

July 26, 1965

Dear Friends:

Things are breaking hot and fast all over South Georgia - it is getting very difficult to get things done, let alone remember what is happening. I'll try to divide the newsletter into different towns in an attempt to cover most of what has been developing here.

Albany: At the beginning of the week the Albany Journal (the racist weekly as opposed to the racist daily) came out with banner headlines announcing "NAACP Lawyers Harrass Chief Pritchett" which was followed by a story about how poor Chief Pritchett had to answer hundreds of irrelevant questions which was "curtailing the efficiency of the local police force". This was in relation to the interrogatories filed in Terrell v Pritchett, the damage suit we brought against Pritchett and his thugs suing them for arresting Mr. Terrell without a warrant and detaining him for 19 hours until he would tell them what statements he gave the FBI concerning the murder of a local Negro man by city cops. We have been filing interrogatories all over the place. The other day I made up another set in the Midtown Bowling suit which we just served. (Interrogatories, by the way, are written questions which the Federal Rules allow you to propound to opposing parties in civil suits. You can ask them all about the case, the purpose of them being to cut away all the crap and get to the real issues in controversy between the parties.) They are a real pain in the ass to make up but with all the law students we have working we now have time to do very thorough jobs in some of these cases. One of our biggest problems is finding time to do a very thorough job in these cases and having the law students here this summer has been a tremendous help in this regard. For example, in the Midtown Bowling case, every time they turn around I cram another motion and brief down their throats, and its only because of the other guys being here that I have time to work out some of these things. In that case first we filed about 90 interrogatories. Then they neglected to respond to some requests for admission (similar to interrogatories) that we also filed so I moved for a summary judgment with brief (which meant they had to respond to ~~the~~ motion). It also forced them to answer the interrogatories, some of which they objected to. Instead of just letting those objections go by the board unanswered I filed a motion compelling them to answer with brief and a request for costs and attorneys fees for having to file this motion (allowed by the Fed Rules but completely at Judge Elliot's discretion - but tho we wont get the relief they will still have to make some sort of reply. And finally this afternoon we served them with notice that we want to take the deposition of the defendant (the owner of the Lanes) in 4 days. Instead of mailing the notice I served it in person on opposing counsel (the former law clerk of Judge Elliot) who muttered something about "worrying him to death with all these pleadings in this case" and wanted to know how many attorneys we had in our office - I was rather vague about that.

During the week we also had several cases in Records Court before the Honorable A. N. Durden. One of the summer volunteers was charged with reckless driving (convicted) and another charged with running a stop sign - tho at the direction of a police officer - that one was

C.B. and threatened to hold him in contempt of court. Pritchett jumped up and said "I'm ready whenever you are Judge" and seemed genuinely disappointed when the judge backed down. I guess Pritchett is pushed out of shape behind the law suit against him. That court is such a joke. Durden was more nervous than usual. The only relief came when a young Negro guy was brought up on a ~~str~~ charge of running a stop sign, which he readily admitted to but told the Judge that it wasn't his fault that he didn't stop - he couldn't because his brakes were bad. Durden doesn't have much of a sense of humor however, and fined him \$17 (which seemed to be the figure he had in his head that day as everyone was charged that amount whatever the offense or the number of previous violations. But the best case of the day was Sylvia Hegland, wife of ~~one~~ of the law students. She and Wendy had driven me to the Albany Movement office where I had to meet some people. She pulled away from the curb, drove about 40 feet and signaled to make a left turn. A young cracker punk came speeding down the road behind her, couldn't ~~xxx~~ stop in time, tried to go around her on the left and sideswiped her. The accident was completely his fault and there was absolutely no way to make it seem any other way. The traffic detail arrived - Officer Fussel, the bastard who gave Wendy a ticket a while ago. Once he saw us and also saw the address on Sylvia's license (a Negro neighborhood) it was all over. He gave her a ticket for reckless driving (even though he wasn't at the scene when the accident occurred). When asked in court how he could issue such a ticket when he didn't see the conduct of her driving he stated that he could "tell from the physical evidence". At the trial Fussell also testified that he could tell she was driving recklessly from her skid marks and that he could tell that she pulled out from the curb directly in front of this guy who was always in his proper lane. He was also there but wasn't in court while Fussell testified. He (the other driver) then admitted that there were no skid marks; that she was turning left and he went past her in the other lane; and that he was doing about 30 mph (in a 25 mile zone). In spite of this the Judge still found her guilty of reckless driving and fined her \$17.

