge Barnes insists that Ruby shall be represented by Joe Tonahill, one of his attorneys during the trial, and by another Texas lawyer. With the approval of his family, Ruby has asked for William Kunstler, of the New York bar, Elmer Gertz, of the Chicago bar, and Sol Dann, of the Detroit bar, three well-known and highly respected lawyers; Mr. Gertz represented Nathan Leopold in the proceedings which finally resulted in his release from state prison. By any standard, Judge Barnes's ruling is bizarre. If he feels that Ruby is presently insane and therefore not competent to select counsel, an order should be entered to that effect; it would automatically stay further proceedings. But Ruby was found sane at the criminal trial and is entitled to the presumption of sanity until some adjudication has been made to the contrary. As such he should have, by the narrowest interpretation, the right to "veto" the designation by the court of a counsel with whom he and members of his family feel that they cannot cooperate. It should be noted, in passing, that affidavits filed in support of the motion to substitute counsel assign specific reasons why Ruby objects to Tonahill as counsel; on their face, these reasons are impressive. But whether they have merit or not, there is something grotesque about the spectacle of forcing a defendant to be represented by counsel in whom neither he nor members of his family have confidence. Of course an appeal can be taken or a new action can be brought in the federal court to test the ruling; in the meantime the Jack Ruby case continues to be a travesty of justice.

## The Long War for Peace

One of this country's most valuable, effective and least-publicized organizations, the Women's International League for Peace and Freedom, is observing its fiftieth anniversary. Peace organizations have come (usually with peace) and have gone (usually with war) but the League persists. It has eschewed the flamboyant and spectacular in single-minded pursuit of a basic objective: international relations must be determined not by force but by friendship and justice. It has never permitted ideological or other differences to becloud its vision. The League grew out of the First International Congress of Women which met at The Hague, with Jane Addams presiding, in 1915. History suggests that the world would have been a better place today if World War I had been terminated then, on

→ RUBY