reactions, I'm sure they thought I was deliberately trying to humiliate them; in fact, I was only responding to what I felt were honest doubts and a desire to err on the side of safety.

But having to make quick decisions on the basis of inadequate evidence is a surefire formula for mishap. One night, while stopped at a red light at 96th Street and Columbus Avenue, I opened my doors to a garishly dressed black man: I immediately knew I had made a mistake. He was going to 125th Street and Eighth Avenue but wanted me to take the West Side Highway instead of the direct route, Central Park West. I was immediately suspicious because not only is the highway darker and quieter than the city streets, but the fare would probably be four or five dollars more, as well. After giving me his destination he said nothing else, and so I glanced at him in the mirror: nothing in his appearance or demeanor reassured me.

I found myself wishing I had chosen some other line of work. I started driving west on 96th Street but had no intention of getting on the highway. I drove slowly, considering my options. I could ask him to leave, perhaps telling him I'm afraid to go to Harlem, but I knew that if I refused to take him where he wanted he had the legal right to sit in my cab all night. I could try to persuade him that another route was preferable. Or, as a last resort, I could take the advice that more than one cabdriver had given me: stop the car in the middle of the street, gather my belongings, and head for the hills on foot.

When we reached Broadway I summoned my nerve and said to him, "I'm not going to take the highway. I'll take Broadway instead." I expected him to at least verbally abuse me, possibly threaten to report me to the Taxi-Limousine Commission (TLC) or maybe, as in the old joke, just rob me there. He seemed unsurprised and said mildly, "Okay, then I'll get out here." I still believe he had plans to rob me.

At the fleet where I now work part-time, there is little interaction between the white and black drivers. The work force appears to be roughly 40 to 50 percent black (primarily African and West Indian), 50 to 60 percent nonblack, and everyone seems to accept this segregation as normal. (The nonblacks, of course, include contingents of Indians, Orientals, and Hispanics.) As we mill around the garage, waiting for the dispatcher to call our names, there are no racial incidents, though there are few nonblack drivers who do not speak disparagingly of blacks.

The nature of the job also seems to produce a need to talk about work, and when taxi drivers congregate before or after work a large part of the conversation consists of war stories. One hears tales of traffic jams, of breakdowns, of accidents, of finding money in the backseat, of being cheated out of fares, of being stopped by the police or by TLC inspectors, of arguments with passengers, of lucrative fares to New Jersey, of celebrity customers and beautiful women. And occasionally one hears of a robbery or reads in the newspaper about a murder of a cabdriver. As with other cases of violent crime, that the perpetrator is black or Hispanic is simply assumed. Though it is true that most of the drivers who have been killed on the job have been livery and not medallion drivers, this is because they are forbidden by taxi regulations from working in midtown Manhattan and are thus forced to work in high-crime areas, but this provides us small consolation since we too sometimes work in those same areas.

Crime is never far from the minds of city dwellers these days, and I have found few people who are unsympathetic to the taxi driver's plight. When I tell people I drive a taxi, one of the first questions liberals and conservatives alike invariably ask is whether I pick up blacks. "Sometimes," I answer, explaining that I'm cautious, and so far I have managed to escape without a lecture on racism. Though the hypocrisy of liberals is a byword of our times, everyone to the right of William Kunstler seems to understand that no one can be expected to risk his life for a few dollars.

Most blacks, it is well to remind ourselves, are decent and law-abiding, and most victims of crime are themselves members of minorities. It is also true that I have had many regrettable experiences with whites. But these incidents have generally been merely unpleasant, not potentially dangerous. The unfortunate truth is that there is a difference between acceptable and unacceptable risk and, given their high-crime rate, blacks constitute the unacceptable risk.

One can't help but sympathize with blacks who have difficulty hailing a cab. Black youths sometimes call out, "Please stop," "Be brave," or "We'll give you a good tip," as taxis speed past them. I have seen black cabdrivers hail a taxi by waving their license. But even if the overwhelming majority of blacks are law-abiding, so long as the majority of urban violent crime is committed by blacks, there will remain a problem. And since drivers have more to lose than they do, we will continue to pass them by.

Richard Irving is a taxi driver and freelance writer in New York City.

