

# Justice for all

***Judge Barrow's quiet role in the fight for equal rights spoke loud and clear***

**By Joan Stroer and Lee Shearer**

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Judge James Barrow was eulogized last week for many things -- his powerful legal mind, his tremendous work load, the gentle way he treated generations of law students and lawyers, and for the justice he tempered with a liberal dose of mercy.

Fewer people remember the major role Barrow played in making Athens' passage through the burning crucible of desegregation a peaceful one.

Barrow died Tuesday in Athens at the age of 82.

The part he played during the Civil Rights era was a quiet one, for the most part.

"His role was really one of maintaining the peace and making sure that people's rights were protected," recalled Clarke County Superior Court Joseph Gaines, who saw much of Barrow's career first-hand.

Gaines was one of the Clarke County lawyers who joined with Barrow and others in 1961 to form the Legal Aid

Society, designed to make sure poor people accused of crimes got competent legal representation in the courts.

Still in existence today as the University of Georgia Legal Aid and Defender Clinic, it is considered one of the best such legal services in the state.

Gaines was also practicing law here in the turbulent 1960s, when Barrow was Clarke County's only Superior Court judge. Only in 1976, when Joseph Gaines was appointed, would Clarke County and the Western Judicial Circuit get a second judge.

Even before the 1960s, Barrow had earned a reputation in Athens' black community for fairness, as someone who treated all people with respect -- still an unpopular notion in the 1950s South.

"He respected their dignity and worth a long time before it was required by law," said Athens-Clarke Police Chief Jack Lumpkin Jr., who remembers

Barrow from the '50s, when Barrow represented the Lumpkins' funeral home.

Governors in several Southern states, including Georgia, had promised to close schools rather than obey the 1954 Brown vs. Board of Education decision by the U.S. Supreme Court, outlawing the "separate but equal" principle and segregated schools.

But Barrow was one of those who campaigned to keep the schools open, said his wife, Phyllis Jenkins Barrow.

The Barrows were co-chairs of a group called HOPE (Help Our Public Schools), a statewide voluntary organization dedicated to keeping school doors open during desegregation. It existed from 1959 to 1962 -- and Clarke schools and the University of Georgia remained open.

Barrow at one time wrote every member of the Georgia General Assembly, and on another occasion wrote to the parents of every University of Georgia student.

"He got some mean letters, but he also got a lot of wonderful support from like-minded people," recalled one of his daughters, Ruth Barrow Bracewell, who was a teen-ager at the time.

Things came to a head when Hamilton Holmes and Charlayne Hunter became UGA's first black students in 1961 as Barrow was nearing the end of a 12-year tenure as Athens city attorney.

Tensions ran high, especially one January night in 1961 when UGA had lost a basketball game to Georgia Tech. Afterward, a crowd of students, already in an ugly mood, gathered around Myers Hall, where Hunter lived, as pickup trucks with gun racks drove up and down South Lumpkin Street.

Barrow was there in the mob, along with Dean Tate, legendary UGA dean of students. They were working the crowd, trying to keep the demonstration -- whipped up in part by an Athens radio station -- from exploding into violence.

"I learned later what a dangerous situation Daddy had put himself in," Bracewell said. "He and Dean Tate helped prevent a dangerous situation from getting uglier."

Rocks got thrown, but the crowd broke up without anyone being injured. University officials later said that 60 window panes had been broken in Hunter's dormitory, 10 in the windows of Hunter's room alone, according to Tom Dyer's "The University of Georgia: A Bicentennial History."

That and less-publicized episodes caught the attention of Miami Herald editor Billy Baggs, who wrote a friend in the Kennedy administration suggesting a federal judgeship for Barrow.

"Last January, Mr. Barrow was a sort of de facto superintendent of public safety in the city of Athens," Baggs

wrote. "I believe it was largely because of his good reputation and character that this adventure to keep the schools open in Athens succeeded."

As UGA began to get used to being a school that no longer barred people on the basis of race, Barrow was elected in 1963 as Clarke County Superior Court judge -- just as one of the worst episodes of racial violence in the 1960s unfolded.

That was the July 10, 1964, murder of a black U.S. Marine officer, Lemuel Penn, who was shotgunned to death near the Clarke-Madison county line by Athens members of the Ku Klux Klan as he drove home to Washington, D.C.

Barrow was vacationing with his family on Tybee Island when he heard the news, the judge said in a 1990 interview. He returned to Athens, where he went to the office of a friend, FBI agent Bob Kane.

