

April 17, 1965

Dear Phil,

The other day one of the SNCC staff, a guy they call "Coolie", was arrested on burglary charges. It seems he broke into a home and stole three pistols and was riding around with them in the glove compartment of his car when he was arrested. Anyhow Roy and Randy went to Miss over the weekend to a staff executive committee meeting and Coolie's arrest and what SNCC should do about things like this was one of the questions that was discussed. Marion Berry, Jim Hansen, and a couple of other guys, who Randy characterized as "them Northern niggers" took a very moralistic attitude about theft and also about having guns and the whole non-violence question. But then Stokeley Carmichael got up and said, "I know that there are at least 11 cats in this room (the exec committee only has about 20 people on it) who carry guns and I'm sure most of you have them in your pocket right now". It seems this was very accurate as all of the Miss staff present who are southern Negroes not only admitted to not ever driving anywhere without a pistol, but of their intention to use it if they were ever stopped. Stokeley told the story of one guy from Miss staff in Selma who got into his car when a bunch of whites carrying chains and knives came over to his car and started to rock it. He jumped out, whipped out his pistol and told them to get the fuck away from his car. They got away fast. The discussion finally moved to whether SNCC should have a guy from NY, who has volunteered, to come to the different projects and teach the staff karate. It seems pretty clear that what has happened is that the "original SNCC people" had, if not a majority at least a very vocal minority of REAL non-violent types. But as more black southern cats come into the projects, they come in on their terms, and one of them is a total rejection of non-violence and rather an adoption of Robert Williams or Malcolm's approach to the whole idea.

I'm returning Murray's letter as I assume you want it back.

Dear Friends;

It seems that lately I am letting two weeks go by before I force myself to the typewriter--and this is only getting done tonight because Wendy and I want to go away Sunday and that would probably mean three weeks without writing.

At the beginning of last week we drove to Fitzgerald and Cordele. The reason for this was we let the day of filing an appeal go until the last day, as usual, and then we had to make this very long drive to get the solicitor's signature (Fitzgerald) and then to file it with the clerk of the trial court (Cordele). The appeal was in the Brooking case - a young Negro from New Jersey who was down visiting relatives in ~~Jess~~ rural Crisp County and didn't say "yassuh" to a shop keeper which resulted in a fight and his being charged with assault with intent to murder. They never tried the case but allowed it to go up on the exclusion of Negroes from the jury question. It was interesting to observe that the people we were dealing with, solicitor, judge, and clerk, had only a very vague idea about the filing of the bill of exceptions. The reason for this is that very few cases are ever appealed from South Georgia trial courts. The practice of law in this area is a kind of country club practice where everything is pretty well ironed out over drinks or at golf and if lawyers started appealing decisions there would be hell to pay as there is only one judge over a 5 or 6 county court system and they practice before him every day. Therefore no one ever takes an appeal and when they are presented with one they aren't sure what to do about it.

Another interesting thing, very much in the same vein, is the laxness with which certain ~~rules~~ rules are enforced, or more accurately, the way people go on doing things the way they want irrespective of statute. The NAACP Inc. Fund is doing a study of rape cases to establish that the death penalty is really reserved for Negroes who rape white women. They wrote me asking that I check out some of the counties to see if it was