Letter From Georgia

by Randy Salzman

The Price of Justice

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In a case that ought to become a conservative rallying cry in the 1992 election campaign, the five commissioners in tiny Lincoln County, Georgia, went to jail last fall for what they saw as protecting the taxpayers' money. In dignified single file, broken only by an occasional hug from a supporter and the "Bless You, Commissioners" shouts of three hundred constituents, they were led away at high noon last October 30 in a symbolic action reminiscent of past tax and civil rights revolts. Superior Court Judge Purnell Davis found them in contempt for failing to pay a court-appointed attorney's $6,000 tab; a bill that under Georgia's Indigent Defense Program could not be contested.

That was the specific legal issue played out in this timber and livestock community of 7,400 people on the banks of Lake Thurmond. But when balanced against conservative attacks on attorneys and judicial activism, this becomes an issue with national implications. How far should a county go to protect the rights of a defendant? Should it raise taxes twice to ensure a fair trial for someone who has already admitted guilt? And should it then turn around and pay, without scrutiny, the bill of the attorney whose work accounted for 5 percent of the county's 1990 budget? The commissioners' contempt of court is, in effect, a case about the dollar cost of civil liberty.

It began in July 1988 when Johnny Dee Jones, now 26, crawled through an unlocked drainage gate at the McCormick Correctional Institute, just across the South Carolina border from Lincoln County, to escape his 22-year sentence for armed robbery. Four hours

later the alarm went out to law enforcement officials. It was too late. Jones was across the state line and two days later stabbed Randall Garvin Reeves and his stepdaughter, Leigh Drew, on the porch of their Lincolnton home. Reeves was dead on arrival at a Washington, Georgia, hospital and, after threatening Mrs. Reeves and her son, Jones made his escape driving their car. Police caught him a few days later, and in July 1990, amid a flurry of publicity, he went to trial.

To cover the cost of the trial the county raised taxes some $90,000. It wasn't enough. The capital murder trial and sentencing cost in excess of $100,000—the largest single line item in the county's 1990 budget. Jones's attorney, Jimmy Plunkett, appealed his death sentence and on September 23, 1991, the Georgia Supreme Court, citing pretrial publicity, unanimously overturned the conviction. The appellate court said 38 of the 42 members of the jury panel had prior knowledge of the case and that an expensive change of venue should have been granted. Though jurors had sworn under oath that they could put aside any media coverage, as prescribed under previous change of venue decisions, the high court made pretrial publicity the issue, not the jurors' ability to ignore it. "Not once did anyone from the Supreme Court contact me to ask what evidence was considered in the conviction," juror Sheila Wilkes complained in a letter to the *Lincoln Journal*. "We gave Jones the benefit of every doubt. We refused to even consider two eyewitness accounts of the murder because they presented too many discrepancies when compared to other evidence presented in the case." The other evidence included Jones's two admissions to the murder, a taped confession, his fingerprints, some of them bloody, on both the Reeves' house and car, and his use of the murder to taunt another man he later shot.

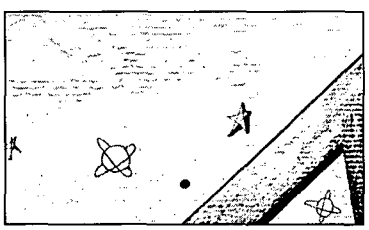
"I think it's about time that someone stood up to the Georgia Supreme Court and the U.S. Supreme Court on the verdicts they're overturning, and I'm prepared to represent the people of Lincoln County in flatly telling the Supreme Court that if they want to retry this man, then they can pay the bill," County Commission Chairman Walker T. Norman told reporters at the time of the reversal. Norman and the other commissioners became even more enraged when they learned that state law demanded they pay Plunkett for 156 billing hours on the successful appeal. Judge Davis—refusing to allow them to see the bill, also as required by law—gave them until October 30 to hand over $6,000. This they did not do, and at two minutes until noon the day before Halloween, the county sheriff ran well-wishers and reporters out of Norman's office to read the commissioners "their last rites," as a bystander put it. "I think . . . the grass roots people are voicing their opinion," Norman said preceding his arrest. "We feel that something has got to be done if we're going to have a judicial system that's responsive to the people."

