

Imprisoning of Alcoholics Ruled Illegal by Etheridge

A Fulton County judge ruled Friday that Atlanta no longer can send its hundreds of Skid Row alcoholics to prison to serve "life on the installment plan."

Superior Court Judge Jack P. Etheridge reversed Municipal Court convictions of Jack Dunlap, a 57-year-old admitted Skid Row drifter and alcoholic who has argued that his charges of drunkenness and loitering were illegal because they were only symptoms of his disease of alcoholism.

"The court holds that chronic alcoholism is a legal defense," Etheridge told attorneys who had argued the test case Friday afternoon.

By **DICK HEBERT**

In effect, Etheridge's ruling was more sweeping than expected since he based it on the argument that an alcoholic does not have control over his drinking or his actions while drunk and therefore cannot have the "intent" to commit a crime.

One top legal authority interpreted the ruling to mean that a chronic alcoholic no longer can be found guilty in Fulton County of any crime committed while drunk—no matter how serious.

Immediate effect of the decision will be a drastic slashing of the city's prison population. Friday morning there were 461

inmates at the City Prison Farm, Supt. Ralph Hulseby said. He estimated that as many as 75 per cent of them would have recourse to the alcoholism defense next time they are brought to trial.

Etheridge stressed from the bench that his ruling applied only to conviction, and not to the arrest of drunks. He said police still have authority to arrest drunks on the streets but that once brought to court they can plead they are alcoholics.

"It is also very important that this person (the alcoholic) be distinguished from the ordi-

Continued on Page 8, Column 5

Alcoholics' Imprisoning Ruled Illegal

Continued from Page 1

nary drunk on the street," Etheridge said.

He said he anticipated a storm of "misconceptions" and there'll be those who will rise spontaneously . . . and say, 'Every drunk's going to be free.' That's wrong and it's incorrect."

Throughout the hour and a half of argument by attorneys, Dunlap himself sat quietly. Behind him were arrayed an audience of city and prison officials and leaders from every agency working on the Skid Row alcoholic problem.

In making the ruling, Etheridge commented that Dunlap is "homeless, unemployed, arrested many, many times . . . a man in bad health who has been taken to the city stockade and placed on work details that endanger his health."

Several times Etheridge questioned Associate City Attorney Tom Choyce's arguments for delay of the ruling which even city officials have agreed was coming.

"The city agrees that there might be a better way to handle this problem," Choyce admitted to Etheridge as he pleaded for more time so local authorities could prepare facilities and mechanism for alcoholics.

Etheridge asked him if he meant for the court to decide on the basis of "social consequences."

"I think that's absolutely necessary," Choyce said.

"Then you're not asking me to be just a court of law," Etheridge said. "If he's not guilty of a criminal offense then the court's got no business dealing with him."

Choyce compared alcoholics to mental patients committed to hospital at Milledgeville where

2 See Britain In Europe Mart Despite France

WASHINGTON (AP)—Two foreign economic observers agreed Thursday in a prediction that Britain eventually will become a member of the European Economic Community, despite French President Charles de Gaulle's present opposition.

Kenneth Younger of the Royal Institute of International Affairs, London, told a Senate-House economic committee De Gaulle has obtained practically no support for exclusion of Britain among the five other members of the community "and even in France there is a substantial body of opinion which does not share his view."

Pressed for a date as to when Britain might join, Younger said, "I have been saying 1970, but it could be longer."

"there is assurance he'll be detained. In this case there's no such assurance," he said, because there are no fully operative health facilities available for alcoholics.

Etheridge said again it appeared Choyce was asking him to solve "social problems" rather than legal ones. "Isn't that what you're asking me to do?" he asked.

"That's why I'm here," Choyce said.

"I'm not here for that purpose," retorted Etheridge.

A few minutes later Choyce said that a ruling to free Dunlap would make the city "place these men on a worse treadmill than they are on now."

Etheridge asked him, "Worse than what one has already called—"

"The barbecue rack? I've read about that," Choyce cut in.

"No, no—"

"The revolving door? I've read about that, too."

"No, a 'life sentence on the installment plan,'" the judge said.

Ironically, that description of the city stockade life is used

most often by Municipal Court Judge R. E. Jones whose convictions of Dunlap were overturned by Etheridge.

Arguing Dunlap's case was Albert M. Horn, an attorney for the American Civil Liberties Union of Georgia, who said that although agencies are working to provide health services for chronic alcoholics, "politicians don't act until they're forced to."

"Everyone's been happy to pass the buck to someone else," Horn said. "But I agree, the development of health facilities is not a question before this court."

Figures brought before the court showed Atlanta as having the nation's highest drunk arrest rate — five times greater than the average of 48 other cities with more than 250,000 population, according to the Atlanta Bar Association.

Horn said one consequence of Etheridge's ruling might be the issuing of identification cards for chronic alcoholics so police could identify them at the time of arrest and take them to some future detoxification unit rather than to jail.

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