

May 16, 1965

Dear Phil,

Would you please do me a favor and make up a list, just the names, of all the people who get my newsletter. Is Al Wofsy on the list 2218 Ashby St Berkeley. Did I tell you to take him off? I cant remember anytning lately. Anyhow he wrote that he hasnt been getting it for a couple of months - let me know if he is on or if I told you to take him off, and then I'll send furthr instructions as soon as I can make up my mind, which has become a very dffficult task lately.

Randy just got back from the Missississippi staff meeting, very disappointed - said it was terrible. I didnt have time to ~~press~~ ~~him~~ for details, but will and send them on. I sometimes get the feeling that it is now hip to ~~mmk~~ ~~mouth~~ all the "participatory democracy" talk but not really deep down, believe any of it - kind of a new party line. This comes to ~~h~~ mind because I red of a ddbate between Marion Berry and Tom Hayden against a couple of people around Dissent Mag (SP) in which Berry was running ~~in~~ the SNCC positon like crazy - about the common folks and all that - but I seriously doubt whether he knows what he is talking about after reading some of his statements at the exec comm meeting. Then one of the Dissent people put Moses down (without naming him) saying that it is a crime for a leader to seek annonymity and shirk his responsibility to lead. It must have been a great debate - Hentoff, or whoever wrote about it, in the Village Voice, said it broke up when Hayden walked out taking most of the audience with him. I read the May 8 Sat Ev Post - its really not bad - that piece by the ex-PLMer is funny, esp. when contrasted with the PLM literature on his ~~at~~ "defection" (they accuse him of being a heroin addict and ~~stead~~ ~~ing~~ funds from PLM - also of having worked for the Miss. Citizens Council or State Soverignty Commission). I would take the time to correspond with Perdew as he is a bright guy and has alot of influence over Minis ~~g~~ (Life with Lyndon) who in turn is listered to by the SNCC exec comm.

As for the N/S newsletter - we dont talk to each other about the nursery school and iss correspondance anymore as I get hysterical telling her about her responsibility. I would suggest that you write a letter directly to her about the N/S and then it wont be coming from me. What it comes down to is that she has a terrific bloc against writing letters and also conceives of her role in the N/S as simply one of the teachers - and refuses to realize that she has started this monster, given birth to it, and has a good deal of responsibility for keeping it alive. Like she got two foundation checks - \$2M from Rabinowitz and \$2.5M from Actors Civil Rights Assistance Fund - and she hasn't acknowledged them yet. Whenever I broach the topic, and I must admit my treatment of same isnt exactly gentle, we get into an argument and I do a whole lot of sulking, so I am trying desperately to just shut up about the N/S.

The news about WRO speeading is very exciting. I am about to go down to the welfare office here and see if there is such a thing as "rules and regulations" as I keep hearing grotesque stories about women with 10 children being arbitrarily taken f off. If I can find out something maybe I can get some peple to go down with the next lady with a problem.

Tho the SNCC-SCLC thing is supposed to be patched up there is a lot of pissed off ~~people~~ sentiment on the part of local staff here. It might come to a head yet, as thre is an exec comm meeting going on in Ark right now and should run a few more days. Meanwhile SCLC has started something called SCOPE which is their convection of the SNCC Miss summer project brought to other southern states.

*Send 4 Poor Ivanhoe - It needs to be done.*

I clipped the two enclosed from the same issue of the Guardian. Very interesting - the one by Price mouthing the official line of "no real conflict between SNCC and SCLC (to reassure the liberal - semi-radical following of both that they shouldn't have to worry, that they can go on sending checks to both organizations, and that the real enemy is the white racist and maybe even the NAACP. But then notice what Hayden of SDB (he was one of the early people around SNCC - his ex-wife is Casey Hayden who is still on SNCC staff - and Tom is close to many in SNCC) has to say about "coalition" and also Martin K.