We also had the cases of three guys who were arrested at the swimming pool that week, but court ran too long and the cases were continued. SNCC has been picketing the swimming pool. The picket line is primarily black young males who do not stare straight ahead while walking but rather ogle young white ladies in their bathing suits, which about drives the crackers crazy. But Pritchett is very careful not to arrest any picketers since the ~~six~~ injunction against him to stop him from arresting peaceful picketers. But when three guys went up to stand in line to buy a ticket he pounced on them (they were on private property, a rather sacred concept in South Georgia). The last Albany event of note which took place this week was the release of Spraymen from jail (this will interest the few people who know Albany's more notorious characters). Sprayman is a very bright and enterprising burglar. He was arrested many, many months ago on a charge of burglary, bonded out, rearrested on another burglary and assault with intent to murder charge, and has sat in jail since then. He asked CB to be his lawyer, free, and because he once took part in demonstrations here and because CB is very soft hearted, he agreed. He got one of the burglary charges and the

assault dismissed, several months ago. But they really wanted to make the other burglary charge stick. He filed a motion challenging the array - tho the jury situation is somewhat better in Dougherty than in surrounding counties - like the Judge draws the names in open court (as the statute requires) and a few Negroes got on in each term. But other forces were working on Sprayman - the deputies and other prisoners who were advising him to drop CB and get a white lawyer who would be able to get him a reduced sentence on a guilty plea (like about 20 years probably). A few days before trial he finally succumbed to the pressure and sent for CB to tell him that he was going to get a white lawyer. On the day of the trial CB showed in Court to announce that he was no longer representing Sprayman. When the case was called the Solicitor announced, instead, that he was nolle prosecuting the case because of a lack of evidence. I don't know if they were telling the truth (which I doubt because of what Sprayman has said about the case) or if it is that they just don't want to go through the aggravation of a challenge to the jury with the expense to the county and burden on the jury commissioners, etc. But Sprayman is out and happy, and that is all that really matters.

One other matter, and that being the War on Poverty as it is being fought in Albany. I think I mentioned several letters ago that the OEO was "delighted" with the Albany proposal but could only fund it for one fifth of what it required. People were about to tell the OEO to shove the whole thing, but now new developments. First of all it has been announced that Albany does not qualify for a Community Action Program (CAP) grant, but only a Single Action Program (or something like that) grant. The reason is that this is not a "total community" program. CB called to ask them whether what they were really doing was penalizing Albany because the crackers refused to have anything to do with the program, as that's what it amounted to. Meanwhile representatives of the OEO in this area (remember: the Federal Government is nothing but a white man) are running around in the background trying to convince the power structure to grab a piece of the action and take control of the local program. The smell of money is strong but their "integrity" is at stake also - one said he wouldn't be on "nothing that involved those Kings". As things stand now there is supposed to be an attempt at getting a waiver from the CAP requirements. I have nothing to do with the Poverty Program anymore as the whole thing is so god damn sordid that its unbelievable. A few good people still bust their asses trying to put the program together and all the vultures hang off on the edges waiting for their money to arrive so they can swoop in for a piece of it. They had a tutorial program which was a big success but the word had gotten around that tho there was no pay, the Fed Govt would reimburse everyone who worked at the end of the summer. So alot of teachers volunteered their time, assuming that they would be paid. Now the truth is out and these people are FURIOUS. The high school kids who worked either knew there was no pay or didn't really care so it was no big loss but the "professional educators" are ready to murder someone.