a difficult matter to figure out how many rape prosecutions there ~~were~~ were in the last 20 years, who the victims and defendants were (race), etc. I checked the Georgia Codes and was convinced that this would be a very simple matter. Georgia law requires (at least since 1957) that each County clerk keep a separate docket for sex crimes which would show race of the defendant among other items of information. Therefore I wouldn't ~~have~~ have to thumb through pages and pages of the general criminal docket which would take hours. I first checked the Dougherty County court house record room and found the ~~a~~ sex crime docket. Though it was a simple matter to establish the rapes, and I could pretty well figure out the race of the defendant by the street address and the race of the victim by whether she was listed as "Mrs" or just "Sallie Mae" they weren't keeping it the way they are required to by statute. Then a few days later we were in Americus so I went into the Court House there. When I looked around for the Sex Crime Docket I couldn't find it, so I asked the Clerk. He didn't know what I was talking about. I had the same experience ~~in~~ in several other counties. Only two of the counties kept the docket as required by Georgia law, and those two didn't keep it the way it was ~~supposed~~ supposed to be kept. So I was forced to thumb through the Criminal Court Docket. Not only was this a long and boring task, but rather unfruitful as the Clerks also have a ~~bad~~ habit of quite often characterizing the crime for which the defendant was convicted as "felony" instead of spelling it out as required by law. There is just so much of this sloppy bullshit in the way things are done around here. I mean no one would ever think of telling the Clerk that he wasn't supposed to do things that way; because no one really cares what the Clerk does and it would only "stir up a commotion" if some white lawyer were to tell the Clerk that he was not obeying the law. There is a hell of a lot of stuff like this. Like the Clerks in some counties charge one amount for filing when the statute requires another. It isn't as if they were stealing the money, it's just that they got it into their head that they will do it that way and that's all there is to it. Or there is a disposition of a case that you run into very frequently in the Docket which reads "nol prossed with costs". There doesn't seem to be any statutory provision for this, but it's just something that is done. Instead of prosecuting a guy they will nol prosse. But they just dont nol prosse it, they also assess him costs. But every so often we get caught up in ~~this~~ this kind of thing and it's really funny to catch these guys reactions. Like once we mailed a check to a Clerk for recording a corporate charger. I computed the costs according to statute (it is based per word) and mailed a check for the exact amount. He wrote back a very appologetic letter explaining how he generally charges \$x and that is what all of the local lawyers pay and then went on to say that we didn't have to pay anything extra but he just wanted us to know this.

We now have a house guest. Ramona Lockett, a SNCC worker who comes from Cordele, is working with Wendy on the nursery school. Roy fluctuates from day to day about the nursery school, from great enthusiasm at one time to being completely negative and derogatory about the whole idea the next time. Anyhow during one of his more positive days (in relations to the nursery school) he brought Ramona up from Cordele to work with Wendy. He also suggested that she live with us.

Things are really progressing with th nursery school. There are a lot of kids in the neighborhood, ranging in age from about 2 to 20 who hang around constantly. Many of them have been painting, sanding the floors, cleaning up the yard, along with Betty, Wendy, and Ramona. Others mostly just hang around and play the ~~pat~~ piano which the owner of the house contributed to the nursery school.

Also at the beginning of last week I got an emergency collect phone call from Jim, the white guy who works in Albany SNCC, who was calling from Doerun, Ga. (a tiny place outside Moultrie)/. It seems he and Roy

went to Moultrie for a mass meeting and on the way back had a flat tire. Since they didnt have a jack in the car (this is very typical of SNCC here, either they dont have a jack or they do have one but dont have a spare tire) Jim Roy saw a house which was obviously owned by a white and sent Jim up to borrow the jack while he ducked into the woods. They planned to meet down the road by a street lamp. Jim went to the house and the guy walked back down to the car with him. The guy got into this long conversation so Jim had to concoct some story about being a college student from Florida driving back to school from a weekend in Atlanta. After the tire was changed the guy invited Jim to come back to the house to wash up and have coffee. Instead of just gracefully getting out of it and going to meet Roy, Jim said he couldnt think of any excuse so he just went along with the guy. ~~When~~ He drove the car up to the guys house and when he finally got away and went to find Roy, Roy was gone. He drove back and forth for about half an hour, arousing the suspicion of Doerun's only cop, and finally called me. I told him I thought that Roy had probably either hitched back to Albany or to Moultrie as he wouldnt just hang around on the road like that but if he saw a car with a Negro driving he would flag it down and get a ride. So ~~if~~ Jim drove to Moultrie, and phoned me again, this time at about 2:30 a.m. He said he asked the Doerun cop if he had seen Roy and the cop said that he saw him walking down the road but didnt see him again. So Jim drove back to Albany and when he didnt find Roy there he ~~x~~ started calling jails. He was about to call the FBI when Roy came in, really pissed off. It seems he waited and waited and when Jim didnt come back figured that he had just driven back to Albany, so Roy didnt want to stand out in the road as the cop had driven past him once already, and went into a corn ~~fixe~~ field where he ~~x~~ made some attempts at sleeping. Finally he went back onto the road about dawn and caught a ride into Albany. Jim has been confined to the office since that time.

