

## Defeat in Decision, Victory in Action: A Critical Legal Rhetoric Reading of *U.S. v. Patridge et al.* (1963)

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*U.S. v. Patridge et al. (1963)* was one of the first modern Civil Rights cases tried in Federal Court. While all five defendants were found not guilty after a short deliberation by the jury, the prosecution claimed a moral victory just for trying the case as it signaled to the rest of the nation the Federal Government's newfound willingness to hear civil rights cases—including those in the Deep South.

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Neil R. McMillen notes, “Mississippi, the pioneer state in the southern disfranchisement movement, had no peer in the denial of Black rights.”<sup>1</sup> No other state in the union was as unified and consistent in its effort to crush integration. All forms of government, the Governor, judges, and local law enforcement defiantly ignored federal decrees and judicial rulings aimed to protect Blacks’ rights to vote, travel, and assemble. Instead, they maliciously tried to make examples of those who would dare to infiltrate their community and threaten the status quo. The federal government’s criminal reluctance to commit to the protection of equal rights needed changing in Mississippi. However, the state’s government firmly believed that they were stronger and more committed than the “Yankees” in Washington, D.C., and that they were in the moral and legal right to deny equal protection. They failed to realize that the federal government would not remain dormant forever.

This essay examines a precedent breaking moment when the federal government legally intervened in the struggle for civil rights. In the case of *U.S. v. Earle Wayne Patridge, Thomas J. Herod, Jr., William Surrell, John L. Basinger, and Charles Thomas Perkins* 18 U.S.C. 242, 371(1963) the Federal government not only engaged in the legal protection of civil liberties, but the case’s decision and outcome also produced change by the very fact that there was a hearing. At the macro level, the case and trial in Oxford, Mississippi, from December 2nd to 6th in 1963 is important symbolically as it represents a moment when the federal government finally took action by enforcing existing legislation protecting civil rights. At a micro level the trial and proceedings of the case reveal how Southern white supremacists attempted to argue for and justify the status quo of segregation.

Despite the existence of the Civil Rights Act of 1957, the Federal government maintained a laissez-faire attitude and approach to protecting civil rights. As stated above, one of the main arguments of this essay is that the actual trial is important because it represents a shift on the part of federal involvement; the trial is a legal/historical event with rhetorical symbolism. A message is sent to supremacists,

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<sup>1</sup> Neil R. McMillen, “Black Enfranchisement in Mississippi: Federal Enforcement and Black Protest in the 1960s,” *The Journal of Southern History* 43 (1977): 325.

civil rights activists, and the rest of the nation that the Federal government will act. This is the trial's most significant meaning, and it is important for communication scholars to contribute a perspective at the symbolic level not leave the analysis of legal proceedings solely to historians or legal scholars. By approaching *U.S. v. Patridge et al.* from a perspective rooted in what Hasian labels "critical legal rhetoric" reveals the subtle and not so subtle ways this case conveys meaning and attempts to reconstruct power relationships between citizens and the state.<sup>2</sup>

As for the micro-textual analysis of the trial proceedings, we argue that William S. Wells, the Assistant Attorney General of Mississippi and counsel for the defense, methodically attacked the two most-credible witnesses, Annell Ponder and Fannie Lou Hamer, as "outside agitators." This tactic was implemented by the defense to discredit Ponders' and Hamer's testimony that local police in Winona, Mississippi had beaten them and three others at the city jail after they had unsuccessfully tried to order dinner at the local bus terminal. Both Ponder and Hamer were strong, articulate, and seasoned Civil Rights veterans.<sup>3</sup> Wells noted in his cross-examinations that neither Ponder nor Hamer had ties to the community of Winona and had various connections to Civil Rights organizations. Moreover, it was a widely held belief in Mississippi that Civil Rights organizations were responsible for instigating riots and disturbing the peace, rather than protecting justice. Ponder and Hamer, Wells argued, worked for various Civil Rights organizations and had nothing invested in the community of Winona. Therefore, their goal at the bus terminal café was not to eat, but rather to instigate a riot and disturb the peace. It was argued that law enforcement was then forced to arrest and detain these activists whose sole purpose was destruction and creating unrest. This winning defensive legal strategy would later become a staple for defense attorneys across the South who defended those who violently opposed the Civil Rights Movement. And again, examining at the micro level with an eye for critical legal rhetoric provides an opportunity to examine a rhetorical text that lies outside the boundaries of traditional Civil Rights research. There is a connection here with our macro reading via enacting citizenship in order to force the federal government to adhere to and enforce the democratic principles it espouses.

Before a close textual reading of the trial transcript can be conducted it is necessary to provide a historical background leading up to the trial and case. While the following section is not a conclusive history of intimidation and violence in Mississippi, it provides the context needed to understand why the trial and the outcome are important.

### *A State of Oppression and Violence*

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<sup>2</sup> Marouf Hasian, Jr., "Critical Legal Rhetorics: The Theory and Practice of Law in a Postmodern World," *Southern Communication Journal* 60 (1994): 44-56.

<sup>3</sup> For more on the rhetorical career of Hamer see *The Speeches of Fannie Lou Hamer: To Tell It Like It Is* eds. Maegan Parker Brooks and Davis W. Houck (Jackson: University Press of Mississippi, 2011).

By 1963, Winona's citizens, as well as the rest of the country, were well aware of the civil rights demonstrations, freedom rides, and voter registration efforts taking place throughout Mississippi. Since *Brown* civil rights activity in the Magnolia state had been increasing, but yielding little results. Civil rights organizers were, however, aware of the murders of Reverend George Lee, Emmett Till, Louis Allen, and Herbert Lee.<sup>4</sup> Countless other acts of intimidation and violence occurred no doubt, but the state and local law enforcement official response went lacking, or in some instances were the catalysts of violence. For example, civil rights activist James Meredith, in order to integrate the University of Mississippi had to do so under the protection of 3,000 federal troops. A riot ensued which left two dead and numerous federal troops injured.<sup>5</sup> Meredith's integration and the failure of organizations like the Student Nonviolent Coordinating Committee (SNCC) and the Voter Education Project (VEP) to register Blacks in significant numbers would only strengthen segregationist resolve.<sup>6</sup>