Dear friends,

On Monday Burkes vs. Whitley, Warden, was before the Supreme Court of Georgia. We didn't appear but let it be argued on the briefs. I had been mulling over my brief in this case for the past week, and since I got the reply brief of the defendant-in-error which strained the fact situation somewhat, I felt I had to write a supplemental brief. So I finally got around to it Sunday night, and mailed it off special delivery at 3:30 a.m. Burkes, by the way, is the habeas coming out of Terrell County where a farmer's son was charged with possession of tak unpaid liquor and his attorney pleaded him guilty against his will and in the habeas ~~hax~~ hearing told us that ~~h~~ he didn't inform the defendant of his rights because "He knew his rights, he'd been to jail ~~hax~~ before". But Courts don't like to criticize lawyers for not doing their job and when race enters into it, it makes it that much more difficult. So I guess I'll start ~~p~~reparing to go to the USSC on certitrari.

A few days ago we went down to Ocilla, Georgia, population (for the entire county 9000). Dr. Burns, one of delissovoy's friends, had been arrested there for drunk driving. There has been some Movement activity in that county (Irwin County). Burns had gone to a local cafe with three young ladies and when they drove out of town in his Cadillac I guess the police thought he was an "outside agitator". The police followed him out about a  $\frac{1}{2}$  mile, then stopped him, told him he had been "swearing in the city limits" and told him to follow them back to town. Burns had the windows up, the radio on, and the air conditioning on - besides the fact that he insists he wasn't "swearing in the city limits". Doctor Burns is, among other things, the principal of a junior high school in one of the small towns in south Georgia. He is called "Doctor" not because of his calling, but rather because of the very dignified and solemn speech and mannerism which he has. If there is a way to say what he has to say using four or more syllable words, he will use them. Perhaps this is what offended the police when he got inside the station, or perhaps it was the fact that he laughed when they told him the charge, but they then charged him with drunk driving. He asked them why, if he was drunk, did they let him drive his own car back the  $\frac{1}{2}$  mile to town, and he was then put in the cell. Some of the local people bonded him out the next day ~~na~~ and they want us to represent him at the trial which is scheduled for Monday. Ocilla has a very interesting Movement history. There is one guy, Mr. Davis, a ~~knittingx~~ builder, who ran for f some office - maybe Mayor, in the late 1940's. His house was blown up or burned and they finally convinced him to withdraw his candidacy. Around the same time they started a voter registration campaign because Negroes were having trouble getting on the voting lists. They had a march (15 years before Dr. King) to the Court House and since then everyone who wants to get registered is able to. And this is a tiny rural county who managed this, ~~withnax~~ by themselves. Davis also tells the story of a white lawyers who was defending a Negro in the Superior Court there many years ago. During his plea to the jury he got caught up in what he was ~~ax~~ saying and became very eloquent in his plea for the



rights of all men, irrespective of race, and reminding them of the motto of the noble state of Georgia "justice, moderation, and virtue," (I think) which, incidentally, is done in stained glass behind the Judges' bench in the decredipit Irwin County Court House. And as he got more and more caught up in his impassioned address to the jury, the more he spoke of the dignity of man and his right to justice and turth. Suddenly he remembered who he was and what he was saying, broke it off abruptly, turned to the jury and said, " Now don't y'all misunderstand; I ain't saying that a nigger is as good as any white man."