All that week the Superintendent's office was open for school transfers. SNCC did a very big canvassing effort about this and Sherrod came down from NY for a few days to work on it, but we were still amazed at the number of parents who transferred their children to white schools. This year there were about 30 first and ~~seven~~ second ~~gr~~ graders and ~~seven~~ 6 girls in the high school. Next year there will be about 50 kids in the high school and at least another 100 in the elementary schools, not counting the first graders as there was no way of knowing how many of them registered in white schools. This will mean that at least a couple of the white elementary schools will be more than token integrated. The most important end obtained from the transferring is not the better education to be gotten at the white schools but that it puts pressure on the School Board to start making the Negro schools places where parents want to keep their kids as they know if they dont radically improve the situation there they will be faced with a completely integrated school system. The difference between the white and Negro schools is really ~~s~~hocking--a graduating senior at the Negro high school has the equivalent of about a 10th grade education at the white high school, and the white high school is pitiful by Northern standards. Meanwhile, the Federal government continues its outstanding role in the civil rights movement. We have it on very good authority that the commander or some other high official at the local military base called in Negroes who had planned to transfer their children to white schools and told them not to. Said he didnt want his troops taking part in civil rights activities. But try and get one of these guys to sign an affidavit to that effect when he knows that after the heat blows over he will be facing a court martial for some obscure offense.

I finally got to meet P. Walter Jones. He is an old white lawyer who was assigned as counsel to a guy named Whitus who was charged, along with three other Negroes, of murdering a white man in Mitchell County a few years ago. Jones didnt raise the jury question about it got to eating at his conscience and he went up on appeal raising that issue. The Fifth

Cricutt reversed and the case is coming up for trial again in Mitchell County. Behind all this Jones lost almost his entire practice, had to give up his office downtown and practice in his home. He's kind of a nice old guy the extremely paternalistic. The reason we went over was because Mayfield from Savannah was in town to see Jones (he is defending one of the other guys) and he asked CB to come over. He brought his wife along and when Jones was telling us something about the case and what one of the defendants said he turned to Mrs. Mayfield and said, "In deference to you I would not use the exact language". The only reason I dwell on this is that this is exactly his bag, a courtly southern gentleman; but the point is that this is the very best you can ever expect from whites here -- a kind of paternalistic attitude which lets them ~~pr~~ "protect" Negroes from other whites but that's about the extent of it. Meanwhile, the other white attorneys in Albany, rather than making noble statements about the lawyers solemn duty to defend any client, etc etc etc., are sitting around laughing at him and dividing up the rest of his practice.

PHIL: Two interesting sidelights about MLK. Slater saw him a while ago and says Martin is obsessed with death. That ever since Malcolm was done in Martin feels he's next and is convinced that a black will do it - and is getting very paranoid. Maybe something good will come out of all of this. He also tells Slater that he has it on very good authority that J. Edgar is trying to pin one of three things on him: playing around with SCLC money, women, or communist connections. And of course the most obvious thing which will follow hot on the heels of HUAC giving the Klan a clean bill of health is an investigation of ~~SEE~~ SCLC (for the show) and an in depth probe into SNCC - which may be a damn good thing as it will force them to find other sources of support rather than northern do gooders.

deLissovoy is back in town. Since Ramona is staying with us there wasn't any room, but he and Randy got a place together. The same day he got into town most of the pool hall guys were arrested on federal check forging charges. One of the pool hall philosophers, who was among those arrested, took the whole thing with his typical calm attitude toward everything. He is quoted as saying: "If you can't build the time, don't mess with the crime" and since he expected to be caught eventually (~~occupational~~ occupational hazard), it's now just a question of quietly "building the time".

While I am thinking of it -- I shaved my moustache. Just got tired of it.