Baker: The big news is out of Baker County where the lull eventually had to give way, but some amazing developments have resulted in spite of that. One man, a local guy named Mr. Cunney, went down to the Registrars and demanded that the books be kept open dailey (they are now open one Friday a month). They refused but did agree to open on Saturday instead of Friday which is a big help. The local people also conducted a picket of the Court House - this doesn't sound like much but anyone who knows Baker County will have a whole lot of trouble believing that a dozen local Negroes marched around the courthouse with signs demanding that the registrar open the books. After about the second or third day of picketing a group of really bad red necks came to heckle. Everyone down there carries a pistol or a baseball bat. All around the courthouse one sees bats and clubs stuck behind the shrubbery or stuck up in a palm tree. It is a very ominous thing. Anyhow one of the local whites walked up to a man on the picket line and hit him with his pistol. Then another walked up to Sherrod and started beating him up opening a very deep cut just under his eye. They rushed Sherrod to the hospital and first we thought he would loose his eye, but its o.k. now, just needed a few stitches. All this took place immediately in front of the Chief of Police; just before the beating Sherrod went over to him and asked him to disperse the crowd of whites as it looked like there would be trouble but he refused. We spent all day today working on an injunction requiring them to open the ~~poll~~ voting books and also requiring the police to offer protection to peaceful demonstrations. The next day Sherrod came back and there was another picket. He went up to the Chief (who is also the Justice of the Peace) and asked to have a warrant sworn against the man who beat him. The chief said he'd have to check with the Mayor; he came back a few minutes later and issued a warrant against Sherrod instead, charging him with "fighting" (which isn't in the City ordinance books incidently). Charging Sherrod with fighting is the height of absurdity - Sherrod being the original "non-violent man" and one of the very few people left who carries some faint beliefs in it as a philosophical way. The day after that there was some more picketing and another cracker hit Sherrod in the elbow with a cane with has been causing him terrible pain. I had to go down there at the end of the week as CB had to go to Americus (more about that later) and someone had to go down to find out the charges against several people and also to check the City code. I drove down with a local Baker County guy who works in Albany. The police have threatened to kill him and he keeps 4 pistols in his house and car. I started to tell him about the possibility of "carrying a concealed weapon" charges but realized that he'd be better off facing a trial for ~~me~~ that (in a county which has a rather flagrant jury exclusion history) than going without his pistol and winding up in a ditch. He told me that one of the SNCC guys was in jail for "vagrancy". When I got there the FBI was just finishing up questioning him - supposedly the police were holding him for suspicion of draft evasion but since he's only 16 he wasn't even ready to register for the draft so that was out. I identified him and told the Chief that he couldn't be a vagrant as he was employed. The City Attorney was there (hex seems to be the brains behind