This resolve was evident when the Justice Department was forced to sue the police departments of Winona and Greenwood after they failed to adhere to the 1961 Interstate Commerce Commission mandate that desegregated all bus terminals and buses on the first of the New Year. In late March of 1963, 30 miles west of Winona in Greenwood, Mississippi, 42 Black demonstrators started to march home in orderly two by two lines when police officers, handling German Shepherds, broke up the demonstration. The demonstrators chaotically scattered as dogs nipped at their heels and white bystanders yelled, "Turn him loose!" and "Sic 'em."<sup>7</sup>

In an effort to raise national awareness of the violence against Civil Rights activists throughout the South, the VEP issued a news release on March 31, 1963, trying to make some of the national Sunday papers.<sup>8</sup> The news release documents sixty-four acts of violence and intimidation against Mississippi Blacks attempting to register to vote from January of 1961 to March of 1963. While the list may not be comprehensive, it still is a solid reflection of the environment leading up to and contemporary with the case and trial. Wiley Branton, director of the project, states in the release that while the list does not include the riot at Ole Miss, or the subsequent harassment of James Meredith,<sup>9</sup> "It does demonstrate conclusively, however, the

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<sup>4</sup> John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Champaign: University of Illinois Press, 1994) and Charles Payne, *I've Got the Light of Freedom* (Berkeley: University of California Press, 1995) are two excellent sources for coverage and insight into the struggle for civil rights in Mississippi.

<sup>5</sup> William Doyle, *An American Insurrection: James Meredith and the Battle of Oxford, Mississippi, 1962* (New York: Anchor Books, 2001).

<sup>6</sup> David Hackett Fischer and James McPherson. eds. *Freedom Riders*, Oxford United Press, 2006.

<sup>7</sup> Claude Sitton, "Police Loose a Dog on Negroes' Group; Minister Is Bitten," *New York Times*, March 29, 1963, 1.

<sup>8</sup> Microfilm, "Press Release," CORE Papers, Dave Dennis section, reels 9, 21, and 25.

<sup>9</sup> William Doyle's *An American Insurrection: James Oxford and the Battle of Oxford, Mississippi, 1962* (New York, NY: Anchor, 2001) is an excellent source covering James Meredith's integration of the University of Mississippi.

pattern of discrimination and violence which exists in Mississippi, and makes Constitutional rights virtually inoperative in that state.”<sup>10</sup>

The list dates back to January of 1961, where in Greenville, George Mayfield and Percy Lee Simmons received gunshot wounds as two whites riding by on a motorcycle fired into the crowd. The list contains some of the more infamous and tragic moments of the struggle for civil rights in Mississippi: the beating of Bob Moses by Billy Jack Caston in Amite County in late August of 1961; the murder of Herbert Lee by state representative E.H. Hurst in September, near Liberty; violent reactions to the arrival of Freedom Riders in Jackson; the murder of Corporal Roman Ducksworth by Officer Bill Kelly in April of 1962 near Taylorsville; in October of 1962 a Molotov cocktail was thrown into the home of Dr. James L. Allen, vice chairman of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights; the murder of Sylvester Maxwell in Canton in January of 1963; four acts of arson on Black-owned businesses in Greenwood, all on the same night in February of 1963. The list also includes many more random acts of violence on the part of local whites, such as firing guns into the homes and businesses of Blacks, the egging of demonstrators, or even dismissing Blacks from city and county jobs.

While there were numerous acts of violence against Blacks in Mississippi, there were few instances of Blacks registering to vote. McMillen notes that in the summer of 1962 in Leflore, 268 of the county’s 13,567 Black adults were registered; in January of 1964 that number increased by only 13, leaving “no appreciable increment.”<sup>11</sup> The same could be said for other counties. Efforts in Amite, Pike, and Walthall counties were almost completely unaffected. The percentage of eligible Blacks registered in those respective counties stayed virtually unmoved: 0.03, 2.20, and 0.10 correspondingly.<sup>12</sup>

Soon after the report was issued the Voter Education Project pulled its financial support from efforts in Mississippi. The voter registration drives had registered less than four thousand new Black voters in almost two years of work, and at the expenditure of over \$50,000.<sup>13</sup> Despite the collapse of the Delta campaign sponsored by the Voter Education Project, McMillen contends, “that the idealistic crusaders for Black suffrage emerged from two years of utter defeat with a healthy sense of realism.”<sup>14</sup> McMillen argues that this newfound sense of realism forced leaders to understand that meaningful change would only come from federal intervention, and that intervention was only likely to occur with broad sweeping public support. Voting efforts temporarily stalled in the spring of 1963 when fiscal support from VEP was withdrawn.

On June 9, 1963, the *New York Times* printed an expose entitled “Not Token Freedom, Full Freedom,” which examined the civil rights movement and reported that Blacks in the South believed that, “at the least, the Federal Government can put

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<sup>10</sup> Microfilm, “Press Release,” CORE Papers, Dave Dennis section.

<sup>11</sup> McMillen, “Black Enfranchisement in Mississippi,” 362.

<sup>12</sup> McMillen, “Black Enfranchisement in Mississippi,” 360.

<sup>13</sup> McMillen, “Black Enfranchisement in Mississippi,” 362.

<sup>14</sup> McMillen, “Black Enfranchisement in Mississippi,” 364.

an end to the police brutality that constitutes one of the chief handicaps to [Negroes'] efforts towards self-improvement."<sup>15</sup>

*The Incident In Question*

On that same morning of June 9, a Greyhound bus, en route to Greenwood, stopped in Winona at approximately 10:40 AM at the Continental Trailway bus station. The ten Blacks riding the bus had spent the preceding week at a teacher-training workshop sponsored by the Highlander Folk School in Charleston, South Carolina, learning to teach other Blacks how to register to vote and to organize their home communities. The Southern Christian Leadership Conference (SCLC) had paid for the workshop and the bus fare to and from Greenwood, where the regional headquarters of the Student Nonviolent Coordinating Committee (SNCC) was located.