Toward the end of last week ~~xxxxxx~~ we drafted the motion to quash in State v. John Wesley Thomas, et al - the guys in Moultrie charged with arson, malicious mischief, and blackmail. The grand jury no billed the black mial but returned true bills on the arson. We checked the jury rolls to see what the situation was in regard to Negroes serving; Moultrie is a little more obvious than most. On the last time the list was compiled they added in the names of a few Negroes. Just so no one will make any mistakes however, next to the name of each Negro appears the designation, "col." They also segregate the names of females from the ~~xxxx~~ names of males in the grand and traverse jury lists (also illegal according to Georgia law). There was no "col" after any woman's name but they were all shown as "Mrs" except for one who was just Annette Sampson. So we figured we knew ~~xxx~~ where it was at for her. We drew up our pleadings and among the allegations we said that all of the women grand and traverse jurors are white save one who is Negro and that her name does not bear the courtesy title of Miss or Mrs. When we got down to Moultrie on Monday for the trial the Solicitor asked for a continuance and mumbled something about the indictments not being right which translates to the fact that he recognizes that they didn't add enough "col's" to the list and then had better get rid of that designation. So we filed our demand

for trial and then we went over to see Mr. Giezie (pronounced Guy Z) Mobley, the head of the Moultrie Movement. In the course of the conversation I asked him if he knew Mrs. Sampson, the lady on the jury list. He said he didn't and knew no one else knew her. It struck us as odd that he wouldn't know her as the Negroes who they select to put on the list are pretty well known; eg. the undertaker, the principal's brother, etc. We then went back to the Court House to get some ~~statistical~~ other information. Looking through one of the books we discovered that Annette Sampson was the deputy clerk or some other official, I forget which, and in a situation like that it would be proper to just show her as "Annette Sampson" without the Mrs as she would usually have a comma and then her title after her name. So we quickly we changed our pleadings around. It could have proven extremely embarrassing. Before we left Moultrie we took a drive past the Negro high school. Its amazing how the town was able to rally after they claimed in Federal court that ~~he~~ they were terribly in debt and that's why the Negro school fell into disrepair. Since about 40 kids have taken transfer applications to go to the white school for next year they are frantically trying to fix up the Negro high school. They have leveled the ground and are beginning to put in a lawn; they are repairing the band building, every pane of glass is replaced, etc. The beautiful thing about Moultrie is that what has happened there in terms of the Movement is a very tangible thing. I mean people can see the repairs to the school and they can understand that it was because they got together and demanded their rights that they got these changes -- and that it was really the kids who showed them the way after years of the adults going down and petitioning the Board of Ed and just getting a run around. And the Moultrie situation really caught on. In Cuthbert people are organizing around the same issue, and even in Worth County, a small rural county next to Moultrie, the people are ready to bring a school suit. Worth is a very interesting county. There are a few extremely strong people there, who own their own farms, have shotguns, and are not going to be pushed around. The Board of Ed. in Worth thought they could get away with submitting a complaint to Dept of Health, Ed, & W. stating that they had desegregated the school system and then drew up a form which asks a lot of questions about what diseases the parents have and a whole lot of arbitrary considerations for who can transfer with criteria like "similar social and economic backgrounds", "avoidance of friction" and the like, and assumed that no one would ever question it. But the people got together and drew up a petition to HEW telling them that the desegregation plan is nothing more than paper, and the petition was beautifully worded about how they wanted HEW to keep a close watch on the Board and how they would act in "bad faith", etc. It seems that someone in HEW phoned the Board and gave them hell as they called a special meeting and have since come out with a new transfer form.

I saw a really kind of tragic thing in Moultrie when we were there on Monday. The mother of one of the defendants, an extremely poor woman, had this enormous picture of Kennedy in a kind of cheap gilt gilded frame over the mantelpiece. CB asked her about it and she said she paid \$15 for it -- which is probably all she earns in a week. CB was very bitter when we rode home - talked about how sick it was that America doesn't realize how desperately Negroes just want to clutch at a piece of it and "belong" - that most of them don't want any kind of change, but just to be let in at the edge and even this is denied them. You see a lot of Kennedy pictures in homes around here, and there were a lot when he was alive too. But I have yet to see one of LBJ.

