

July 18, 1965

Dear Phil:

We had a really grotesque experience last Saturday night. Wendy and I have gotten into the habit of sleeping with the doors and windows open, and the screen doors dont have locks. About 1 a.m. I suddenly realized that there was a guy in the bedroom with us, hunched over Wendy and with his arm around her throat. He kept repeating "don't move or I'll kill her" and to her "you come with me". I reached my arm up and felt what seemed to be a trigger guard of a pistol against her throat. I about shit. So I started talking as calmly as I could (which didnt come off very calm) about how she was pregnant and this was scaring her terribly and that there was alot of money in the house which he could have had if he just took the money and left I wouldnt call the cops, and I repeated this over and over. At one point he asked where the money was so I figured that he wasnt just a sex freak but probably just broke in to see what he could rob and suddenly decided to pull off a rape in the process. I put my hand back to her throat and moved it down a bit and realized that what I felt and thought was a ~~swiss~~ pistol trigger guard was really the handle of a scissors. So I figured that since the scissor point wasnt in her throat (it was digging into her arm which we discovered later) that if he moved fast he would probably cut her but wouldnt kill her. So I kept talking and at the same time grabbed the scissors, jumped up at him and screamed as loud as possible, calling him everythin I could think of. It scared the shit out of him because he took off out the back door and was about 100 yards away before I reached the door. When I got back I found that he had dug a deep cut into Wendy's arm with the scissor - I dont think it was intentional but probably because he was more scared than we were (if that is possible) Wendy was terribly shaken for about half an hour but she calmed down pretty fast. We called CB and went to his house - we decided that it would be best to not mention it to the cops because the bastards wouldnt do anything about it except see that it got into the papers and maybe arrest a dozen Negroes and beat the shit out of them. So we went to the hospital and told them she flopped down on the sofa and the scissors were sticking up between two pillows - it was completely improbable, but we were white so no one questions us. They bandaged it and told us to be back at 8 a.m so the doctor could stitch it. We went to a motel for the rest of the night and then came back and got it stiched. When we went to the cashier I told them I had blue cross (I told them I was unemployed because I didnt want them to know who ~~were~~ we were) but that I didnt have the card with me and was willing to leave a check as a deposit. On no, that wouldnt be necessary at all - they would trust me. But they have thrown Negroes out who were dying because they didnt have proof of ability to pay. Anyhow, Wendy's arm is completely healed now, and I have a .32 calibre Smith & Wesson so things are back to normal. The fucken place is like an oven now as we keep all doors and windows locked at night, but its a whole lot safer.

I dont know what to tell you about the business about Coleman, that is in terms of rushing it out to people to ask them to write letters. If you want you can include the stuff I sent in the next newsletter you send out. I'll include some more observatons on him in this letter. I'm also enclosing a couple of clips on Coleman for your benefit.

Dear Friends:

I think that Phil included some stuff I wrote on the appointment of Coleman to the Fifth Circuit, so I will continue my observations here. I can't remember if I mentioned just what problems appointing a racist to the Fifth Circuit creates, but will do so again: First of all the Fifth Circuit Court of Appeals is the most important court in the nation. It hears appeals from adverse decisions of all the US District Courts in the South. The District Court judges are a notoriously bad lot - there was a Yale Law Journal article of last year written on them. Bad in the sense that they are unmitigated racists like Scarlett in Savannah who overruled Brown v. Board of Education in one of his school desegregation opinions. A lot of these racists were appointed by the liberals here, John Kennedy. In this circuit we face J. Robert Elliot, a Kennedy appointee, and a judge who we have had reversed in numerous cases which we had to take to the 5th C. In Mississippi the lawyers face Cox and Mize, notorious bastards who have referred to Negroes seeking to register as "that bunch of chimpanzees" etc. So, since it is obvious that justice, whatever that means, is damn hard to come by in many of the District Courts, the great hope is in the 5th Cir. And if that court becomes dominated by racists (prior to the two new Johnson appointments it was 4-3 liberal) we are screwed. Another problem coming out of the District Courts is that the Appellate Court gets the District Court's view of what the facts are - which are often terribly distorted. You need non-callous judges of great integrity to cut through the bullshit and reverse these bastards; something I have great doubts which Coleman will do (even assuming he is the "moderate" which Lyndon says he is). But its not only civil rights litigants who seek relief in the Fifth Cir. Every Negro rotting out his life or facing a death sentence in a State court where he was denied right to counsel or where the jury was an unconstitutionally composed one must rely on the Fifth Cir for a vindication of his rights. In these cases he cannot get any relief from the state Supreme Court and must go to the US District Courts on habeas. Of course the same old problem, but again he can appeal the district court to the 5th Circuit. Also in the area of a Federal determination that state statutes are unconstitutional, like in the Americas insurrection cases, the 5th Cir is a deciding factor. You argue unconstitutionality of state statutes before a panel of three judges, two District Court judges and one 5th Cir judge, but the 5th Cir ~~is~~ decides what panel hears them. So a liberal 5th Cir will set up a good panel where racists will screw you. Its tough to imagine Coleman sitting on a 3 judge panel ~~xxxx~~ which holds unconstitutional state statutes which he enacted into law as governor. And its not only in criminal and civil rights matters where a conservative court can do terrible harm. There is more and more unionization in the South and all the NLRB cases will work their way up to the 5th Cir. In an area which is historically anti union you can imagine what conservative judges can do to the ability to organize unions here.

