

A Crime on the Bayou: Taking a principled stand during the civil rights era

Joanne Laurier
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Written and directed by Nancy Buirski

A Crime on the Bayou is an evocative, affecting documentary about events in the civil rights era of the 1960s. Inspired by Matthew Van Meter's 2020 nonfiction work *Deep Delta Justice*, it was directed by Nancy Buirski. The filmmaker is well known for her 2011 documentary, *The Loving Story*, about an interracial couple in 1960s Virginia who fought a landmark battle against the state's prohibition on mixed marriage.

The new movie concerns a young black fisherman, Gary Duncan, falsely charged with assault, whose case went to the US Supreme Court. Duncan was defended by Richard Sobol, a white civil rights attorney from New York.

The episode took place in a part of Louisiana ruled with an iron fist by the racist and corrupt Democratic Party political boss, Leander Perez (1891-1969).

Opening the film, murky, swirling swamp water immerses the camera, which then focuses on Duncan's striking face, one imprinted with the tough battles of the day, yet astonishingly sensitive and humane.

In 1966 in Plaquemines Parish, Louisiana (bordered to the south and southeast by the Gulf of Mexico), then 19-year-old Gary, a shrimp trawler, was on his way to pick up his wife and newborn child from the hospital, when he noticed an altercation between his nephew and cousin and a group of white teenagers outside the newly desegregated school. After lightly laying his hand on one of the white boys' arms, Gary is arrested for "cruelty to a juvenile," a charge that could not stick even in Louisiana. Despite the lack of evidence that anyone was injured, Perez and his "legal" machine then charged Gary with assault and battery. He was denied a trial by jury.

In his book, Van Meter describes how the struggle for school integration unfolded in the parish: "Perez found a mass audience in 1960, when New Orleans became the first big city in the South to desegregate its schools. At a rally against integration, Perez delivered the keynote speech: 'Don't wait for your daughters to be raped by these Congolese!' he shouted. 'Don't wait until the burr-heads are forced into your schools! Do something about it now!'" *Deep Delta Justice* explains that the next day, "a throng of whites stormed city hall. Finding that the mayor was in hiding, the mob ran into the streets of black neighborhoods, assaulting anyone they could

find. As a result, 250 men were arrested, nearly all of them black."

According to the movie's production notes, by 1966, "there was an open battle for overcoming Jim Crow laws throughout the south, and Duncan found himself allied with Richard Sobol, a liberal Jewish lawyer from New York, like many who threw themselves into the civil rights movement." It was an intense relationship that would last a lifetime.

Richard, steely willed but physically frail, speaks cogently in the documentary, which includes excerpts from a 2011 interview conducted for the Library of Congress.

As noted, the injustice to Duncan occurred at a tumultuous moment in American history, and in particular in the South. One year earlier witnessed the famed Selma, Alabama march to the state capital in Montgomery, an event that played a key role in the passage of the Voting Rights Act later that year. The Act outlawed longstanding violations of the 14th and 15th Amendments to the US Constitution that for generations disenfranchised millions of African Americans in the southern US.

In the two years leading up to the Selma march, the reaction against the civil rights movement had claimed the lives, among others, of civil rights leader Medgar Evers, the four schoolgirls killed in the infamous Birmingham church bombing of September 1963, and civil rights workers Andrew Goodman, James Chaney and Michael Schwerner in June 1964.

The Harlem riot also took place in 1964, and the social explosion in Watts in Los Angeles the following year. The inner-city rebellions in Detroit and Newark, New Jersey erupted during the "Long Hot Summer of 1967." Mass opposition to the Vietnam War was developing, and in 1966 boxer Muhammad Ali refused induction into the US military in protest against the war.

Richard Sobol connected with Gary Duncan through the Lawyers Constitutional Defense Committee (LCDC). LCDC lawyer Armand Derfner, one of the documentary's major interviewees, recalls "the systems of pretend law that were prevailing in the Southern states." Another commentator is writer Lolis Eric Elie (story editor on HBO's *Treme*), whose father, Lolis Elie, was a partner in the most prominent black law firm in New Orleans, for whom Sobol worked. (Sobol

eventually moved to Louisiana and spent much of his life there).

“Well, first off, our office was bombed,” recounts Lolis Elie, before detailing the abuses he and his colleagues suffered, from the petty (hearings scheduled on holidays, when the courts were closed) to the physically dangerous (being teargassed in a church by the state police).