Prior to being fingerprinted, the commissioners discussed a second tax hike, at least $125,000 this time, to re-try Jones. They also filed a $2 million suit against the South Carolina Department of Corrections for allowing Jones to escape. Finally, they went to the financially strapped state legislature in hopes of getting Georgia to pick up the tab for a new trial. This, however, is an unlikely scenario, since the counties of Dawson and Seminole have suffered much the same legal-financial problem, and Georgia is battling an ongoing budget crisis by laying off state employees.

There apparently has been no talk of saving tax money by dropping the capital murder charges against Jones. However, this option is likely to be considered by other jurisdictions in similar situations in the future because the country suffers from a nationwide legal gridlock. In federal courts today, one in ten civil cases has been on file in excess of three years, and eighty thousand cases are more than a year old. In New York City, a misdemeanor case, after arraignment, takes almost two hundred days before a trial verdict is reached, and in Philadelphia, with 13,000 pending felony charges, sheriff's deputies quit serving papers in civil suits for lack of time. More and more the public blames these kinds of problems on lawyers. Echoing Vice-President Quayle, many Americans say that 770,000 attorneys, 70 percent of the world's total, are simply too many and demand a reduction. In the Lincoln County case, however, Jones's attorney was required by law to file an appeal. It was not his choice. Furthermore, even if Jones is convicted again in a second, more expensive trial, another state-mandated appeal will be filed. According to the Georgia Department of Corrections, the typical death row inmate files at least four costly legal actions. Only one inmate in ten actually goes to the electric chair, after an average 11 years of being housed at $25,557 per year, $10,000 more than other prisoners.

The repercussions of the Lincoln commissioners' one-day jail stay are being felt throughout the state's legal circuit. Though the Supreme Court reheard Jones's appeal and still voted for reversal—this time in a 4-3 vote—Chief Justice Harold G. Clarke is presently urging the state to cover more of the cost of indigent defense. Since almost one-quarter of Georgia's death penalty convictions are overturned, many due to "ineffective counsel," there are calls for a state public defender's office to handle death penalty cases. In neighboring Columbia County, officials not only plan to move the criminal trial of Richard Daniel Starrett some two hundred miles, they also were compelled to change the venue on a civil action concerning Starrett's mental competency, thereby potentially tripling case expenses. And in Richmond County, the district attorney opted to

LIBERAL ARTS



PROCREATION AND DEATH ROW

Claiming the "right to reproduce," 14 Death Row inmates in San Quentin have filed a suit against the state of California. Last January, syndicated columnist Ellen Goodman reported the so-called "right to procreate by artificial insemination" with a "willing woman" and listed this among the latest examples of bizarre lawsuits, expanding individual "rights," and an obsession with reproductive technology. The prisoners' attorney, Carter King, argues that "procreation is a basic right and executing all future generations is extreme." This type of lawsuit has been tried twice before in Virginia and Nevada.

plea bargain away the death penalty in a case where a teenager was murdered over a football jersey, at least partially to escape the massive trial cost. The district attorney had promised repeatedly that Carnel Clyde Frasure would pay the ultimate price for allegedly shooting a 16-year-old child over a Miami Hurricanes jersey. Frasure—a "cold-blooded, execution-style" killer, according to the district attorney—is now eligible for parole before the turn of the century.

Randy Salzman writes from Augusta, Georgia.

Letter From the West Indies

by Geoffrey Wagner

Crime and Punishment Among the Last Englishmen

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England abolished capital punishment in the mid-1960's when few capital crimes were committed there, and corporal punishment was abolished long before that. Sometimes when I am in Manhattan, reading of the constant homicides there, I recall the four "Mayfair Playboys" of my not-so-distant youth who were sentenced to the "cat" in two doses of eight strokes, the full order of 16 being thought unbearable at one time. Their offense: beating up an old lady (they did not even rob her). Last year most crimes in Britain, which admittedly doubled from 1979 to 1990, were simple car thefts. In the East Sussex in which I was brought up I hardly ever saw a policeman (for some reason London's Met, or Metropolitan police, used to refer to their country colleagues as "Swedes").