So we went to Ocilla to see what their jury list is like. I always enjoy the first trip into a rural county court house as it is intersting to see the initial shocked reactions of the people there and whatk they do behind it. After the first time they get used to you and after about a week of trial there is no novelyy at all. But the first day ~~many~~ people go through all sorts of changes. Some get extremely cordial, some very formal and will do only what is required, others get rude and CB has to suggest that perhaps the Judge will explain what they are required to do berore he gets to see the records; we have had some women get up and walk out of the officd, and others fall all over themselves trying to be helpful. This time we got a Clerk who was really shock. He started off ~~frx~~ fairly hostile and when we asked forth ghe Jury list he wanted to know who we were. CB identified himself and the Clerk said he wasnt a sure whether he was allowed to see these records as he didnt know if they were to be made public or not. CB offered to point out the code section which allowed this and then the Clerk got very very nice, said that he was quite willing to accept CB's word, and just wasnt sure what the rule was but if we said we had a right to see them that was fine with hm him. After about 15 minutes he got very talkative and started telling us the historyx of crime in that county - his main theory being that crime is caused by city people with time on their hands (for this read: Negroes on welfare) ad that the good hardworking rural folks in Irwin county never rape or murder each other or anyone else. Another official came in, saw us, started to tremble, put a cigarette in his mouth, lit it, and it fell out of him mouth onto the floor. (another typical reaction). Irwin is another county where they do put Negroes on the jury list (never inthe jury itself) but on the list they are added at the end of the whites. We were alli set to go to trial there Monday (we also have the murder case in Unadilla but they have put that off) but on Saturday we got a call from the Solicitor saying that they decided not to try the cas e this term of Court so it went come up until N0vember.

One of the problems of an attorney who handles cases in 30 different counties is the fact hhat alot of terms of court come up the same day. Like this coming Monday we had the murder in Unadilla, Burns case in Ociall, a trial for Willie Ricks in Lee County (he walked into the Negro school there and held a mass meeting in a classroom until the Sheriff got him), and Dougherty County criminal calendar where we have three cases (Coolie's burglary case, the reindictment of Rev Wells for "dubliishing insurrectionary writings", and another burglary) plus two municipal (Records Court) casee aginst SNCC wokers in two other cities - Moultrie and Cordele, the Cordele one being the traffic charge against Rev. Fulwood, which has been continued for about the fifth time now. But Burns is off because the Solicitor very obviously doesnt ~~wxx~~ want to try this one; the murder a trial is ~~fn~~ off for a while; we were advised that Ricks' case will not be called (for very obixous reasons) and we get put at the very bottom of the calandar in Dougherty County because we raise the exclusion of Negroes from the jury question which consumes the Court's time . So now we havd nothing scheduled for Monday.

Tom Jackson, the lawyer from Macon who used to work with CB, was here a few days this week as he is working with us on the mudder case out of Unadilla. He and CB went up there to check on the jury situation and were out of the office two days. The day before that the three of us went up to Americus ~~where~~ where they are holding our client. It was about 5 p.m. when we got done there so instead of coming right back to the office we went out to Barnum's pond to fish. We met Mrs. B. there and she told us of another pond where it was guaranteed that we would catch something. Since I haven't caught a damn thing in all the times I have gone fishing, and am convinced that I never will, I didn't have too much faith in this. But we went out to this other pond and I caught a fish. It wasn't the world's biggest fish, but it was a respectable sized fish - big enough for a child to eat if he wasn't very hungry. We put it in the trunk and CB was going to give it to one of his sons. But he forgot about it for two days so no one got to eat my fish./

Another big problem that this office has is our phone bill. We run an enormous bill composed mostly of collect phone calls from all sorts of people. CB never refuses a collect call because it might be important, like from a guy hung up in some jail, but it's inevitably from some guy who heard him speak during his campaign in Valdosta last year and is calling to ask him a long involved question concerning a property transaction between him and his neighbor. There are also a couple of guys on SNCC staff, mainly Ricks, who whenever they go out of town suddenly remember they have a case coming up and will call collect from Miss or Ala to ask about it. But the final straw came the other day when a guy ~~xxx~~ called collect from Americus to tell us a woman had a warrant out for him for the statutory rape of her daughter. CB asked him why the hell he called collect and if he wanted to retain him for counsel that he should come down to Albany and see him. But the guy said that ~~xxxxxxx~~ the arrest had to do with the Movement and explained that he had been canvassing for voter registration that day when he met the young lady, and that her mother came home unexpectedly, so that it was really an arrest caused by his activity in the Movement. CB told him there are two kinds of movement, and that if he wanted to talk about his case he had better come to Albany.