That morning, Euvester Simpson, 17, and another girl got off the bus and went inside the terminal to use the restrooms. Two years earlier, the Interstate Commerce Commission (ICC) had ruled that it was illegal to racially segregate restrooms or food establishments at interstate bus terminals; therefore, there were no longer signs labeling "white" or "colored" restrooms.<sup>16</sup> However, separate facilities still existed at the Winona terminal. Highway patrol officer, John L. Basinger, dressed in uniform, was at the terminal before the bus pulled in. Winona's Chief of Police, Thomas J. Herod, dressed in civilian clothes, was also present and parked his personal car near the front of the terminal. Basinger entered the building from the back and intercepted Simpson and Davis as they attempted to enter the restroom. He directed the two girls to use the "colored" restrooms outside behind the terminal; they followed his instructions. Meanwhile, Ponder, field supervisor for United Church of Christ and Southern Christian Leadership Conference, 30, James West, 19, June Johnson, 15, and Rose Marie Freeman, 16, sat down at the cafe counter to order food. They had been riding the Greyhound bus all night and had not eaten since 6:30 that morning; the two waitresses refused to serve them. After ordering Simpson and Davis outside, Basinger made his way toward the cafe at the front of the terminal. He instructed Ponder, West, Johnson, and Freeman to leave the "white" cafe immediately. The four complied, walked out of the terminal, and congregated next to the bus. None of the patrons, nor the owner of the cafe, recalled a disturbance when the four Blacks sat down or once they left. Simpson and her companion rejoined the group outside the front of the terminal, informed them that a patrol officer had directed them to use the "colored" bathrooms, and got back on the bus. Several minutes later, however, Simpson got off the bus and joined the other four again.

Basinger placed a telephone call to the Sheriff of Montgomery County, Earl Wayne Patridge, to have him meet Herod and himself at the terminal. Basinger and Herod then placed the group of five, who were not on the bus, under arrest for disturbing the peace and ordered them in the back of Basinger's patrol car. As the group was being put in the patrol car, Fannie Lou Hamer, a field secretary for SNCC,

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<sup>15</sup> Claude Sitton, "Not Token Freedom, Full Freedom," *New York Times*, June 9, 1963, 219.

<sup>16</sup> *Discrimination in Operations of Interstate Motor Carriers of Passengers*. Interstate Commerce Commission. MC-C-3358, September 22, 1961.

46, got off the bus. Patridge and Highway Patrol Officer Charles Thomas Perkins arrived simultaneously in separate vehicles. Perkins was parked down the street from the station, but investigated after noticing patrol cars parked in front of the terminal. Patridge arrested Hamer and ordered her in the back of Perkins' patrol car. Basinger and Herod transported the group of five to the Montgomery County Jail; Patridge, Perkins, and Hamer arrived shortly thereafter.

At approximately 1:30 PM that afternoon, the remaining travelers returned to the SNCC voter registration office in Greenwood, Mississippi, and informed Lawrence Guyot, 24, that six travelers had been arrested in Winona. He and four other men drove a station wagon and a car to the Montgomery County Courthouse to inquire about their bonds and charges. At the sheriff's office, Patridge told Guyot that bond for the prisoners would not be set until Monday. Basinger and another man then followed Guyot back to his car, struck him in the face, placed him under arrest, and took him back to the courthouse. The four men who had traveled with Guyot returned to Greenwood without him and notified fellow SNCC employee, Roberta Gallagher, of the increasingly dire situation in Winona. Gallagher immediately began calling SNCC offices across the nation asking them to call the Montgomery County Jail and to ask to speak with Guyot. Gallagher did this as a safety precaution. Civil rights activists believed that racial violence was less likely to occur if fellow activists knew where they were imprisoned.<sup>17</sup> SNCC employees and volunteers quickly inundated the county jail with phone calls; Gallagher also notified the FBI.<sup>18</sup> Herod decided that Guyot would not stay in the county jail that night and had Winona police officer William Surrell transport Guyot to the city of Carrollton's jail, some 13 miles directly West of Winona.

On Monday afternoon, Guyot was returned to the Montgomery County Jail. That evening, Guyot requested a doctor and was subsequently seen by local physician Dr. H. L. Howard, who noted minor injuries on his back and right eye. The FBI also sent over special agents who took pictures of Guyot. That same evening, Ponder, Johnson, West, and Hamer all signed affidavits stating that they had not been harmed while incarcerated in the county jail. On Tuesday, June 11, Mayor Martin C. Billingsley of Winona presided as Police Justice and convicted all six prisoners of disorderly conduct and resisting arrest.<sup>19</sup> The victims were released on \$100 appeal bonds each later that morning. Guyot believed they were only released—and therefore survived—because of the immediate scrutiny on race relations after the Evers murder.<sup>20</sup>

The group immediately returned to Greenwood. Ponder, Hamer, and West were seen that afternoon by Dr. Mabel T. Garner, a Black physician. She noted deep bruises and cuts on all. Next, they contacted the FBI, which had an office in Greenwood. On Tuesday, Special Agents Lawrence J. Olson and Orville M. Johnson

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<sup>17</sup> Lawrence Guyot, telephone interviews with author, November 25 and December 3, 2008.

<sup>18</sup> Interview with Guyot.

<sup>19</sup> E.W. Kenworthy, "U.S. Acts to Block New Trial of Six Negroes in Mississippi," *New York Times*, June 18, 1963, 23.

<sup>20</sup> Interview with Guyot.

took pictures of the three at SNCC's Regional headquarters also located in Greenwood. Ponder and Hamer then contacted several leaders of the SCLC, including Dr. Martin Luther King, and alleged that white officers had beat them during their stay in the Montgomery County Jail; furthermore, that the white officers forced three Black prisoners to beat Hamer and West. The following day, June 13, Ponder and Hamer flew to SCLC headquarters in Atlanta and discussed the allegations further with the organization's leadership. That same day, the *Winona Times* reported that six Blacks had been arrested, tried, and convicted for failing to "...move on," and that, "...two members of the FBI were reportedly in town immediately after the trial Tuesday, supposedly to investigate any possible civil rights violations."<sup>21</sup>

On Friday, June 15, Ponder and Hamer flew from Atlanta to Washington, D.C. to meet with the Department of Justice and Federal Prosecutor, St. John "Slim" Barrett. Two days later, the federal government filed a civil action against Montgomery County and Winona city officials asking for a preliminary injunction against Herod, Patridge, and Billingsley to ensure that they would no longer prohibit the use of the public facilities by Blacks.<sup>22</sup> An editorial on June 20 in *The Winona Times* beseeched the federal government to, "...keep their meddling fingers out of the pie!"<sup>23</sup> In order to help guide our close reading of the trial transcript a brief review of critical legal rhetoric is in order.