the Crackers tactics there) and he told the Chief that since there was no proof of his being employed the Chief could hold him. The Chief doesn't seem to make too many of his own decisions. So I drew myself up in my most pompous manner and told him, "I will categorically state, upon my oath as an attorney, that this man is employed" (I have picked up a whole lot of C.B. cliches lately). He asked me if I was licensed to practice and I told him yes (since he didn't ask me where I was licensed to practice), but this wasn't enough - I guess my attorney's oath just didn't make it because he told ~~the~~ Chief not to release him without \$300 bond (really absurd as the maximum punishment for city ordinances is \$250 fine). I followed the City Attorney into the Clerk's office to see if I could use the phone to arrange for someone to post bond for the guy. They were very gracious about letting me use the phone. Then the City Attorney asked me something about "what the hell do these niggers want parading around". I told him that I understood the demands to be access to the registration books. That came as quite a shock - "why we let our niggers get registered here; hundreds of them are registered" (which is true; in 1963 when SNCC was about to go into Baker and help to build a strong local movement the Department of Justice moved in and worked one of their deals whereby about 400 Negroes were put on the books, and nothing more was done. These Negroes who were added were mostly people working on Mr. Charlie's plantation who vote the way they are told - and because the registration process wasn't a long painful fight which would be meaningful, nothing has been accomplished. Then the City Attorney told me that Jerry Heilbrun (the J.D. guy who worked the deal - and who is no longer with Justice but with C.R.S. - the new bullshit Federal agency) told him that "the niggers in Baker County got no legitimate complaint" So that's the opinion of one of our Federal representatives. Meanwhile I was trying to ascertain where the City Code was - there being only two copies and one was locked up in the Clerk's office who was on vacation. The other copy was with the Mayor (said the City Attorney) and with the City Attorney (said the Mayor when I phoned him). Finally the Mayor (who is also the banker) remembered that he had it at the bank so I went over there to get the charges out of it. The banker-Mayor was very shakey - not very sure of himself in the situation, and as soon as I realized that I started taking over like telling him to get me a typewriter. Lately I've been getting a perverse pleasure out of seeing how far I can push these guys before they push back. Feeling very confident from that encounter I caught up with the Chief who was alone (except for the assistant chief - the only other city cop on the force who has a speech defect which makes him sound like Donald Duck so he doesn't say much). I told the Chief that I realized that Baker County wasn't a very rich county or they would give him a better police station - the police station is a little hut about the size of a two seater outhouse - and then advised that if they would persist in illegal arrests, like the vagrancy charge, we would be removing to Federal Court which would bankrupt the county. He got very shakey behind that.

Over the weekend the "white backlash" took over. First over 100 crackers staged a counter picket with signs reading "nigger go back to Africa"

and the like. In the line was the Chief of Police. On Saturday the Klan rode through Newton (county seat) dressed in full regalia, stopping cars with Negroes and telling them to get out of the county. But today CB called the Mayor to find out what cases were scheduled for trial and the Mayor apologized for what happened to Sherrod and said that he is calling in the State Patrol to control the violent crackers who, he insists, are not from Baker County, but from elsewhere (outside agitators I suppose).

Cordele: Several people were arrested for seeking desegregated service at the Towne House restaurant, and were bound over to Superior Court - also Nancy Cooper was fined \$10 for contempt when the old bitch who owns the restaurant told the judge she made an "obscene gesture" at her. She seems fascinated by "obscene gestures" because she also had Rev. Abbot, a white minister working with the Council of Churches there for the same charge. We drafted a complaint to desegregate the place and also an injunction enjoining further arrests on these charges and to enjoin the prosecution of these trespass cases. Meanwhile one of the C.R.S. people showed up and started a whole lot of negotiations. He called C.B. and said he had everything worked out. C.B. had a fit and told him that he had a whole lot of god damn nerve talking to his clients without consulting him first. The Federal guy got very shook and it was damn theraputic for him as CB gave him a long lecture on the role, or lack of role, of the Fed Govt. Then the lawyer for the owner of the Towne House called - hoping to "work this all out amicably" in terms of the "deal" that the C.R.S. guy worked out. CB told him ~~no~~ "no deals" but if they were serious about their good faith than they would see to it that all charges were dropped and that she would serve everyone - and if so there wouldn't be any need for picketing - but that it depended on their actions. So far we haven't heard anymore about the charges but she has served everyone who comes into the restaurant including integrated groups. Meanwhile the CRS guy called a meeting of the Negro leaders, and told them, "If you are wondering why I called you together, I want you to know that I asked the white power structure for the names of the most responsible Negro citizens and they gave me your names so I guess you are the town Toms" and then went on to lecture them. He is a really amazing guy. There is a rumor that in Americus he told the people that they were kidding themselves if they thought the whites were serious about negotiating and were just stalling for time so they should go on and demonstrate. A few days ago he was "returned to Atlanta" as he had "lost perspective" which translated means that he was a pretty decent guy who saw where it was at, and wasn't interested in doing the Governments work of squelching any attempt at changing the status quo. And his daughter is a former Miss. Mississippi. A very interesting guy. We also have another case in Cordele. Three Negro guys were arrested and charged with throwing coke bottles at a group of whites. These guys couldn't have done it because they were stuck on a broken down bus coming back from a picnic about 20 miles out in the county when it happened, but the cops needed to arrest someone for this, so...