One other CB story, which I always mean to write, but keep forgetting. ~~xxxxxxx~~ Last year he left his car unlocked in the yard of the Sumter County Court House (during the time that Harris and the other guys were in jail for insurrection) When he came out he discovered that someone poured acid all over his ~~xxx~~ front seat, so now he locks the car whenever we go to Americus. But in other towns he still leaves it open. When we come out of a jail or courthouse he turns the key on real fast. He says he expects that one time he will turn the key and the car will explode, so he turns it fast to get it over with quickly.

A guy from the Civil Rights Commission was in Albany the other day to talk about their proposed hearing that they will hold here on June 18. They were supposed to have it in ~~March~~ Feb., but then they moved it to March, and finally cancelled it - bowing to ~~xx~~ pressure from the city. But the people wrote a lot of letters protesting this and now they have decided to hold it again. We had a long talk about the school desegregation problems of the rural counties and whether HEW is serious about what they say. This guy insists that they won't back out of their latest ~~xxxx~~ position. The big problem is, aside from the one that I believe that they really don't want to do a damn thing, is that they have absolutely no funds for field staff, so they really don't know if ~~xx~~ anyone is complying or not. It is only in places like Worth County where the people are organized and raise hell every time the principal refuses to give someone a transfer application, with letters going to Washington, that there is a chance of this being carried out right. We also



talked about the "free choice" plans, which he finally acknowledged were bullshit (tho approved by HEW) because there really isnt a free choice. Theoretically, any Negro can send their child to any school and if there is overcrowding, then choice will be restricted to the closest people to the school. But who really has a "free choice". Slater and CB do because they arent dependent on whites for their livelihood - and so do some of the poor people living in the projects just because they are fearless and wont put up with any crap. But no one who works for Miss Ann is going to put her child in school with Miss Ann's child because even if Miss Ann won't fire her, she believes that she will. So free choice will always keep school desegregation down to the tokenism that now exists. In Albany if they sent kids to school based on nearness to the school you would have an almost entirely integrated school system (except for a couple of upper middle income white schools). The big white middle income housing is much closer to the Negro high school than to the two white schools, and one of the white high schools is surrounded by Negroes housing.

One of the problems with Head Start has just come up. When they submitted the budget it was decided that the teachers would be paid the same salary that they get during the school year (which averaged between 80 and 90 a week depending on length of service). Carol put herself down for 87 which is what she earns after about 9 years of teaching. She is the coordinator of the program and has done all the work along with Wendy, but didn't put herself down for any fancy salary because of it. So she got a phone call from Washington and was told that she wasnt paying herself enough - that a coordinator had to get considerably more than that and over her objections, they changed her salary to \$115 which they said was the minimum they could let her earn. That shows the war on poverty is being fought - and a whole lot of people are surrendering.

My neighbor from across the street came over the other night. This is the old woman who made the soap for Wendy (which ate through everything). She is a great old woman who walks around with a big stick and isnt afraid of the white folks. She said she wanted "\$2 worth of legal lawyering". Her problem is the Welfare. She gets \$40 per month social security and had been getting another \$18 per month from welfare. She also has an old house which she rents for about \$30 per month, but two thirds of this go to her son and grandson. So her welfare case worker told her she was cutting her check from \$18 to \$7 because she didnt believe that the son and grandson were getting 2/3 of the rent - just like that. And that's where its at for people on Welfare as there isnt a damn thing they can do about it. They cant get a lawyer who will go down and represent them at a hearing because they dont have the money to pay a lawyer. The "lucky" ones can get some white person whom they worked for to go down with them if they are feeling especially paternalistic that day and sometimes this brings results. She told me that she had this problem before and Miss Martha went along with her and got it straightened out but now Miss Martha hasn't got the time or cant go till next week. I will go down Monday and see if I cant get some kind of rules and regulations out of them and then try to get the woman who lives next door, and who isnt scared of whites at all to go down with this lady and raise a lot of hell. Mrs Domley (the old lady) also told us that Miss Martha was out to her house a few weeks ago and saw us going out of the house. She asked Mrs. Domley "how do you like your white neighbors" and Mrs. Domley told her that we were "real fine folks, just as fine as you Miss Martha" (which might be the reason Miss Martha hasnt got time to go down to Welfare).