But the appointment is really disgusting when you see it as an attack by Lyndon and the Establishment on the Congressional Challenge coming out of Miss. The Demo Party is really scared as the challenge is getting a lot of popular support - which means that the party hacks in Miss, the dispensensess of patronage, will be out on their ass. Which wouldnt be too bad if Lyndon felt that he had the Miss. Negro vote in his pocket like Martin L King would like to promise him, but he can see that the Freedom Demo Party isnt another arm of the Establishment and can present real problems for him. So the appointment to show the Challenge where its really at - Coleman, that bastard, is the lawyer for the Challenge congressmen, and this is Lydons little way of telling folks what he thinks of the Challenge. You can see the "liberal" press (like the Atlanta Consti grinding out the bullshit to endorse Coleman. They have had articles about how he is really a secret good guy, who, given a chance, will be a very honest and unbiased Judge. And the rationale is, he's the best man around; any other white Mississippian is worse. Which is probably true.

So what. Why does the replacement of Ben Cameron on the 5th Cir. have to necessarily be white or a Mississippian. There is no law or rule requiring this. ~~Only~~ Only custom. The same kind of custom which requires Miss. Negroes to "stay in their place". There are dozens of southerners who are better human beings and better qualified to sit on that Bench; they just don't happen to be from Miss and aren't necessarily all whites. But Custom says it has to be someone who is acceptable to Sen Eastland. Anyone acceptable to Eastland has to be a mother fucker, that is fairly obvious. Even assuming Coleman is a "moderate" he is a moderate in the Mississippi context, which means he advocates more sophisticated methods of lynching. Besides, the 5th Cir is no place for "moderation" - who needs moderation at this point in history when so much injustice has gone over the dam. But he's ~~app~~ acceptable to Eastland. Shit. There is where it's at with Lyndon. If he wanted to, he could tell ~~Eastland~~ Eastland to shove it and just appoint a decent judge. What the hell has Eastland ever done for him and his "liberal legislation" except filibuster it and vote against it. But like I said, IF HE WANTED TO, and he sure don't seem to want to.

But we all know, or at least I hope that everyone who reads these letters knows, where it's at with Lyndon and the Establishment. But it's more important to see where it's at with the "Civil Rights Leaders"... So our next scene is set at the NAACP National Convention in ~~Deny~~ Denver where over great opposition from the "older respected leaders" a miserable watered down ~~piece~~ piece of crap statement is issued to the effect that the NAACP is against segregationists and they don't think that the appointment of Coleman is exactly the best thing in the world, etc. There were some Young Turks who fought for a stronger statement but they were crushed. But that was scary enough for Lyndon who realized that just appointing a Negro to a US District Court job in the District of Columbia might not be enough, so now we have Thurgood Marshall as Solicitor General (What do they do with Archibald Cox, give him an ambassadorship somewhere? What happens to old soldiers in the Army of the Great Society when they have to be retired because of a more important political deal?) Now Thurgood will behave himself because he wants to be the first black man on the USSC, and that's a noble aspiration which I don't begrudge him, and if he can live with himself that's all I ask. But what's the trade for Thurgood - it can't come from the NAACP as they are on record as being against Coleman, mild as that was. So we look to the black lawyers in Mississippi who issue as fast a statement that they are for Coleman. That's right, they support Coleman, the same bastard who was governor and busted their balls for years. Yes, Jack Young who was associated by C.B. King when he brought habeas to get his older brother Channon King released from an insane asylum after he was put there by the same Mr. Coleman because he had the audacity to present his black body to the registrar at the U. of Miss to go to school there in 1957, the very same Jack Young now supports Coleman. Which means that Jack Young is a fucken puppet, and when you find out someone is a puppet you have to ask who pulls the strings. The strings in this case are money, and when you follow the trail you find it leads to New York and the office of the erstwhile Jack Greenberg, head of the NAACP Legal Defense Fund, Inc. ("different" from the NAACP who made a statement against Coleman). Why is the Inc. Fund interested in having its Mississippi black lawyers back Coleman. Well it must be because he is a fine upstanding gentleman. I hope it has nothing to do with the fact that Thurgood Marshall was chief counsel of the Inc. Fund before he was retired to a Federal Judgeship and gave over the reigns to Jack Greenberg. If that were the case I wouldn't have any more fairytales to believe in about the integrity of the "Negro leaders".

