

Preston Cobb, Jr. Waits In Reidsville Prison's "Death Row" As Verdict Nears

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Preston Cobb, Jr., sits today in Reidsville Prison in Georgia. Reidsville Prison is an institution for hardened criminals. Preston Cobb, Jr., is waiting to find out whether he will be executed for murder or whether he will have the opportunity for a new trial. Cobb is a Negro and fifteen years old.

Only three things can save Cobb from becoming the youngest person in Georgia's recorded penal history to die in the electric chair. The first is the legal battle currently being waged for a new trial by the N. A. A. C. P. The second is the possibility that mercy will be extended by the State Board of Pardons and Paroles, the sole possessor of the clemency power. The third is whether or not Georgia's General Assembly will reconsider the state laws which allow persons fourteen years or older to be given the death penalty.

Preston Cobb, Jr. is accused of the murder of a 70-year-old white man who owned the land on which Preston's mother and most of his eight brothers and sisters worked as tenant farmers. Preston was the close and constant companion of the old farmer and has confessed

to the murder. He gave as his only motive a seemingly minor dispute over fish that the farmer had given him.

J. Ben Warren, a white lawyer, was appointed by Superior Court Judge George S. Carpenter to represent Cobb. The case went to an all-white jury, August 16th. "The verdict came 45 minutes later: guilty without mercy . . . Mr. Warren has conceded that he had not requested a recommendation of mercy. In capital cases in Georgia, defense attorneys almost with exception request a retrial upon conviction. This is followed up with an appeal . . . Mr. Warren sought neither."

Instead he asked Judge Carpenter to dismiss him as Cobb's lawyer. He explained that he "would not attack the judgement of this fine jury of representatives Jasper

County citizens by filing a motion for a new trial."

APPEALS TO NAACP

At the suggestion of some white residents of Monticello, the county seat, Mrs. Leatha Cobb, Preston's mother went to the N. A. A. C. P. Mr. Donald L. Hollowell, a Negro lawyer from Atlanta was retained by the N. A. A. C. P. and promptly moved for a new trial, over the constant protests of prosecuting attorney George D. Lawrence. Judge Carpenter gave both sides until October 26th to submit final arguments on the motion. On the 26th, the judge requested that written briefs be submitted.

Protests have been sent to Gov. Ernest Vandiver from all over the world. The Dutch Humanist Movement sent representatives to the early October hearing who had with them a petition protesting capital punishment for a child or 15, signed by two million people. Mr. Jerome Nathanson, as chairman of the National Committee to Abolish Capital Punishment wrote a letter of protest to the Governor, as has the American Ethical Union's Public Affairs Committee,

According to Governor Vandiver, in answer to a letter written by Dr. Matthew Ies Spetter, "I will grant a stay of execution in this case, if necessary, to allow the Georgia General Assembly a chance to reconsider our state laws which allow persons 14 years of age or older to be given the death penalty.

Several members of the legislature have requested that they be given a chance to pass on this matter and I feel they should be given an opportunity to do so. This case is now before the courts and the period of litigation may extend through the General Assembly. In that case, no stay of execution would be necessary to give the legislature time to consider the matter."

Preston Cobb, Jr.'s constitutional right to be judged by his peers has been violated because he was tried by an all-white jury. Preston Cobb, Jr. is not in prison for juveniles but is surrounded by some of the worst criminals in Georgia.

Young Cobb waits in the "death row" of Reidsville Prison in Georgia. Preston Cobb, Jr., is 15-years-old.