#### *Critical Legal Rhetoric*

Hasian's critical legal rhetoric helps guide our analysis in five ways: 1) "Legal formalism hides the constitutive nature of America's judicial rules and norms," 2) "Empowered elites profit from the denial that law is rhetorical," 3) "If laws are selective, then there have necessarily been many other possible views of justice and equality that have never become dominant," 4) "Critical legal studies should involve more than the study of 'precedents,'" and 5) "Critical legal rhetoric involves both deconstructive and reconstructive movements."<sup>24</sup> Utilizing this approach reveals the powerful symbolism generated by the sheer presence of the case and its break with federal *inactivity*, and the significance of the agency demonstrated on the part of average citizens like Hamer despite the decision reached in the trial.

Hasian notes that critical legal rhetoric provides "a perspective that combines the work of rhetoricians and legal scholars. This postmodern approach augments traditional legal accounts by focusing on the function of discursive fragments that are created to hide some of the contradictions and power relationships that exist within society."<sup>25</sup> In the legal sphere power is granted and legitimized by a system which privileges certain modes of discourse and reasoning that are often inaccessible to the average citizen, making it difficult to be heard or even noticed. "If effective social

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<sup>21</sup> "Six Negroes fined here," *The Winona Times*, June 13, 1963, 1.

<sup>22</sup> "Winona Defendant in federal action," *The Winona Times*, June 20, 1963, 1.

<sup>23</sup> "Let Us do the job!," *The Winona Times*, June 20, 1963, 1.

<sup>24</sup> Marouf Hasian, Jr., *Legal Memories and Amnesias in America's Rhetorical Culture* (Boulder, CO; Westview Press, 2000), 4.

<sup>25</sup> Hasian, "Critical Legal Rhetorics," 46.

change is going to take place, it will be accomplished only by paying attention to the ways in which legal fragments operate in the pragmatic, discursive interactions of the everyday world.” Similar to those who examine constitutive rhetoric from a postmodern perspective, Hasian argues, “Instead of looking for rhetoric within the law, we should look at law as rhetoric, as one of the many possible symbol systems that can be constructed,”<sup>26</sup> and by extension reconstructed. A major part of the significant symbolism of *U.S. v. Patridge et al.* is found in the fact that a citizen, such as Hamer, has the right to challenge her government and its employees when they do not serve and protect her interests as they are so legally defined by the Constitution. This notion becomes even more powerful when taken into consideration that Hamer and the plaintiffs are not the ostensibly great rhetors public consciousness acknowledges from that time.

Hasian notes, “Deploying critical legal rhetoric means that we attempt to decode privileged judicial opinions while simultaneously engaging in an empathic criticism that takes a stance in spite of the fact that we recognize the sense in which the stories of localized victims constitute a form of ‘subjugated knowledge.’”<sup>27</sup> It is the duty of critics to highlight power and the contradictions made to serve its maintenance.

#### *The Feds Take Action, Finally*

On September 9, 1963, the United States Government filed criminal charges against Patridge, Herod, Basinger, Perkins, and Surrell. The Federal Government accused the following: Basinger, Johnson, and Patridge beat and kicked June Johnson; Patridge, Herod, Surrell, Basinger, and Perkins beat and kicked Ponder; Patridge, Herod, Surrell, Basinger, and Perkins compelled two prisoners to beat West and Hamer with a “black jack,” or an eight inch piece of leather that resembled a small hand-held whip; Patridge, Herod, Surrell, and Basinger beat and kicked Lawrence Guyot; finally, that Patridge, Herod, and Basinger coerced and intimidated Hamer, Johnson, West, Simpson, Freeman, and Guyot to sign statements against their will, which stated they had been uninjured during their incarceration.<sup>28</sup>

Again, legal action on the part of the federal government is ground breaking and powerfully symbolic. An eighty-two year absence of federal legislation relating to civil rights ended with the passage of the Civil Rights Act of 1957. The Act consists of four main parts: the creation of a Civil Rights Commission, the addition of an assistant attorney general, the further protection of voting rights, and the elimination of the requirement that federal jurors be competent as such under state law.<sup>29</sup> One of the major problems facing the enforcement of the Act is found in the basic premise of the Tenth Amendment which states “those powers not delegated to the United States

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<sup>26</sup> Hasian, “Critical Legal Rhetorics,” 51.

<sup>27</sup> Hasian, “Critical Legal Rhetorics,” 54.

<sup>28</sup> *U.S. v. Earle Wayne Patridge, Thomas J. Herod, Jr., William Surrell, John L. Basinger, and Charles Thomas Perkins*, U.S. District Court for the Northern District of Mississippi, Western Division, December 2-6, 1963. Criminal Action No. WCR 6343, 1-7.

<sup>29</sup> Thomas R. Winquist, “Civil Rights: Legislation: The Civil Rights Act of 1957,” *Michigan Law Review* 56 (1958): 625.

by the Constitution nor prohibited by it to the States” are given to the state and its people.<sup>30</sup> It is here in this phrasing of the Tenth Amendment where the constitutional legitimacy of ‘states rights’ is found, deferring to each state the right to enact and enforce laws as they see fit so long as that legislation does not violate federal law. Another problem stems from the prevailing interpretation of the Fifteenth Amendment where action is applicable on the part of the federal government only to prevent discriminatory state action and not individual acting against individual.<sup>31</sup>

Three developments in the Civil Rights Act of 1957 are important in this case: the establishment of the Civil Rights Commission, the addition of an assistant attorney general, and the power of the Commission and new assistant attorney general to enforce those rights already legally established and granted. The Commission’s duty was to investigate written and sworn complaints that “United States citizens were being denied rights of suffrage by reason of their color, race, religion, or natural origin.”<sup>32</sup> The major protection added by the voting rights act “was the power given the Attorney General to seek preventative relief in the form of an injunction on behalf of persons denied the right to vote because of race, color or previous condition.” The creation of the Commission, in light of this newly appointed power of injunction, theoretically allows the Attorney General to enforce already established and codified voting rights protections. While the focus of the 1957 Act concerns voting the creation of a legal entity with the purpose of prosecuting violations of civil liberties plays an important role in this case. When put in conjuncture with the desegregation ruling in the ICC legislation from 1961 concerning public restrooms and eating establishments an opportunity for the Civil Rights Commission and the assistant attorney general to act is made manifest.<sup>33</sup>

Yet the resulting number of federal investigations was nowhere near staggering. In his first report to President Eisenhower, Assistant Attorney General William Wilson White appeared to prefer “conciliation to litigation.” McMillen notes that, “Although the United States Commission on Civil Rights found overwhelming evidence of a region-wide pattern of suffrage denial, the Civil Rights Division during White’s tenure filed only three voter-discrimination suits, none of them in Mississippi.”<sup>34</sup> Under Eisenhower, White’s successor, Harold Tyler Jr. failed to even file a single case or occasion to enforce federal voting statutes in Mississippi, further turning a blind eye to the violence and intimidation in the Magnolia state.

