

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF MISSISSIPPI

JACKSON DIVISION

Robert L. Pierson, John B. Morris, Plaintiffs
James P. Breeden, and James
G. Jones, Jr. Defendants

v.

No. _____

J. L. Ray, J. B. Griffith, D.A. Defendants
Nichols, and James L. Spencer

COMPLAINT

Jurisdiction:

1. Jurisdiction is based upon 28 U.S.C. 1343 and 42 U.S.C. 1981 and 1983 and upon 28 U.S.C. 1332.
2. Each Plaintiff has been damaged in an amount greater than \$10,000.00, exclusive of interest and costs.

Nature of Cause of Action:

3. This cause of action is a civil action for damages for deprivation of civil rights and for false arrest and imprisonment of Plaintiffs by Defendants.

Plaintiffs:

4. Plaintiff Robert L. Pierson is an adult male, an Episcopal Clergyman, a member of the Caucasian race, and a citizen of the State of New York.
5. Plaintiff John B. Morris is an adult male, an Episcopal Clergyman, a member of the Caucasian race, and a citizen of the State of Georgia.
6. Plaintiff James P. Breeden is an adult male, an Episcopal Clergyman, a member of the Negro race, and a citizen of the State of Massachusetts.

7. Plaintiff James G. Jones, Jr. is an adult male, an Episcopal Clergyman, a member of the Caucasian race, and a citizen of the State of Illinois.

Defendants:

8. Defendant J. L. Ray is a policeman and a member of the police force of the City of Jackson, Mississippi, and resides in Jackson, Mississippi, and is a citizen of Mississippi.

9. Defendant J. B. Griffith is a policeman and a member of the police force of the City of Jackson, Mississippi, and resides in Jackson, Mississippi, and is a citizen of Mississippi.

10. Defendant D. A. Nichols is a policeman and a member of the police force of the City of Jackson, Mississippi, and resides in Jackson, Mississippi, and is a citizen of Mississippi.

11. Defendant James L. Spencer is the police justice and ex-officio Justice of the Peace of the City of Jackson, Mississippi, and resides in Jackson, Mississippi, and is a citizen of the State of Mississippi.

The Factual Situation:

12. On September 13, 1961, Plaintiffs and eleven other Episcopal Clergymen, amongst whom were two members of the Negro race and nine members of the Caucasian race, traveling in a group on a Prayer Pilgrimage, entered in orderly fashion the Continental Trailways Bus Station in Jackson, Mississippi, about 11:30 A.M. for the purpose of continuing their journey from New Orleans, Louisiana, to Detroit, Michigan to the General Convention of their Church. All possessed tickets to Chattanooga, Tennessee at such time. The group entered through a front door of the station, in front of which was a sign stating in substance "White Waiting Room Only -- By order of Police Department."

13. After Plaintiffs and the other Clergymen referred to above entered the station Defendants Griffith and Nichols placed Plaintiffs and the others under arrest, after ordering them to move on and after refusal by Plaintiffs and the others to do so.

14. Thereafter Defendant Ray approached Plaintiffs and told them to move on. Plaintiffs refused to do so and were then placed under arrest by Defendant Ray and taken to the Jackson City jail.

15. At no time was there any unusual gathering, occurrence, or circumstances in or near the vicinity of the bus station at or near the time of the arrest of Plaintiffs nor did any person present, including Plaintiffs, create any disturbance or commit any disorderly acts whatever.

16. Plaintiffs Pierson, Morris, and Breeden were held in jail until Tuesday, September 19, 1961.

17. Plaintiff Jones was held in jail for approximately ten days after the other Plaintiffs were released.

18. Plaintiffs were held, tried, and convicted upon affidavits of Defendant Ray alleging that Plaintiffs "on or about September 13, 1961, in the corporate limits of Jackson, First Judicial District of Hinds County, Mississippi, under such circumstances that a breach of the peace might have been occasioned thereby, did then and there congregate with others in or around the Continental Bus Terminal, 201 East Pascagoula Street, Jackson, First Judicial District of Hinds County, Mississippi, a place of business engaged in selling or serving members of the public, and did then and there willfully and unlawfully fail or refused to disperse and move on when ordered to do so by affiant, a law enforcement officer of the City of Jackson, Mississippi, a municipality, contrary to the laws and ordinances in such cases made and provided, and against the peace and dignity of the State of Mississippi."

