

Dear Phil:

Under separate cover I am ~~and~~ sending you a new newspaper that has just appeared. It is geared to Alabama but has news of south Georgia, Miss., etc. It is put out by a bunch of Harvard students in Atlanta - and tho it isnt what is needed, its a damn sight better than anything else that is put out now.

IN August 1, 1965

Dear Friends:

Kenny Cloke and his wife Sue just arrived. The LSCRRRC had send them to Montgomery, Ala. to work in the LCDC legal office there, but the LCDC shut their office because there "wasn't any legal work in Alabama" (which means there wasn't any exciting head smashing demonstrations going on - not that there isnt a hell of a lot which could be done); also the other Negro lawyers in Montgomery either do not touch civil rights cases, or had enough clerks, so he came on to Albany. Though its tough finding space in the office there is more than enough work forhim to do.

Americus has been the place which all our activity has revolved around. With the four ladies still in jail the demonstrations had been growing. One afternoon this week 1000 people marched. They planned to have an all night vigil at the jail and made arrangements for about 100 people, nobody figured that any more would show up to stay out all night. 700 people showed and they had to call the vigil off because it was impossible to solve ~~make~~ "logistic problems" (like where do 700 people piss). I cant remember if I mentioned this in the last letter but the "good white merchangs" of Americus, whose business has been hurting from the demonstrations and who are frightened to death of another Selma came forward with an offer to sign the bonds to let these people out of jail.. They refused to come out after C.B. explained the situation and that they would be out ~~on~~ at the mercy of the business men who could come off their bonds at any time of day or night and they'd be slapped ~~as~~ back into jail. They also wrote a statement regarding why they refused the bond, which none of the papers that I saw carried:

"We have rejected the offer of the white businssmen's association of Americus, Ga., to serve as our bondsmen and remain in jail. We made this decision not out of a feeling of hostility towards our would-be bondsmen, but rather out of a sense of need to be true to self and the rest of this community. To our minds, bondsmen and persecutors are not the equivalents of good men and bad men, for in this instance we feel that bondsmen and persecutors are one and the same persons. Our would-be bondsmen are the same men who, in the summer of 1963, participated in brutalizing the heads and bodies of our black brothers and sisters. The fact that they might not have physically thrust the cattle prod that burned black flesh or swung the pick handle that crushed black skulls rings hollow in the face of their then-existing responsibility to speak out. These are the same men whose failure to speak honestly has brought us to this place. So in honesty to ourselves and our unwillingness to give refuge to the guilty consciences of men who pretnded charity, we remain in jail."

By Wednesday morning we had prepared our legal action for the Americus situation. We are attacking the election itself and seeking for it to be declared ~~a~~ illegal. There is also a suit in the making against the sheriff seeking damages ~~from~~ for keeping the ladies from voting. But now we were asking temporary relief instantly, pending a full hearing. We sought to keep the Ordinary (an official similar to judge of Probate Court in other states, but who ~~ask~~ also is in charge of county elections) from destroying the ballots and other electinn records; also to enjoin the Justice of the Peace from holding office until the election case was heard; and a motion to release the people from jail instantly. We also filed a suit to enjoin future illegal conduct of elections and to enjoin the state prosecutions of these 4 ladies. We had talked to the Justice Department who said they were filing a suit to enjoin future illegal conduct of elections (not ~~ask~~ attacking the old elections) and not asking for instant release of the ladies. Their suit was only going to be heard about a week and a half later.