Well, having gotten that off my chest, maybe I should talk about what's been happening here this past week:

At the beginning of the week C.B. and I went to Atlanta, also taking Drew, Furman, and David (3 of the law students) to argue State v. Ricks and

one way

Kitchens before the Georgia Supreme Court. The four hour drifex/wasnt worth it because our case never got called. They decided to adjourn court at 1:30, one case w away from ours, so we didnt have time to stay over another day (we really couldnt afford the one day) and it will be argued on the briefs. But it was worth the trip to see the Honorable Judge Asa Duckworth, Chief Justric of the Ga Supreme Court, in action. He let loose with several diatribes against decisions curtailing illegal ~~sexar~~ search and seizure ("dont decent folks have any rights to worry about too"), told one lawyer that he wasnt interested in a case which the 5th Circuit decided ("we have our own cases in Georgia") but the best was when some poor bastard appeared before the court to make a motion that his argument be postponed for a week. It seems that his car was stolen the day before, which contained his copy of the brief and arguments which he planned to make. Duckworth told him that hince he was the lawyer in the case he should be sufficiently well acquainted with the case to go on and argue it without notes and without a copy of the records. The guy asked if he could borrow the Courts copy and Duckworth said that was o.k. with him but he "sure wont let you read it here" and then told him he only had a minute left to argue anyhow and if he had nothing to say he should sit down and stop taking the Courts valuable time. It was rat really grotesque.

All my exciting theories in the Terrell case, where we figured we could get a default judgment because of this involved theory that they didnt file pleadings within the time required, was to no avail. It seems there is a local rule of the District h tht all motions are submitted on brief, without oral argument, so they didnt have to set a time for the case to be heard. But in the Motion for Summary Judgment in hhe Midtown Bowling Alley case I drew blood. They immediately filed their answers to the interrogatories and also their replies to the requests for admission (which were filed too late according to statute). They also admitted that they did receive the requests but that the Bowling Alley manager thought they were copies of the other things we ~~fixdxxn~~ served on him and didnt give to the lawyer. The law is pretty well in their favor as the Fed Rules are designed to let the case go on the merits and not have it determined on procedural crap but for the first time we have them on the df defensive and it does my heart good. I'm now working on a memo which refutes their cases and points out to the court that their brief is misleading to the Court. Our opponent is the former law clerk to Judge Elliot so you can imagine what our chances are.

I had another "discussion" with the INc. Fund today the other day about "tactics" - when I told them we were filing about 90 interrogatoires in Midtown Bowling they were really pushed out of shape. What do you want to do that for, etc. The problem is that the realities of practice in bush country are quite different from practice in a New York office where you can call your opponent and tell him that you need a couple of more days and he doesn't make an issue out of it, and the like. Here if you screw up, just once, you've had it. Therefore, whenever you can make yyour opponents life a little more difficult you have px created "therapy" and makes him think twice about letting his clients push their segregationsit shit on him. Anyhow, in the light of what has happened with that s case they agree that maybe serving all those interrogatories was a good idea. I havent told them that Furman has prepared over 200 interrogatories in the Terrell case. They'll have a heart attack.

My main man in Americus is working out beautifully. We never see him, he just stays up there and works with and for SNC6 and gets along fine.. Right now they are involved in running a local Negro woman for the office of Justice of the Peade. They bought some radio time and announce that "For too long the office of JP has been a racket whereby the JP enriches himself by fees extracted from poor folks, black and white" (the JP salary is paid by fees he collects out of each fine he imposes so you can imagine who objective and impartial a dispenser of justice he is. He had been going to

see the Clerk of the Court almost every day to get her petition filed to run for office and the Clerk had always been very cooperative. The last time he was talking to the Clerk the Sheriff walked in, and the Clerk turned on Stan and started cursing him, telling him to stay the hell out of his office etc. I guess those are the dues you pay when you want to stay on the good side of Fred Chappell. He said that the next time he's in a situation like that he will just look real shocked and announce to the Clerk, "why what's the matter, you've always been so fix friendly and helpful and told me all those things about how the elections are run here, why are you behaving like this now" and split, leaving the Clerk to explain things to Chappell.