I got some very good news the other day. Something which has never been done before is being done for me. To practice before the US District Court in the Middle District of Georgia you have to be admitted to a federal bar somewhere. But the only federal bar I can get admitted to is the one

This rule, that you have to be a member of a federal bar to practice, is one established by the local court here as it isn't true in California. Anyhow one of the few guys at law school who I liked is now a Clerk for one of the judges of the U.S. District Court in California. I wrote to him about my problem and at first he seemed very pessimistic but his judge is a very good guy and he took the matter up with the Chief Justice and I will be allowed to be admitted ~~thru process~~ "in absentia", so in a matter of a few weeks I will be allowed to practice before the Federal Court here. Since we have a lot of school suits coming up and also some other federal matters I will get a chance to do some work in court.

I think I talked about Smith v. SNCC, et al., the suit by the grocer who claims he was put out of business by a picket line and is now suing the Movement and SNCC. We finally decided to remove to federal court and again got it in at the last minute. The Inc. Fund is interested in making some law in civil removal cases so we might get to carry this one up to the USSC.

There is a really funny thing happening in Cordele. One of the SNCC staff, Rev. Fullwood, got a traffic ticket about a month ago. This was his second ticket in a couple of weeks, both given by the same cop and both times undeserved. When Fullwood desegregated one of the local restaurants last summer the cop told him he'd "get him for this" and is now in the process of doing just that. The first time Fullwood appeared in Court he told the Judge he wanted to get a lawyer for the case so the judge granted a continuance. He had posted bond on the first traffic ticket and was appearing on the second one. He was in Albany and told me about it and wanted to know if CB could go down there. I knew that he couldn't but suggested that perhaps he should suggest to them that he would like to have a court appointed attorney as he didn't have the money to retain one. So he went back to court and told the Judge that he didn't have a lawyer as he couldn't afford to hire one but he would like the court to appoint one to represent him. There was a hurried conference and the clerk was sent out to "check the city charter". The clerk reported back that "It don't say we got to give him a lawyer but it also don't say that we don't got to give him one"...so there was another continuance. The next time he went back he was accompanied by another SNCC worker who was dressed up and carrying a briefcase. In the brief case he had some legal documents relating to another matter. He and Fullwood sat there waiting for the case to be called and he would lean over and whisper stuff to Fullwood and reach into the brief case and pull out a document and have Fullwood sign it and then whisper some more and have him sign another document. The Judge asked Fullwood if this was his attorney and Fullwood said no, that he was simply his legal advisor but not his attorney and he still wanted the court to appoint one. Meanwhile the other SNCC worker got up and addressed the Court and went into a long explanation about how the tickets were not deserved and explained why the cop ticketed Fullwood. He also raised a rather interesting constitutional point. He told the Judge that since the Negro cops in Cordele only had the authority to arrest Negroes and weren't allowed to arrest whites, then since Fullwood was arrested by a white cop, the cop exceeded his authority as he should only be allowed to arrest whites. The Judge thought this one over for a while and then asked him if he were a lawyer. Fullwood said he was not a lawyer but a law student from Yale and appearing as his legal advisor. This was a complete lie. The Judge said if you are a lawyer I can let you appear but if you are just a ~~studs~~ legal advisor I can't. Then he said, "you go to Yale?" "Yeah". Judge said, ~~XXXXXXXX~~ "huh" and that was the end of that. Oh, I forgot the best part. The Judge who heard the case wasn't the regular traffic court judge. That judge disqualified himself and another took his place. Then the first ~~just~~ judge came in and testified that Fullwood had enough money to hire a lawyer so they weren't going to give him one. I had written out a long quote from

Gideon v. Wainwright which says ~~xxx~~ something to the effect that it is a requirement of ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ of justice that every man be represented by counsel and ending up with something to the effect that this may not be the case in some countries, but it is in our country. Anyhow Rev Fullwood was just about to read this to the Court and he mentioned Gideon when the Judge pulls out the ~~U~~ U.S. volume and starts to give him the citation and also the citation to a whole lot of other cases, so they really have been doing some work behind the Rev's case. The day ended with the Judge telling him he wouldnt be tried for the first traffic case and giving him another continuance to get a lawyer for the second traffic case. So the wheels of justice grind on in the traffic court of Cordele, Georgia. Oh, yes, Fullwood also told the Judge that he felt his constitutional rights were being infringed so he intended to write to the Justice Dept to ask them to provide a lawyer for him. The Judge got very shook up about this and said, "make sure you dont just tell him your side of the story, you tell him our side too."

Dennis