This whole thing with whites not being able to tell Negroes apart has finally reached its ultimate. Tom Jackson is very bright skinned, but unmistakably Negro. The local Judge has met him on many occasions in the year he was here, and he was in to see the judge on some business during last

week when he was here. So a couple of days ago I had to go up to Court to get a message to CB. While I was talking to him the judge came over and gave him a cigar and got into some conversation. Then he turned to me and said, "I'm sorry Jackson, but I don't have any more cigars", and a few minutes later he said, "Jackson, if I knew you were still in town I would have assigned an indigent's case to you." So I went home and looked in the mirror.

Back to the business about legal services for the poor. Edgar Cahn and his wife have written an excellent law review article (Yale Law Journal) about a program for neighborhood legal services, but you really can't appreciate the need until you work in a community like this - especially in the South. An indigent Negro has absolutely nowhere to turn, not only with legal matters, but in problems with his landlord or some store where he bought something on time, or anywhere else (when I said legal in the last sentence I meant ~~criminal~~ criminal charges). So the people on welfare have to just let these bastards run over them. This comes to mind because yesterday a woman came into the office from Moultrie. She has absolutely no money, ~~had~~ had to borrow bus fare. Her husband and her oldest son are in Los Angeles and the husband sends her some money from time to time to support the other 5 children and a grandchild. Now the ~~son~~ son has been arrested in L.A. and the court sent her a form to fill out that she is indigent so the public defender will provide ~~for~~ free legal services to the son (who is a juvenile). But there was no one who could help her fill out the form so she made a 75 mile roundtrip to get us to do it. Normally she would have gone to SNCC but they were all at a staff meeting in Mississippi. It's really tragic as here she is in a position where she is not being prosecuted but instead the law is supposed to be helping her by providing free legal service to her child and yet she gets this form from the Court, and it is official looking so it frightens her as she feels if it is not filled out right she will get into some kind of trouble or her son will get into ~~trouble~~ trouble and there is nothing she can do but take a bus all the way to Albany and hope that CB is in his office and will explain it to her. And it wasn't a question of her not being able to read or write, as she could read and understand the form, but it was just that the form represented "the law and the courts" and she is afraid of what that means.

So that is one other side of the many roles that CB plays in the Negro communities of South Georgia, and the way they see him. Another view is held by "the players" which is the way the pool hall guys, or rather that segment of them who keep alive by their wits, hustling, taking part in ~~minor~~ minor crimes, and gambling, call themselves. Being a "player" is a very important thing, but you've got to be tough to be a player - you can't cop out and you can't ever show emotion or let people know what you're thinking. A long time ago CB represented a guy they call Cat, who used to run with the players, but is now a barber, in a trumped up numbers charge. The case is still pending appeal. All the ~~major~~ players came down to watch the trial and they were very impressed. But I thought they had long since forgotten about it. We were in Franks eating, and one of the players, a former singer with several big time rock and roll groups, but who is now a full time player living in a narcotic haze, came over to the ~~table~~ table and started to talk about a lot of different things. Finally he started talking about Cat's trial and told CB that it was a very ~~beautiful~~ beautiful thing that he was saying that day (CB was more than his usual eloquent self to the Records Court judge). He said that he didn't know the words to describe how he felt about what CB was saying but finally told him "Mr. King, you've got a whole lot of soul" - so that's the report from another segment of the community - "Lawyer King is out of sight".