The trial began December 2, 1963, in Oxford, Mississippi. Oxford was extremely volatile during this period and, as a community, far from embracing the civil rights movement. Recent to the trial, in September 1962, James Meredith became the first Black student in the history of the University of Mississippi located in Oxford. The governor of Mississippi, Ross R. Barnett, however, opposed his

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<sup>30</sup> C. W. H. III, “Federal Legislation to Safeguard Voting Rights: The Civil Rights Act of 1960,” *Virginia Law Review* 46 (1960): 950.

<sup>31</sup> C.W.H. III, “Federal Legislation to Safeguard Voting Rights,” 951.

<sup>32</sup> C.W.H. III, “Federal Legislation to Safeguard Voting Rights,” 957.

<sup>33</sup> In the ICC ruling it cites two previous Supreme Court cases as justification and precedence:

Keys v. Carolina Coach Company, 64 M.C.C. 769, and *Boynnton v. Virginia*, 364 U.S. 454 (1960).

<sup>34</sup> McMillen, “Black Enfranchisement in Mississippi,” 355.

admittance and pledged that “Ole Miss” would never be integrated. President John Kennedy ordered federal troops to protect Meredith and quell the ensuing riots after his admittance. Twelve white men were selected from the surrounding area of Oxford for jury duty. Ponder, Hamer, West, Freeman, Simpson, and Guyot all testified during the trial. Dr. Garner and the two FBI photographers testified as well. The defendants, except Surrell who did not take the stand, testified that all of the accusations were false. After four days of testimony, from both the prosecution and defense, the jury retired to consider a verdict on December 6, 1963. The jury needed just an hour and fifteen minutes to find the defendants not guilty of all charges.

In order to understand the critical legal contributions, we needed to understand the rhetorical strategy utilized by the defense. The goal of the defense during the trial was to discredit the two victims who were the strongest witnesses for the prosecution, Ponder and Hamer. This means paying particular attention to how William S. Wells, the Assistant Attorney General of Mississippi and counsel for the defense, labeled Ponder and Hamer as “outsiders” to the white society of Mississippi. He did this in two ways. First, Wells attempted to portray the victims as outcasts who had little invested in the state of Mississippi. He used this strategy to minimize the possibility of jurors relating with Ponder or Hamer. The prosecution, led by St. John Barrett and assisted by John M. Rosenberg, elected to have the victims testify in descending order based on the strength of their testimony rather than their vulnerability to the defense’s rhetoric. They could afford this luxury because they had accurately surmised before the trial Wells’ strategy and were able to reveal proactively Ponder’s lack of ties to Mississippi, “It didn’t surprise us at all that they were labeled as outside agitators.”<sup>35</sup> Second, Wells associated each victim with the SCLC, SNCC, or, when possible, Dr. King to discredit their testimony. He employed this rhetorical strategy because the all-white jury of Oxford considered members of the SCLC, led by Dr. King, and SNCC outsiders as those, “who were about to bring total disorder to everything they believed in.”<sup>36</sup> These two organizations demanded equality for Blacks, actively organized civil rights demonstrations, and therefore challenged the status quo. Again, the prosecution revealed the victims’ connections to the activist groups before Wells’ cross-examinations. Barrett hoped to mute Wells’ rhetoric by divulging the possibly damaging information first, rather than allowing the defense to reveal it. “Dr. King was considered a radical in those parts. Anytime you could connect the victims to him, it was a plus for the defense.”<sup>37</sup>

Ponder and Hamer were the first two victims to testify and laid the foundation for the prosecution’s case. They testified first because they were the oldest, had witnessed the entire event, were female, and had been beaten.<sup>38</sup> Ponder and Hamer, “were both very impressive.”<sup>39</sup> However, Ponder testified before Hamer because,

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<sup>35</sup> John M. Rosenberg, telephone interview with author, December 6, 2008.

<sup>36</sup> Interview with Guyot.

<sup>37</sup> St. John Barrett, telephone interview with author, December 7, 2008.

<sup>38</sup> Interview with Guyot.

<sup>39</sup> Interview with Rosenberg.

“Ponder was more articulate than the rest of the victims,”<sup>40</sup> had more education, and was the original leader of the group that traveled to Charleston.<sup>41</sup>

The trial was one of the first federal civil rights cases tried that alleged the beating of demonstrators by police officers and received national attention. Based on maturity, Ponder, Hamer, and Guyot posed the lowest risk of appearing unsure of their testimony during Wells’ cross-examination. West, Simpson, Johnson, and Freeman, on the other hand, “were all so young,” and, as teenagers, could not be counted on, considering all of the pressure that came with such a high profile case.<sup>42</sup> Guyot, however, was not as strong of a witness as Ponder or Hamer because he could only testify about his beating and was male. The prosecution needed to lay a clear and firm foundation of facts to build upon with subsequent testimony, and Guyot could not be the needed cornerstone for several reasons. First, none of the other witnesses could corroborate his testimony, as he was beaten at a different time and in a different location than the other victims; the police had purposely separated him for most of his incarceration. In fact, the prosecution probably could have tried his case separately except that his testimony was needed to show a pattern of violence by the defendants. Second, Guyot was not as strong of a witness as Ponder or Hamer because during the civil rights movement, male demonstrators tended to be treated harsher than women.<sup>43</sup> In this case, however, the opposite had occurred. Both Ponder and Hamer were beaten just as viciously as Guyot, if not worse. The prosecution wanted the most sympathetic witnesses to testify first. Barrett and Rosenberg believed that, “people would be shocked,” by Hamer and Ponder’s testimony of their beatings.<sup>44</sup> Ponder was beaten so badly that she had bruises on her forehead, a bloodshot eye, a chipped tooth, and welts and scars on her hips.<sup>45</sup> Before Hamer was beaten by two prisoners with a flapjack, Basinger allegedly instructed them, “...to make that bitch wish she was dead.”<sup>46</sup> Pictures of Hamer taken the same day she was released from Montgomery County Jail showed dark, discolored, areas on her buttocks and thighs that were caused by numerous blows.<sup>47</sup>

Ponder was chosen to testify first rather than Hamer because she was more polished<sup>48</sup> and the “leader of the group.”<sup>49</sup> Furthermore, she “...was exceptionally strong, had a Master’s degree, and was a nice young woman with a nice appearance. Of course, Hamer would go on to great things, but she was just starting to make a name for herself at that time.”<sup>50</sup> Ponder, however, was also the more vulnerable of the two to Wells’ attacks that would try to label them as outsiders to Mississippi. She was

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<sup>40</sup> Interview with Barrett.