“My first day in Clinton, Louisiana, Judge Rarick said to me, ‘I didn’t know they let you coons practice law,’” Elie relates. “Judge Rarick kept a Ku Klux Klan cross that had been burned in his office.” This incident is referred to in both the movie and Van Meter’s book.

Van Meter further details that “Gary’s persecution was not limited to the courthouse. He was pulled over for speeding one day by a man in a suit who claimed to be a plainclothes deputy; instead of writing a ticket, though, the man arrested Gary and took him to jail. Another time, Lynn’s brother, [Lynn is Gary Duncan’s wife] Calvin Lange, was harassed while borrowing Gary’s car. He had stopped at a gas station when the police rolled up, threw him against the side of the car, handcuffed him, and hauled him to the Port Sulphur jail.”

At one point in *A Crime on the Bayou*, Gary chokes back tears when he remembers considering suicide rather than face re-incarceration.

The music of legendary jazz figures Chet Baker and Miles Davis provides the documentary’s soundtrack, creating a cool, smooth rhythm, despite the charged imagery. Additionally, Buirski incorporates archival footage of the area showing energetic funeral processions and violent segregationist demonstrations.

Gary and Richard found themselves teamed up against Perez, who tells William F. Buckley in an infamous 1968 television interview that African Americans were innately immoral, claiming their brains could not develop due to “the thickness of the cranium.” The square-framed, would-be *führer* had ruled the parish since 1924. (In 1929, Perez successfully defended Gov. Huey Long in the latter’s impeachment trial before the Louisiana State Senate.)

Both the book and the movie describe a prison camp Perez built for “racial agitators” on the grounds of Fort St. Philip, a structure that dated back to the War of 1812. “The stronghold was in the middle of a snake-infested tract of marshland twenty miles from the nearest road. It had no beds, chairs, or tables, but it boasted cattle pens, an electrified barbed-wire fence, and machine-gun emplacements.” (Van Meter).

Perez would die in 1969, less than three months after the US Supreme Court found for Gary in *Duncan v. Louisiana* (1968), a significant decision that incorporated the Sixth Amendment right to a jury trial and applied it to the states. In 1983, it was discovered that \$80 million in oil royalties had been paid to Delta Development Co., which Perez secretly owned.

“Despite its limitations,” pens Van Meter, “[the] Duncan [ruling] opened the way for changes in criminal procedure that

have affected the outcomes of millions of cases. Immediately after the court’s decision in 1968, dozens of cases went through the courts, including the arrests of nine hundred anti-war demonstrators at Columbia University that year. To avoid these challenges, most states rewrote their jury laws to come in line with the court’s mandate.”

A Crime on the Bayou deals with a critical and telling but little known civil rights case. The filmmaker feels obliged to insert bits and pieces of contemporary identity politics, but that’s not what predominates in the well-constructed, emotionally stirring movie.

In a June 2021 interview with *Haaretz*, Buirski explains that both Duncan and Sobol were “incredibly humble and very noble, in my estimation ... Richard was at first reticent to do the documentary, because he was proud of what he did but didn’t understand why the world would need to know about it—and we convinced him that the world did need to know about it.”

“Gary is a very gentle and stoic man,” Buirski also remarks, “and still feels very strongly about his rights—none of that has changed. But he’s also incredibly warm and generous. I came to love both of them. I was happy that Richard Sobol could see the film before he passed away; that meant so much to me.”

In the documentary, the *Haaretz* interviewer points out, Sobol speaks briefly about how Jews who survived the Holocaust, or close descendants of those who did, “felt driven at the time to help black people given their dire situation. Did he say anything else about that?”

Buirski replies that Sobol thought it was fairly obvious that if the Holocaust had touched “you in any way, one would clearly empathize with people who are going through similar struggles ... I didn’t intentionally set out to frame it that way, but the relationships between racism and anti-Semitism seemed very clear to me.”

In a tribute to Richard, who died in 2020, Gary spoke eloquently about his friend: “When he passed away, I lost part of myself. He was one of the greatest people in the world...”

“He was dedicated for what he was doing,” Duncan continued. “There was no money involved really but he had a belief that everybody should have equal rights. He represented a lot of people in Louisiana and was threatened everywhere he went but he didn’t let that get in his way. He was a strong man to be able to do that.”

These are extraordinary figures, and Buirski’s film captures that.



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