He asked that Judge Bootle hear the request for relief because Judge Elliot was out of the District. Bootle said that he wouldn't hear it because he has an agreement with Elliot not to hear matters that arrive in the Divisions over which Elliot sits (tho he has every legal right to hear them) and told us to see Elliot in Savannah. So we called Elliot who agreed to hear us Wednesday afternoon when he was through with the case he was hearing. Savannah is about 220 miles from here, across the state on terrible roads. We left at noon or close to 1 and drove like crazy. We finally got there before 5 after CB got a speeding ticket (doing 85 in a 60 zone) in some little cracker town. Then we waited until almost 7 p.m. before the Judge could hear us. We told him what we were after and he asked if it was in the Americus situation. Oh, well, Judge Bootle is handling that. Seems that after we called Bootle, John Doar called Bootle and also asked for immediate relief from Bootle because Elliot was out of the District. Bootle called Elliot and agreed to hear it after he told us he wouldn't. So we had to drive 220 miles to find out we wouldn't be heard by the Judge they told us was the only one who would be allowed to hear it. We got back in the car and drove another 175 miles to Macon, through pouring rain. At one point the car, doing about 75, spun out, made two complete circles, and came to a halt about 10 feet in front of a huge tanker truck. I just pushed the drive button and kept on going leaving behind a very amazed truck driver. We got to Macon at about 2 a.m. and the next morning at 9 we were in Judge Bootle's chambers. He said he would hear us for an hour because he had a case scheduled for 10. We gave him the transcript of the ~~huzz~~ commitment hearing (where the same J.P. that Mrs. Bell was running against bound her and the other 3 ladies over to the grand jury) The testimony was patently absurd. They admitted that they had segregated voting lines and that they were arrested because they stood in the wrong line - tho they called this conduct blocking the doorway. He also read about a dozen affidavits we had from different people who were not allowed to vote in the "white" lines or ~~wxx~~ were told who to vote for; or were duly authorize poll watchers and not allowed inside, etc. It really must have made an impression on him because 10 o'clock came and went and he kept a reading and didn't stop until about 11:15. He told us that he wouldn't grant the TRO's because he didn't like to grant relief without the other side being heard but that he would give a show cause order for the next day (Friday) to coincide with the Fed Govt hearing and her out suit at that time. So we went back to Tom Jackson's office in Macon and prepared the application for the show cause and Order, fixed up parts of the other suit, ran around trying to get stuff photocopied as we didn't have enough copies, and finally got back to him at 4 for him to sign the order. Then we drove back to Albany through Americus, another 120 miles, and drove back up the next morning for the hearing.

The hearing itself was really funny. First of all, no one of the defendants brought a lawyer except those defendants who were lawyers, and they represented themselves. They were very shame-faced about the whole thing and made ~~stxxx~~ statements like "we realize that we shouldn't have conducted the election that way", etc. First the judge started resolving issues. He got rid of our ~~mxkx~~ motion to compel the Ordinary to preserve the ballots and records by having the Ordinary promise that he wouldn't destroy anything - no Order - the Ordinary was all huffed up about "his dignity and honor as a Southern gentleman having been questioned"; then they agreed not to have the J.P. sworn in as official J.P. pending the outcome of all the litigation - so we couldn't insist on a court order - and it didn't matter to them because he is still an ex-officio J.P. temporarily appointed until another is elected (which was him). So he just holds over under his old office. It finally came down to two questions; whether the ladies in fact blocked the door; and if not whether the prosecution should be enjoined and they be released. Since our other suit was practically identical to that of the Feds the Judge agreed to hear both at once with CB having the right to examine and cross-examine all wits, tho the FEds got the first crack at them. So the Feds first called Gloria Wise. Gloria is a very warm, ~~sw~~ sweet, mild little girl who is a student at Spellman. You get the feeling that she just loves everyone. They also brought Mrs. Campbell, the wife of a minister, ~~wxx~~ and she is a school teacher, as the other prisoner they brought. They didn't bring Lena Turner or Mrs. Bell. We only learned they were subpoenaing two of the four instead of all four late the night before so there was nothing we could do. It was very obvious that they didn't want Lena or Mrs Bell there because both are very aggressive and won't take any shit from anybody and will tell them to their face exactly where it's at. The Govt is so disgusting in these situations. They are such goddamn fence straddlers, playing it as close as they can to not offend anyone and ready to jump out the minute it becomes more expedient to be on the racists side. That is why they wouldn't bring Lena Turner to testify, or the candidate herself. That is also why they never objected to anything the defense brought in and didn't cross examine any ~~ifx~~ defense witnesses. They don't want to piss the crackers off too much because there