In 1966 England appointed its first colored policeman (a Coventry Pakistani). Upon independence every ex-British Caribbean island—Montserrat and Belize choosing to remain dependent—retained the death penalty by hanging. Throughout all of them, prison governors, prison staffs, police commissioners, police forces, and local criminal investigation departments are drawn from indigenous populations. This interrelatedness makes for efficiency in apprehension and conviction of criminals. When Scotland Yard officials arrived in Grenada last year searching for a West Indian fugitive who had killed his paramour in London, they were astonished to find him picked up by the local force within hours. Similarly, when the sometime governor-general of Bermuda, Richard Sharples, a wartime friend of mine, was murdered while walking his dogs outside Government House, his three assassins (who had first strangled the dogs) were rapidly apprehended, tried, and hanged.

Throughout these islands due process seems to be scrupulously maintained. We do not amputate hands or shoot 66 drug dealers in the back of the neck without appeal in a day, as does China. The trial of the pro-Cuban revolutionaries who murdered Prime Minister Maurice Bishop of Grenada, together with most of his government, in 1983 lasted 90 days. The appeals, involving 14 attorneys (all Jamaican but for one Guyanese), went on for over seven years. As each was paid a thousand dollars a day for litigation, and was put up in the best hotel, their expenses threatened to bankrupt the country. In short, these are small democracies that believe the death penalty only fails to deter those whom it fails to deter. They are mostly agricultural and religious communities, and American television has only recently hit them (chiefly in tourist hotels, for the cost of a satellite dish is prohibitive).

St. Vincent recently hanged without incident a father-son robbery team guilty of murder, manslaughter, and conspiracy to murder. Jamaica has been holding close to a hundred on death row while, as I write, Trinidad is sequestering 113 Moslems on 15 capital charges each after the group's seizure of the Port of Spain parliament building (the Red House) and the shooting in the leg of Prime Minister A.N.R. Robinson. Furthermore, most of these islands retain flogging, at least on the books under its perhaps more meliorative term of whipping, which is sometimes carried out in magistrates' courts. In Grenada last November a 47-year-old man was sentenced to seven years in prison and seven strokes of the cat for raping an 11-year-old girl, surely enough to satisfy Andrea Dworkin and the most extreme of the man-hating feminists (though the brutal instrument that ripped up the backs of the Mayfair Playboys in the 30's is no longer employed). The Barbados cat, used on two rapists last year (one having raped his own daughter), consists of four or five hempen thongs. When in St. Lucia a short while ago a man was sentenced to have his whipping carried out publicly in the capital, Castries, half the population streamed into town to see it done, and it was accordingly ordered indoors. (One is reminded that Amnesty International is forever campaigning against the brutality of three strokes of the birch, in front of parents, on the Isle of Man, a fate any British schoolboy of my generation would laugh at.) Obscene language, of a far less obnoxious nature than that heard on any New York subway, is locally punishable and punished. In a society of total promiscuousness and "outside" children, the Windwards disallow *Playboy* and *Penthouse*. Officially, at least, our morals like our hems are high, and in the case of crime and punishment West Indians are the last Englishmen left around.

I watched the Maurice Bishop murder trial at close hand. The 14 apprehended (13 men and one woman) after the U.S. intervention of October 25, 1983, now Thanksgiving Day on the island, were accorded more than seven years of raucous appeals. The woman was the Jamaican wife of the group leader, Deputy Prime Minister Bernard Coard, and incidentally an heiress to the Tia Maria liqueur fortune. All but one were sentenced to death by hanging, Judge Dennis Byron of St. Kitts donning the black cap (actually a piece of material). On July 11, 1991, the Grenadian Court of Appeals, under Barbadian Sir Frederick Smith, upheld all the convictions. The attorney general could not allow any further appeals and, no reprieve coming from the Crown, through Her Majesty's representative on the island, Governor-General Sir Paul Scoon, those so sentenced had to hang, including the woman, a first for Grenada, though by no means for Trinidad. A short book called *Yield to the Night* purports to describe the last hanging of a woman in England, indeed a pitiful case. What followed in Grenada was some clumsy, even cowardly, footwork.

Carnival was on and effigies of the Coards were hung in Market Square. Clearly, the relatives of the innocent civilians killed in the massacre around the old fort wanted justice done. Equally clear was that neither the governor-general nor Prime Minister Nicholas Brathwaite had the stomach for it, least of all the swinging of a woman. The atmosphere was further inflamed by the highly placed clemency addicts on the island, as well as those off it, notably the militants in