<sup>41</sup> Interview with Guyot.

<sup>42</sup> Interview with Rosenberg.

<sup>43</sup> Rosemary Freeman Massey, telephone interview with author, December 4, 2008.

<sup>44</sup> Interview with Rosenberg.

<sup>45</sup> *U.S. v. Patridge et al*, 94.

<sup>46</sup> *U.S. v. Patridge et al*, 147.

<sup>47</sup> *U.S. v. Patridge et al*, 219.

<sup>48</sup> Interview with Massey.

<sup>49</sup> Interview with Guyot.

<sup>50</sup> Interview with Rosenberg.

the only victim who was not a citizen of Mississippi, did not have family living in Mississippi, and “was more familiar,”<sup>51</sup> with the SCLC leadership and Dr. King. Conversely, Hamer was a native of Mississippi, had a husband and family of four, and was geographically further away from the SCLC because she worked in Greenwood.<sup>52</sup>

Barrett, therefore, tried to minimize Wells’ strategy by establishing first that Ponder was not a native of Mississippi. However, Barrett made an error during his line of questioning about Ponder’s residence that later helped the defense make their case that Ponder was not a part of the Mississippi community. Ponder testified that she was born in Atlanta, Georgia, attended college in Atlanta, and had lived in Atlanta. Barrett also asked where she was currently “located;” Ponder responded that she was located in Greenwood.<sup>53</sup> Since Barrett was minimizing Wells’ ability to cross-examine Ponder, he would have been more successful if he would have asked where she was “living.” The differences between the two words were considerable because of the defense’s strategy. When Barrett used the word “located,” he implied that Ponder was a temporary resident and an outsider to Mississippi. If Barrett had asked Ponder where she was “living,” her answer would have implied that she was a part of the community in Greenwood and invested in Mississippi.

Wells seized the opportunity during his cross-examination and reiterated that Ponder was indeed an outsider, born and raised in Georgia, and not a resident of Winona or Mississippi. He punctuated his point with the question, “You are not—never have been—a resident of Mississippi have you?” To which Ponder replied, “No, I have not.”<sup>54</sup> Wells later returned to the subject of Ponder’s residence during his cross-examination of Hamer and uncovered a discrepancy between the two victims’ statements. In Barrett’s direct examination, Hamer did not leave her residence in question and emphasized her connection to Mississippi by specifically citing her address in Ruleville, her place of birth was Tomnolen, she had not lived out of Sunflower County in Mississippi for 44 years, and had a husband and two children. Wells cross-examined and asked if Ponder and she, after being released from jail, had traveled directly to Washington, D.C. to meet with federal prosecutors. Hamer answered that they had first stopped in Atlanta. Wells then asked, “And that’s where Annell lives, I believe?” reiterating Ponder was an outsider. Hamer replied, “Yes. That’s her home, where she was born, and--,” when Wells cut her off. Barrett had previously established that Ponder was merely located in Greenwood, and Wells wanted to reinforce that point to the jury since Hamer was immune to this argument. “And you got to Atlanta when? That night?” continued Wells. Hamer, however,

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<sup>51</sup> Interview with Guyot.

<sup>52</sup> There are several biographies of Fannie Lou Hamer including Chana Kai Lee’s *For Freedom’s Sake: The Life of Fannie Lou Hamer* (Champaign, IL: University of Illinois Press, 2000), and *This Little Light of Mine: The Life of Fannie Lou Hamer: Civil Rights and the Struggle for Black Equality in the Twentieth Century* (Lexington, KY: University Press of Kentucky, 2007) by Kay Mills. Both biographies cover Winona, as does Chris Myers Asch’s *The Senator and the Sharecropper: The Freedom Struggles of James O. Eastland and Fannie Lou Hamer* (New York, NY: New Press, 2008).

<sup>53</sup> *U.S. v. Patridge et al*, 64-5.

<sup>54</sup> *U.S. v. Patridge et al*, 97.

refused to answer the newly posed question and completed her answer to the initial question:

Hamer: In Atlanta. She doesn't live in Atlanta. She lives in Mississippi, but we went to Atlanta; but we weren't going to Annell's home.

Attorney Wells: Where does Annell live?

Hamer: Her home—where she originally from—Atlanta, Georgia; but she lives in Mississippi now.

Attorney Wells: Where does she live?

Hamer: Greenwood.

Attorney Wells: You tell the jury that Annell Ponder is now a resident of Mississippi?

Hamer: Yes.

Attorney Wells: And lives in Greenwood?

Hamer: Yes.

Attorney Wells: I see.<sup>55</sup>

In the exchange, Wells used the word “resident” to underscore the discrepancy between Ponder’s previous answer and Hamer’s response. Wells had merely intended for Hamer to reiterate that Ponder was an outsider to Mississippi; instead, Wells was able to highlight how Hamer and Ponder contradicted one another.

The second strategy the defense employed to portray Ponder and Hamer as outsiders was through their association with the SCLC, SNCC, and Dr. King. Again, the prosecution tried to mute this strategy by revealing the victims’ connections prior to Wells’ cross-examination because they wanted to make the beatings the focal point of the trial, not their involvement with the SCLC, SNCC, and Dr. King.<sup>56</sup> Ponder testified during the direct examination that she was a paid employee of the SCLC and that Dr. King led that organization. Furthermore, Ponder disclosed that the organizations’ goal was to obtain equality for Blacks, and one way they met that objective was through non-violent demonstration.<sup>57</sup> When Barrett asked what her main purpose was for the SCLC, however, Ponder tried to invalidate the notion that her purpose was to conduct or lead demonstrations of any type during the trip and replied, “The main one is the right to vote.”<sup>58</sup>

On cross-examination, Wells twice reiterated Ponder’s ties to the SCLC and Dr. King. First, he asked if she or someone else had paid for their trip to Washington to which Ponder replied, “No. I work for the SCLC, and our travel expenses were paid by the organization for which I work.”<sup>59</sup> Second, he belittled the organization and connected Ponder to Dr. King when he asked, “That’s Dr. Martin Luther King’s outfit; is that right?” Ponder countered, “It’s the organization which he heads.”<sup>60</sup>

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<sup>55</sup> *U.S. v. Patridge et al*, 189-190.