play it close. It was so obvious that the rights and interest of the ~~skinst~~ client (that being the Movement) is totally unrepresented when the Govt brings a suit on its behalf. Because the Govt has only one client, itself and that is the interest in for which it acts. So as it developed CB really handled the whole trial. The Feds put on Gloria, FBI agent Cheek, and Mr. Bell, and sat down never to move again until summation. Meanwhile CB had to get important questions that they forgot to ask out of Gloria. The best govt witness was FBI agent Cheek (who insists he is not related to Deputy Sheriff Cheek who arrested the 4 ladies). He got up and testified that the ladies blocked the doorway, etc., and the sheriff had to arrest them to run an orderly election. CB had to get up and make it very clear that what he was testifying to wasnt observed by him but was simply what the Sheriff told him the situation was. Later CB asked the Govt attorney why he called Cheek, and hadn't he asked him what he was going to testify to first - and the Justice Dept Atty said he had and that Cheek had told him an entirely different story. So that's where it's at with the FBI. If you believe the JD guy, the FBI man ~~is~~ told him one thing and then said something else on the stand to screw the movement. If you don't believe the JD guy it means he was purposely trying to put on a bad case. Either way it's not a very pleasant choice. Then the govt rested and the defense put on their case. Oh, prior to putting on their case, when they ~~were~~ were cross examining Gloria, they asked her "who is Stan?" (one of the law students) as his name was mentioned in the affidavit as being with her in the car when she went down to the polls. He asked question after question about Stan, the outside agitator, and when CB objected (the Govt was content to let him go on with that crap) the Judge agreed that it was relevant as the defense wanted to show a conspiracy of outside agitators to block the polls and destroy the election. The defense then put on several wits to testify to what happened at the polls that day. The first was a young white boy, about 19, who was so shook up he kept saying, "yes sir" or "no sir" to every question CB asked him. Then they put on Miss Mattie, who testified she ~~has~~ has lived in Americus for ~~as~~ since 1888 and that "the niggers came into the poll and blacked me in, it was just a nightmare" (in a ~~thick~~ thick southern accent). CB cut her to shreds which really pissed the crackers off. Anyhow after the show was over and both sides closed the judge was ready to rule. He went into a long apology about how he wanted everyone to understand the reasons as to why he was ruling the way he was; he said what an awesome responsibility this was for one little Fed judge to make... that he was talking with his hair down... I think just as highly of everyone in Sumter County... I didn't want this case... before any of this civil rights business arose Judge Elliot and I agreed that the Americus Division would be his division... but Judge Elliot requested me to hear this case because he was busy... I am telling you this so you can understand what I'm doing... It was amazing. After he finished all that, he granted all the relief requested and ordered the ladies released on their own signature bonds. His decision was based on Hamm v. Rock Hill: "Good faith non-enforceable ~~attempts~~ attempts to enforce constitutional rights are unprosecutorial" so even if they were "blocking the door" they had a right to be there and couldn't be arrested for it. It's just a shame he had to go through all that other crap before he could say this. He then asked Fred Chappell, the Sheriff how long it would take him to get back to Americus (it was then quarter to 5) and Fred said 2 hours if he rushed, so the Judge told him to have those people out of jail by 7 p.m. We heard later that Fred called Americus before he left Macon and told the assistant to "throw them niggers out of his jail as he didn't want them there anymore."

One other thing about our friends, the Justice Dept. After the 4 ladies were arrested we demanded an immediate commitment hearing (a determination whether there is probable cause to hold them over for the grand jury). The reason for this hearing is that if you catch the crackers right after an event before they have time to rehearse a story they ~~in~~ usually make moronic blunders and produce a fantastic record. This is what happened here. Anyhow the guy from the Justice Dept asked if we would give him a copy of the transcript. CB said that since we were both using it, and they are very expensive, it was only fair that the govt paid half of the costs of obtaining the transcript. He said he didn't have authority to do it and when he called his superior he was told that if they couldn't have it free they didn't want it. CB told the local guy he could have it since the government was either too poor to afford it or too god damn stingy to be interested in doing a real job of representation. But we can afford billions in Viet Nam. I guess its a matter of importance and dollar return in federal allocations; we're sure getting our money's worth there. There is no question in my mind that the transcript is what convinced the Judge in this case.

The day before the hearing there was a shooting in Americus. Two Negro guys are charged with shooting a white guy who, with a bunch of other crackers, was throwing rocks at his car. Immediately the indignant editorials condemning the civil rights movement, but even worse the mea culpa shit of Martin Luther and his crowd, and the word to Inc. Fund to defend them, if they are innocent. After the shooting the local cops and state troopers had their justification to revert to old ways. No more protection for demonstrations. A group of kids staged a demonstration in front of a store which wont hire Negroes and the Klan was holding a rally across the street. They came over and beat the shit out of the kids, right in front of the cops who stood by and didn't do anything. We'll be going back into Fed Court to try for an injunction requiring the cops to protect demonstrators. Rumor has it that De Lawd is coming to Americus Monday. That should be just what Americus needs.