Wendy's training session is a huge success. They started out with 10 trainees, but they dropped to 6 or 7 after the first couple of days. Most of the dropouts were "professional teachers" who discovered that they weren't going to get paid, nor was there any guarantee of a job, so they had no use for the program. But the people who have stayed have worked out remarkably well. One of the people who came down from New York is a Negro woman who spent a lot of time in Miss. and is very tight with SNCC - so her orientation is SNCC - therefore the classes are not classes but are all discussion geared to getting the trainees to talk among themselves about children and their problems; they also talk about other things like taxes and police, etc. Juanita, who has hung around the nursery school from the beginning, has taken to attending the training sessions. She is only about 10 but has amazing insights into the way things work. When they started talking about schools and why the Negro schools were inferior she said, "the white man gets the tax money and he decides how much to give to the Negro schools, so he's probably foolin' with the tax money". And when one of the women said her little child had said hello to a cop on the street and she was happy because she wanted her to grow up knowing the policeman was her friend Juanita told her, "don't be a fool; they hate us colored folks, they ain't no friend of mine".

A group of men came in the other day from Worth County. After they wrote the letter to OEO complaining about the makeup of the Community Action Panel they got a letter from Sargeant Shriver himself telling them that the OEO was against action of this sort and would not honor a program request where the Board was set up in a discriminatory fashion. Then one of Shriver's boys from Atlanta, a Negro (and that should be in quotes), came down to see them, accompanied by the ~~Director~~ President of the Bank (also Chairman of the CAP panel in Worth County) and the County Agent (a Fed. employee also on the CAP panel). The OEO Tom told them that all this fighting among themselves was no good as they were holding up \$2 million (which is a goddamn lie as the entire state was only given \$4.5 million and half of this has already been spent, which means there is only \$2 million for the entire state left (not for Worth County)). The Banker kept telling them to "have confidence in me, you certainly have confidence in me when you come to me for a loan". I want to get irate but that would be a little hypocritical because I know what a crock of shit the OEO is and how their representatives work with the power structure, but these guys didn't know that; but they do now. The Banker also paid a call on Mr. Hall and told him "I know your daughter wrote that letter, and to think that I loaned you the money to send her to college - I know the Youngs didn't write it (Mr. Young is head of the Worth County Improvement League) cause they don't have sense enough to write a letter like that. One of the Negroes told Dave Rudovsky that the Chief or Sheriff of Worth County told him that if one of them wanted to kill Dave that nothing would be done about it and suggested that he was the one causing all the trouble, "outside agitator" and if he were out of the way everyone in the county could get along fine, just like always.

In Cordele things seemed to be at a head, but the friendly Federal Government came in and screwed things up as usual. After the two days of picketing at the Towne House Restaurant, when a couple of whites civil rights workers were attacked in the street, a group of Negro kids went out to Farmers Market and beat up a cracker. Two of them were caught and taken to the police station. The Sheriff talked to them for a while and then let them go. The next day we were told that he ~~pxi~~ picked them up again and told them if they beat up the SNCC workers and ran them out of town they would get \$20 each and all charges would be dropped. As things stood in Cordele the bitch who owned the restaurant pressed charges against three kids, two whites and a loal Negro guy, for trespassing (clearly unconstitutional because of the Civil Rights Act - but contrary to what Lyndon says its not working out in ~~xxx~~ practice, at least not in South Georgia and to enforce it you need long costly law suits). So we planned to remove to Fed Ct once a grand jury indictment was returned and also file a suit against the Restaurant and seek an injunction against the cops from arresting anyone seeking to eat there. This would be the only way to stop shit like this from happening again. Meanwhile a Federal "mediator" from the Community Reconciliation Service (Governor Collins' new agency) shows up. Without first consulting CB he goes and talks to his clients (he now admits that this wasnt every ethical and promises ~~ix~~ not ~~ix~~ to do it again). He makes a deal whereby the woman from the REstaurant will drop the charges if they agree to stop picketing. Fine, except that she doesnt have the power to drop anything since the Magistrate has bound them over to the Grand Jury and now only the Solicitor can go to the Grand Jury and recommend that they dont indict. But that's the Federaal Government showing how it can be involved in the situation. Even if they could guarantee the "deal" which they can't, it wouldnt change things a god damn bit. Any other Negro who went in there could be arrested for trespass; this bitch won a moral victory in the ~~xxxx~~ eyes of the other ~~xx~~ segs in town, and you have disipated the Movement which was going strong. Peade at any price is our motto.

