Attakapas 'Justice'

A language barrier prevented the first grand jury convened in Southwest Louisiana's Attakapas County in 1803 from hearing a single case although evidence of crime in that area was plentiful.

A half century later, the justice system had not improved a great deal in Southwest Louisiana, and citizens formed vigilance committees to administer justice.

Immediately after the Louisiana Purchase was signed in 1803, the territory was divided into 12 counties, including Attakapas which was comprised of the present parishes of St. Martin, St. Mary, Iberia, Lafayette and Vermilion.

Under territorial law, a grand jury and judge were appointed in each county to hear criminal cases and pass sentences. However, jury members and most of the citizenry spoke only French and did not understand the laws of the United States, which were written in English. Additionally, there were no defenders who spoke both languages and could fairly represent an accused individual.

This predicament led one of the jury members to draw up a resolution which was unanimously approved by other members and the judges. Translated, it declared:

"The members of the first grand jury of the County of Attakapas, considering that the laws of the United States are unknown to them; that they found it impossible to become acquainted with them, that there exists no translation of them into their maternal language, and that the English language in which these laws are written is unknown by almost all the members of the jury and even of the inhabitants of the County of Attakapas; that . . . if they attempted to pass on the delinquencies brought before them as members of the grand jury, it would be condemnable rashness which would expose them to violate the same laws which they have the greatest desire to know and observe."

So for the first six months of the new territory's existence, no lawbreakers were brought to trial in Attakapas County. The 11 other grand juries, operating under the same handicaps, nevertheless went ahead and tried, judged and condemned individuals under a legal system they barely understood.

Fifty years later, long after Louisiana became a state, lawbreakers in Southwest Louisiana were still evading justice, but by this time largely due to corrupt juries.

Crime became so rampant that residents were forced to take the law into their own hands and form vigilance committees to apprehend the criminals even though such a system was in direct violation of the laws of the state.

Prior to the Civil War, trial by jury in Southwest Louisiana had reached an all-time low, and organized bandits had an almost free rein.

A well-authenticated anecdote of the period illustrates the corruption of the jury system. It concerned a planter whose favorite cow was stolen.

The farmer began to search for the cow, and a few miles from his farm he saw the freshly skinned hide of the cow hanging on a store fence.

"Where did you get that hide?" the farmer demanded of the storekeeper.

"I just bought it," he replied.

"From whom?" the farmer asked. "It is the hide of my cow that was stolen last night."

"The person who sold the hide to me just left, but I cannot give his name," the storekeeper said.

The farmer warned the storekeeper.

"That hide is in your possession. This is a pretty strong presumption that you have stolen the cow, the more so in that you refuse to give the name of the man that sold the hide to you."

The storekeeper steadfastly stuck to his story and refused to divulge the identity of the seller. He was indicted for larceny and brought to trial. His attorney warned him to name the thief to avoid conviction, but he stubbornly refused to do so.

Throughout the trial, the accused showed no signs of being nervous or fear of being convicted. Evidence was direct and conclusive, but the verdict was "not guilty."

The storekeeper's incredulous attorney asked him how the jury could have rendered such a verdict, and the acquitted man smiled and said:

"I can speak now, although I will give no names. The man that sold me the hide was on that jury, and there were, besides him, five others who belong to his gang. I was sure of acquittal."

"Had I given any names, my store would now be a mass of ashes, and I would probably be dead. I considered it more prudent to take my chances and remain speechless temporarily, instead of permanently."

Although they were presided over by honest and able judges, the courts were powerless to reach violators of the law. This situation led to the formation of the vigilance committees in several Southwest Louisiana parishes prior to the Civil War, and many of the outlaws were "tried" and hung.

Others, fearing for their lives, left that region of the state altogether. Later, law and order finally returned to the area, and trial by jury ceased to be a mockery.

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