19. Defendant Spencer was the judge at the trial held on Friday, September 15, 1961, without a jury at which trial Plaintiffs were tried and convicted on the affidavits mentioned in paragraph 18, supra, and on the testimony of Defendant Ray. The convictions were based upon violations of Section 2087.5 of the Mississippi Code of 1942, as amended.

20. Plaintiffs Pierson, Morris, and Breeden posted bond and were released from jail on Tuesday, September 19, 1961. Plaintiff Jones posted bond and was released from jail approximately ten days after the other Plaintiffs.

21. The Plaintiffs duly appealed to the Hinds County Court from the Jackson Municipal Court as provided by Mississippi laws. As a necessary consequence of prosecuting their appeals Plaintiffs were required to appear in the Hinds County Court before County Judge Russell Moore for arraignment on October 9, 1961, at which time they pleaded not guilty. Thereafter, on April 10, 1962 Plaintiffs Morris, Pierson, and Breeden were required to return

to Jackson for further purposes of prosecuting their appeals. On May 21, 1962 the trial of Plaintiff Jones was held before Judge Moore. At the end of the prosecution's evidence, at which Defendant Griffith testified, the Court, upon Plaintiff Jones's motion, dismissed the case on the grounds that the evidence showed no violation of law.

Immediately thereafter the City Prosecutor moved the dismissal of charges against the other Plaintiffs and the eleven other Clergymen referred to above, stating that the evidence in the remaining cases was the same as in the Jones case. This motion was granted.

Claim I:

22. Defendants, acting severally and in concert, under color of law and under color of Section 2087.5 of the Mississippi Code of 1942, as amended, and under color of the Constitution, laws, policy, customs and usages of the State of Mississippi dealing with segregation of the Negro race from the Caucasian race, subjected and caused to be subjected Plaintiffs to the deprivation of rights, privileges and immunities secured by the Constitution and laws of the United States in that Defendants have arrested, convicted and sentenced Plaintiffs to jail and confined Plaintiffs therein for the sole purpose of enforcing the segregation laws, customs, policies, and usages of the State of Mississippi.

23. Plaintiffs have been deprived of their rights, privileges, and immunities as citizens of the United States and of the Several States to travel freely among the States of the United States, to equal protection of the laws, and to due process of law, among other rights, privileges, and immunities guaranteed by the Constitution and laws of the United States. These rights, privileges, and immunities are guaranteed, in particular, by Article I, Section 8, Clause 3, and the 14th Amendment of the Constitution of the United States and laws passed pursuant thereto.

Claim II:

24. Plaintiffs have been intentionally falsely arrested, confined, detained, and imprisoned by Defendants, acting severally and in concert, without legal cause, process, or justification. At no time about the occasion of their arrests did the Plaintiffs commit any acts justifying their arrests by

Defendants Ray, Griffith, and Nichols or their convictions by Defendant Spencer under the section of the Mississippi law with which Plaintiffs were charged with violating, Section 2087,5, or under any of the other laws of the State of Mississippi.

Statement of Damages:

25. Plaintiffs have each been injured and damaged by Defendants' acts against Plaintiffs in the amount of \$10,001.00 for each Plaintiff and each Plaintiff has further been forced to expend the sum of approximately \$1,000.00 as a direct and proximate result of protecting and defending himself against the acts of Defendants.

Prayer for Relief:

26. Wherefore, each Plaintiff demands judgment against Defendants, jointly and severally, in the amount of \$11,001.00, for a total judgment against Defendants of \$44,004.00.

27. Plaintiffs request such other and further relief as is just.

28. Plaintiffs demand that Defendants pay the cost of this action.

Carl Rachlin
280 Broadway
New York, New York

William Higgs
Box 4863
Jackson 6, Mississippi

ATTORNEYS FOR PLAINTIFFS

William Higgs
One of the Attorneys of
Record in this cause
and a member of the bar
of this Court.