Things have started to break in Baker County. A group of Negroes went down to the Board of Registrars and convinced them to open the books on Saturday. In Baker County you can only register one day a month, and that day had passed. A few of the SNCC people and one of the law students, Furman Templeton, went down. Registration was going very smoothly but during it a group of people went over to the Chief of Police of the city (Newton) to ask him why he had been harrassing a Negro man who had some traffic charge pending against him. During the conversation one of the SNCC guys took the chief's picture. He demanded the camera but they refused to give it to him; the camera was passed from one guy to another until it wound up in Furman's hands. By this time the Chief was livid and pulled his pistol so Furman thought that it would be best to discuss the whole thing intelligently, like gentlemen. He ~~adix~~ advised the Chief that he wouldnt givek him the camera ask the Chief had no legal aughority to ask for it, that at best he could demand that his picture would notbe published and that Furman guaranteed him that he would see to it that any negative on which the Chief appeared would be sent to him. That was it. He was arrested for resisting arrest (later changed to disobeying an officer). He started to the jail with the Chief and a couple of SNCCguys tagged along to see that hw was o.k. The Chief arrested both of them for "disobeyngg and officer" and also "resisting arrest". Furman says he was pretty cool until one of the court house gang walked up behind him and pulled out a blackjack and wrapped the thong around his ~~xx~~ wrist. Then he shit. Meanwhile Roy got arrested on State charges of "improper tail lights or defective tail lights" or something like that. So we have four very frightened people in hhe Baker County jail and night is closing in fast. It is not very good idea to leave peple in theBaker County jail

overnight as it is an extremely dangerous county. Right now it is funny but I was very nervous yesterday while all this was going on. First they agreed that Roy could be bonded out on a signature property bond, and a lot of Negroes in the County agreed to sign for him. They said that Furam and the two other guys needed cash bonds, but that only totaled \$37.50 so it was no big problem as when Roy got out he could cash a check and then get them out. Then the Sheriff decided that Roy needed cash bond also. Meanwhile its getting later and later. When all this started I called agent Bollyard of the local FBI but his wife told me he was out fishing. Then I called the Justice Department, Civil Rights Division, but was told that everyone in that Division was out of the office. I called the head of the LSCRRRC and asked him to call Washington. He got the same answer from the Justice Dept. and then called the FBI who told him to call the FBI in Atlanta. That's how your rights are protected. Meanwhile I got hold of another local FBI man, Cheeks. He said he knew all about the arrests. In fact he told me that, "everything was going along fine until the SNCC guys started messing around causing trouble" (this information on which he based an opinion was given to him by the head of the Board of Registrars) - but I have no doubt he will make a more thorough investigation before he files his report - they just wouldn't accept the word of the white power structure, would they. We told him first that the City cops wouldn't let the three guys go until the Georgia Bureau of Investigation guys got there to investigate them tho we assured them we would make them available Monday for investigation and wanted them out of the County before dark. We later told him the Sheriff changed Roy from property bond to cash bond. Tho this is all "out of his jurisdiction" he actually phoned down there and phoned us back up to tell us that we could get property bond signed for Roy without any problem. He also told us Roy didn't want to come out of jail. This is a god damn lie but no doubt the Sheriff told him that and the sheriff's word is good enough for him. At this time all the people from the county who agreed to go on Roy's bond went home because the sheriff told them he wanted cash. Finally it was close to dusk so ~~we~~ ~~got~~ ~~together~~ ~~and~~ ~~went~~ ~~down~~ ~~to~~ ~~bond~~ ~~them~~ ~~out~~ ~~for~~ ~~\$137.50~~ together and went down to bond them out. It was a very scary trip. The FBI man, Cheeks, also told us that it was tactfully suggested to the Sheriff that it would be a good idea if everyone got out of the county without any accidents, as Washington was concerned with what was happening in Baker County. But that sure doesn't reassure me. When we got down there all the court house gang was walking around with pistols stuck in their belts muttering curses. Guys in pickup trucks with rifles perched in the rear window and cruise up and down the streets and yell to other crackers who were sitting along the fence around the court house, "see y'all in 15 minutes" and stuff like that. We finally got everyone out and started the long drive back to Albany. By this time it was dark and I was very nervous. About half way back a car pulled out and started around us. Everyone in the car froze and didn't speak again until the car went past us and pulled back into lane. There's a mass meeting down there tonight but I think I'll forgo the pleasure.