<sup>56</sup> Interview with Rosenburg.

<sup>57</sup> *U.S. v. Patridge et al*, 64.

<sup>58</sup> *U.S. v. Patridge et al*, 65-6.

<sup>59</sup> *U.S. v. Patridge et al*, 127.

<sup>60</sup> *U.S. v. Patridge et al*, 127.

Wells' unrelenting connection between the SCLC, SNCC, and Dr. King, "did the job of making those...on the other side professional agitators."<sup>61</sup>

Hamer disclosed her ties to SNCC and the SCLC as Ponder did; however, her testimony differed from Ponder's in two ways. First, Hamer provided a more in-depth answer about what she did for the organizations. Second, she did not connect herself to Dr. King, which the defense would later use against her. Hamer testified that she had been working for SNCC since December, 1962, and the only work she had done for the organizations was, "Trying to get people to register to vote."<sup>62</sup> Hamer then went further than Ponder and specified that she taught, "The duties of citizenship under a constitutional form of government," for the SCLC. This detail further bolstered her claim that she was not concerned with demonstrations of any kind because she was able to give a specific example of her work. Hamer then countered Wells' claim that she was a demonstrator by being offensive rather than defensive during his cross-examination. She twice cut him off and specifically answered his question before he could accusatorily finish. First, Wells subtly tried to portray Hamer as a demonstrator by harkening back to Ponder's previous testimony that the SCLC employed nonviolent demonstrations, "And you had gone over there [Charleston] to attend a school for the purpose of preparing yourselves to continue the work of the Student Nonviolent--." Hamer, immediately ascertained Wells' rhetoric, cut him off, and succinctly replied, "Voter education." Aware that Hamer had caught on to his strategy, Wells amplified his rhetoric and boldly accused her and the other victims of being demonstrators, "The truth of the business is you knew when they got off the bus they were going in to integrate that lunch room and you were getting out to find out what happened, weren't you? Now that's the truth isn't it?"<sup>63</sup> Again, Hamer smartly countered that there was no need to demonstrate in the cafe because there wasn't anything to demonstrate about. The ICC ruling of 1961 had made it legal for Blacks to eat in the cafe. Her elegant answer not only nixed Wells' strategy, but strengthened her and Ponder's claim that they were only interested in voter registration since Blacks had not yet won that civil right. Wells then argued back, "I'm not talking about what they had a right to do; I'm not talking about the ICC ruling, but you knew when they got off--." Hamer was again ready and cut him off before he was able to complete his accusation, "I did not know, because I hadn't ever been in the terminal of Winona."<sup>64</sup> She was able to thwart Wells' guilt-by-association tactic and force him to find another way to connect her with Dr. King and civil rights demonstrations.

At the end of his cross-examination of Hamer, Wells returned to his strategy of connecting Hamer and Ponder to organizations that promoted nonviolent demonstrations. He also succeeded in connecting Hamer and Ponder to Dr. King because he was able to place the two victims and Dr. King in the same room discussing the events that took place in Winona. Wells began by reiterating Hamer's tie to the SCLC. He had previously underestimated Hamer's intellect and brazenness

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<sup>61</sup> Interview with Guyot.

<sup>62</sup> *U.S. v. Patridge et al*, 136.

<sup>63</sup> *U.S. v. Patridge et al*, 161.

<sup>64</sup> *U.S. v. Patridge et al*, 162.

when he tried to tie her to SNCC and would not make the same mistake again. Hamer initially resisted Wells' rhetoric when he asked, "Do you mind telling us who paid your fare to go to Washington?" "The fare was paid," replied Hamer, not giving an inch. Wells probed further, "By who[m]?" Hamer explained that the SCLC had paid for their trip. Wells then connected Dr. King to the SCLC and Hamer, "And that's headed by Dr. Martin Luther King, Jr., isn't it?" Hamer, understanding that her resistance to this connection was futile, replied, "Yes." Then Wells, unlike his cross-examination of Ponder, probed further and revealed to the jury that Dr. King had talked with both women about their arrests in Winona before they flew to Washington, D.C., and may have set up their meeting with the Department of Justice. This damaging revelation made Hamer stumble, and she was unable to give a strong, concise answer that could mitigate Wells' insinuation.

Attorney Wells: Then you talked with Dr. King; is that right?

Hamer: Yes.

Attorney Wells: Then did he make an appointment for you with Mr. Barrett of the Justice Department in Washington?

Hamer: No. I was begging somebody. I don't know. He might have, but I told them I wanted to go to Washington to show in person what had happened to us...<sup>65</sup>

Hamer's inability to strongly refute Wells' insinuation that Dr. King had directly contacted the Justice Department was the jewel in the defense's crown. In April of 1963, in Birmingham, Alabama, just two months earlier, Dr. King had implemented "Project C," which stood for confrontation.<sup>66</sup> King's strategy had been to lead peaceful demonstrations, rallies, and boycotts to challenge the system of segregation while simultaneously confronting police. On their nightly news, Americans, Mississippians, saw film footage of police dogs biting peaceful demonstrators and water hoses turned on full blast at marchers in their Sunday's best. Some empathized with the demonstrators; for others, however, these images only deepened their resolve to resist integration. Oxford's community, no doubt, with its recent history of opposition to integration of the University of Mississippi, likely viewed Dr. King and the federal government as outsiders and enemies.<sup>67</sup>

Wells could have chosen to unveil this revelation to the jury during his cross-examination of Hamer rather than Ponder for two reasons. First, he could have believed Hamer to be less intelligent than Ponder. Hamer did not have a high school diploma and her grammar was poor. Ponder, conversely, had earned an M.A. in Social Work and utilized the English language with better grammar and diction. Hamer, however, had debunked that hypothesis during the first part of Wells' cross-examination when he questioned her about SNCC. Second, Wells may have chosen to engage Hamer, rather than Ponder, about Dr. King's involvement in the case because Hamer lacked the same intimacy Ponder enjoyed with the SCLC leadership.

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<sup>65</sup> *U.S. v. Patridge et al*, 192.

<sup>66</sup> "Project C – Confrontation," *Afro American Newspapers*,  
<http://www.afroam.org/history/bhm/CivilRights/king.html>.