"There were more damn FBI agents in his office than I had ever seen before," Barrow said. "I offered any help they might need, and the city police did the best to cooperate. I offered to call a special grand jury, but they wanted a federal grand jury."

Investigators determined that Penn was murdered in Madison County, and Barrow actually played a limited role in the case. But Barrow stood out for one reason: Kane said Barrow was the only local public official who offered to help the FBI. Gaines agreed.

"He stood up and wanted to see justice done with the people who wanted to resist change with violence against an innocent person. Judge Barrow wanted to see justice done, and it took courage to do that," Gaines said.

"I would say that he was one of the most courageous judges that I ever saw," said longtime Georgia journalist Bill Shipp, who covered the trials of Penn's murderers and later wrote a book on the episode, "Murder at Broad River Bridge." "He showed undue courage at a time when that was a hard thing to do."

The killers were acquitted of murder charges by a Madison County jury, but two eventually served time in federal prison after a federal jury convicted them of violating Penn's civil rights.

As the '60s gave way to the '70s, the Clarke County school system ended its own Southern tradition of racial segregation, and Athens had its own spate of demonstrations.

Some of the demonstrators wound up in Barrow's court, including Michael Thurmond -- now state Labor Commissioner but in 1970, a black 17-year-old high school student whose Burney Harris High School was being swallowed up by white Athens High.

"I had heard about this man Barrow," Thurmond recalled. "I knew I was going to prison (but) he told us to go back to the negotiating table. I felt like he was talking directly to me."

In court, Barrow sort of laid out how they might reach a compromise as the schools integrated. Ultimately, the new school had two class presidents, and school colors that combined the gold of Burney Harris and the red of Athens High.

Being in front of Barrow inspired Thurmond to become a lawyer and made him see that what older people had told Thurmond was true.

Barrow and his wife were sometimes the only white faces at black community meetings, and they had friends in the black community, including Thurmond's father.

"Black people really respected him. They knew he was going to give a fair decision," Thurmond said.

At one point during desegregation, Barrow asked the governor to call out the National Guard -- a move unpopular with both the white city administrators and the black community.

Said Barrow after the episode: "I was just trying to keep the jail empty of children. I got some insults from everybody."

It was during that time that Barrow for a time kept a rifle beside his front door.

But some believe Barrow's greatest contributions to keeping the peace and racial justice may simply have been the way he conducted the everyday

business of his court, day in and day out for more than 30 years.

The judge made people -- black and white -- believe in the possibility of justice, not so much because of decisions he made in big cases, but simply in the way he conducted his courtroom, one fellow jurist said.

"He truly epitomized what the framers of the Constitution meant," said Clarke County Superior Court Judge Steve Jones. "It made no difference if you were the richest person in the world or the poorest. If you walked in the courtroom, he was going to make sure you got your fair shot."

Even those he sent to jail sometimes found reasons to praise him.

"I am writing to tell you how much I appreciate your sentence," a prison inmate wrote to Barrow in 1974. "You are the first person who truly helped me. At first I didn't believe I'm a drug addict. ... I just want to thank you for the new life I have found."

Barrow, a decorated World War II veteran, even showed compassion for the German soldiers he fought against.

Barrow once said he "felt sorry for the (German) infantrymen," recalled retired Sgt. Clarence Fitzpatrick of the Clarke County Sheriff's Department, who for years served as Barrow's bailiff.

"We were just raised to feel everybody was equal," said Bracewell, his

daughter. "They didn't teach us with lessons. They taught us by example."

"This man had a great soul," said Clarke County Probate Court Judge Susan Tate, recalling a peculiar effect Barrow often had on the people who came before him to settle disputes.

"It was not something he had said, but through questions, and sometimes these people would just grow in front of your eyes. By the end of the hearing everyone was in agreement about what the right thing to do was, or even if they were not in agreement, they could see the other side," she said. "Those of us who practiced in his court felt that we were witnessing miracles from time to time."

Maybe the most revealing words about Barrow are those he offered himself at a program honoring him at his 1990 retirement. (He would work full-time for five more years as a "senior" judge.)

"My fellow countrymen, ask not what your country can do for you; ask what you can do for your country," Barrow said, quoting John F. Kennedy. "This gathering today is not a tribute to me, but a tribute to the concept of public service which President Kennedy so forcefully and nobly expressed, and which my years of services as a Superior Court judge have sought, however imperfectly, to exemplify."