Americus: But here is where the really amazing things are ~~and~~ happening.

About a week ago there was an election for Justice of the Peace. The Movement ran a candidate against the 5 whites who were running; a 25 year old Negro woman named Mrs. Mary Bell. On the day of the election Mrs. Bell, Lena Turner, Gloria Wise (two young ~~xxxxxxx~~ women who were very active in 1963) and Rev. Campbell's wife) went to the white women's polling place to cast their ballot. The polling place was segregated into white men, white women, and ~~the~~ "colored". They refused to leave and vote in the segregated part so were arrested for "blocking a doorway" (which they ~~did~~ didn't do). Things really started to develop behind this. The 4 of them refused to be bonded out in protest. Mass meetings got larger and larger until 250 people marched on the jail. Meanwhile SCOPE has been in town and Martin L. King made speeches in NY about coming to Americus. The local merchants got shaky and decided to get together and make public statements about "being very dissatisfied with the conduct of the election" and also offered to post the \$4000 bond it would take to get everyone out of jail - the guy who set bond and held the commitment hearing is the J.P. who ran against Mrs. Bell. This first sounded like "concerned responsible white folks" but the 4 saw right through it and issued a statement that they weren't interested in these people absolving their own guilt as they were the very ones responsible for them being in jail and were also guilty of having the kids beaten half to death in 1963. They issued the statement that they would only come out on their own signature releases. Meanwhile the mass meetings were growing and out of it came a series of demands: 1) drop all charges 2) void the election 3) mass registration with Negro registrars 4) integrate all future elections 5) police protection. At the same time we are preparing litigation to desegregate all future elections and also trying to get the last one voided; and also a damage suit against the sheriff for arresting them in the first place. Meanwhile the "responsible whites" were getting panicked and even came to a mass meeting to show their "good faith". One of the SCLC speakers got up and started his speech by saying: "you can't trust any white man" and ~~went~~ went on to talk about how whites have been raping Negro women for years. The whites were so shocked they couldn't even leave. It was great therapy.

Phil: Of course, as good as it was, you know exactly why it was done. DeLard is planning to come to Americus and if there is any compromising to be done he wants to be the one to do it, so you put an immediate end to anything which looks like the local people might be able to work out things by themselves and pave the way for "our hero" to make his triumphant entrance. The Negro community is plastered with signs saying, "Dr. King is ready for Americus - is Americus ready for Dr. King" and SCLC is trying to organize monster marches.

Our law student in Americus has been doing great work with the election campaign. The other day a bunch of crackers working on a construction job at the Negro high school started throwing rocks at Negro kids. The law student went up to tell them to stop, implying that he could get them

fired. But it didn't work because one of them came after him with a hammer and just missed smashing in his head, catching him in the shoulder instead. A group of Negro kids who observed all of this split for home and came back with about a half dozen guns, but the crackers were gone in the meantime.

Today the whites demonstrated in Americus. No, not the crackers like in Baker, but the "concerned businessmen" (concerned that their businesses will suffer) marched on the jail and told Chappell to let the 4 people out of jail. But the crackers got together and seem to have taken over; they had a meeting from which rebel yells were heard to emanate and they have rejected all demands. So the town is ripe for De Lawd's arrival. Meanwhile there was a night march tonight and it was reported that between 2000 and 2500 Negroes marched. The ultimatum was issued that if the 4 aren't out of jail by tomorrow, everyone in town will be in there with them. So things are building to a climax.