<sup>67</sup> Interview with Guyot.

Ponder lived in Atlanta near the SCLC's headquarters, and her close proximity to the SCLC would have allowed her easier access and insight into the reasoning of the leadership and its decisions. Therefore, she would have been able to explain the details of how Dr. King was involved, if at all, in the decision to fly to Washington, D.C. with greater clarity and precision because she was privy to such information. Hamer, on the other hand, lived and worked in Mississippi and did not have as much access, "Although she was known by the leadership and treated with deference."<sup>68</sup> Hamer's lack of education did not hinder her from mounting a second defense to Wells' cross-examination; rather, it was her lack of information and proximity to SCLC leadership.

Discrediting an individual's ethos through their geographic origins or social proxemics is a powerful rhetorical link to establish. This linkage of the body to a specific, and exclusionary, social-geographic nexus justifies the legal outcome of the trial. What goes ignored is that peoples' bodies were beaten. Individuals suffered physical abuse not because of their actions or what their bodies were doing, but rather because of where those bodies are from and the social ties their bodies have with other "outside agitators." This creates an identity of "the other" that justifies treating those labeled in this manner differently, often cruelly and without compassion. It is a powerful strategy that permits members who dominate society to maintain control. The phrase "you're not from around here" may be simple in a literal sense, but at a symbolic level it warrants behavior that justifies treating others differently than we would want to be treated.

### *Conclusion*

It is impossible to know if the battle between the prosecution and the defense during Ponder and Hamer's testimony had much effect on the jury because, "The prejudice ran so deep, down there in Mississippi."<sup>69</sup> However, the prosecution still, "presented the case as though it were winnable," which went a long way in building their credibility.<sup>70</sup> Curiously, Barrett and Rosenberg had had different expectations for the trial and reacted differently to the outcome. Barrett, a veteran in the Civil Rights Department at the Department of Justice had never expected to win, "was not terribly disappointed"<sup>71</sup> with the verdict, and had viewed the trial as an "educational exercise...to get more experience in trying cases of that sort."<sup>72</sup> Conversely, Rosenberg believed that they had "a very strong case," although he did admit that, "we tried to impress the jurors with our witnesses as much as possible, but they were Black and there was no way around that."<sup>73</sup> He was "pretty sad after the verdict was read," and attributed his naive hope of winning the case to the fact that he had only been working in the Department of Justice for less than a year.<sup>74</sup> Rosenberg, in fact,

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<sup>68</sup> Interview with Guyot.

<sup>69</sup> Interview with Barrett.

<sup>70</sup> Interview with Guyot.

<sup>71</sup> Interview with Barrett.

<sup>72</sup> Interview with Barrett.

<sup>73</sup> Interview with Rosenberg.

<sup>74</sup> Interview with Rosenberg.

took the verdict so hard that he drove over to Hamer's house after the trial and talked with her into the evening about the verdict.<sup>75</sup>

In the end, Barrett and Rosenberg tried the case simply because they believed a crime occurred and that state officials were never going to prosecute the defendants.<sup>76</sup> From a larger perspective, regardless of the verdict, the trial sent a clear message to the South that the federal government was going to litigate civil rights activists and prosecute those who stood in their way, "as vigorously as possible."<sup>77</sup> Barrett, found little to be pleased with about the trial; however, he recalled that Patridge subsequently lost his bid for reelection as Sheriff of Montgomery County and believed that his testimony during the Winona trial "was a factor in his defeat."<sup>78</sup>

While the trial was symbolic of federal legal involvement it also shaped another precedent in that Southern lawyers had a means of using an individual's geographic origins to discredit political protesters and activists. The labeling of a witness or any other individual involved with a case concerning civil rights in a Southern court, as an "outside agitator" had clout within the Southern legal system. It is a legal strategy of attempting to connect an individual's ethos with proxemics, and not the proxemics of literal physical space and distance, but a proxemics of social origins and social relationships. On the other side, Hamer and the trial reconstitute the legal culture from a pragmatic perspective.

Critics employing traditional legal analysis on *U.S. v. Patridge et.al.* would undoubtedly find a disappointing result where the plaintiffs ultimately "lost", but our analysis offers an alternative reconstruction. The basic fact of actual activity and pursuit on the part of the federal justice department speaks volumes. In a way this case inserts itself into the rhetorical cannon of Civil Rights legal studies that include cases like *Scot, Plessy, Brown* and legislative acts like Civil Rights and Voting Rights Acts of 1957 and 1965. It is not so simple a conclusion that in the case of *U.S. v. Patridge et.al.* the "losers" (plaintiffs) end up the "winners", but that this case symbolically sent messages to various audiences throughout America. In general it portrayed that the federal justice department was capable of action, and those who abuse and violate the law will be brought to trial. It also spoke to those citizens desperate for their voices to be heard, that they will have their day in court. Rhetorically, the plaintiffs' testimony, especially Hamer's, demonstrate the potential efficacy of every citizen and the power that personal narratives wield against the logic of legal formalism. "The contradictions in classical jurisprudence can in fact provide marginalized communities with arguments that encourage governments and societies to live up to the creeds they have espoused,"<sup>79</sup> and the source of these contradictions come from powerful personal narratives and stories from (extra)ordinary citizens like Hamer. Trevor Parry-Giles reminds us "In terms of reach and extent, political and legal rhetorics are everywhere and they continue to expand in number and across

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<sup>75</sup> Interview with Rosenberg.

<sup>76</sup> Interview with Rosenberg.

<sup>77</sup> Interview with Rosenberg.

<sup>78</sup> Interview with Barrett.

<sup>79</sup> Marouf Hasian, Jr., and Earl Croasmun, "Rhetoric's Revenge: The Prospect of a Critical Legal Rhetoric," *Philosophy and Rhetoric* 29 (1996); 394.

media. In short, there are an almost endless number of textual artifacts, and insatiable range of discourses, available and waiting for the critic of political and legal rhetoric.”<sup>80</sup> Rhetorical scholars and our students of communication (like all citizens) must contribute their perspectives on the hermeneutics of Law to reveal the symbolism missing from the desks of historians or the pens of lawyers, consistently engaging legal texts in order to more fully participate in the (re)construction of our civic lives and selves.

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<sup>80</sup> Trevor Parry-Giles, “The Character of Criticism: Reflections on the Critical Inquiry of Political and Legal Rhetoric,” *The Review of Communication* 10 (2010): 87.