

10/4/65

Dear Phil:

I'm enclosing a letter which I wrote to the law students who were here this summer and which brings things pretty well up to date.

Here's where it's at with the War on Poverty! It seems there are Community Action Panels in Worth County, Moultrie, and maybe one other place. The Moultrie and Worth panels for sure, and probably the other (which I don't know anything about) are power structure and a couple of toms. In Worth it is especially bad with 18 whites, 6 Negroes who are absolute slaves like the principal and a couple of octogenarians, and after the Movement there raised a lot of hell with Washington, they appointed one man who is with the Movement. In Dougherty County we are not a CAP because the white folks won't join in so the program that was submitted by the Dougherty Cty Resources Dev Assn was for a Single Action Project or something like that. Anyhow, they know that programs like Worth County won't get funded because local people will raise too much hell so what they have done is set up a 13 county Panel called the South Georgia Community Action Council - and set it up practically secretly. This group will have two representatives from each county, elected by the county CAP if there is one (like Worth Cty) or else APPOINTED by the members of the SGCAC. Then this group will be the one who makes the request for money. It's all very clever because when the folks in Worth Cty complain about the Worth Cty CAP Shriver can tell them that the govt isn't funding Worth Cty - tho it's really funding SGCAC who in turn funds Worth Cty. Meanwhile it's a lot easier to ignore letters about the SGCAC as it's such a "broad representative group coming from over 13 counties with urban, rural, etc etc bullshit bullshit". Well, the sick thing is that Goldie works hand and glove with them. I'm not sure whether it's because she wants a job with them, tho I doubt this, or whether it's that she's just too damn tired of fighting and figures it's easier to go along. Since Dougherty doesn't have a CAP she was appointed to represent Dougherty. Well, finally the DCRDA raised hell. That is to say, CB, Carol, Wendy, Slater, Marion, and I wrote a letter to Shriver telling him that this SGCAC is a fake, is terribly undemocratic, and no way representative of anybody except its own interests. The shit hit the fan and all funding was frozen. Now they are sniffing around trying to get us to "see the light" Like, "but think of those poor little children who are doing without day care because of your letter", etc. We are now trying to mobilize folks in all 13 counties to also write letters and will freeze funds until they agree to call mass meetings in all these counties and let folks elect their own representatives to this panel - which they'll never agree to do: so either this area will get no fed money, or they'll send it in spite of our legitimate protest - which will show people just where it's at with the Feds and their god damn give-a-way program. The rich get richer...

I guess the VDC is reading Despite. Congratulations. Their new proposal seems very sensible (this of course is very relative - I don't know what kind of actions you can take in these situations - I don't think that having a speak in at a Navy base where you don't reach soldiers who are going to Viet Nam makes a whole lotta sense, but at the same time you aren't courting nonsensical arrests and it will get some publicity to the fact that there are some sane people who think that Lyndon is a swine and his policies are those of a butcher. The other day the Guardian carried a note that 4 Negro soldiers of the 1st Cavalry on their way to Viet Nam refused to fight and are now facing courtmartial - two of them from Western Florida (identical with SGCAC) and two from urban north (Wash DC and Chicago I think). I know 4 is nothing but it sure does my heart good to read it. There is a Negro from Ocilla, a Mr. Davis (who Randy knows) who is building CB's new office) CB says that during WW2 he was in the Army Intelligence or something like that but that his job was to investigate HUNDREDS of riots among white and Negro troops in this country and overseas. I never heard anything about this before.

October 4, 1965

Dear "Sons of Bootonia":

I have decided to write you all one big letter, primarily to bring you up to date on the cases which were current while you were in the office, and the easiest way to do that is to take my unending "list" and see what has been crossed off in the past month. But before I go into that I should tell you that we are still next to the Wig Shop and CB has gone on to pay October's rent here. The books are in the new building so if its not in Georgia Codes or Federal Practice (the only sets left here) forget it. But SOON, CB says.

The Americus removals: Billy Smith sent a Motion to Remand, but the schmuck filled it out like the form book says, setting a day for hearing, and not filing a brief. So I just sat tight, let about three weeks go by, and then wrote Elliot, with carbon to Billy, requesting to be ~~xxxxxx~~ informed if we are correct in assuming that our ten days to reply does not begin to run until they file their brief to accompany Motion to Remand. Elliot doesnt answer but instead sends a carbon of a letter he wrote to Smith granting him until Oct. 15 to file his brief. Are we going to prepare our brief now and be comfortable? Hell no; on the night of October 24th I will remember that its due the next day and Miss Jessie will sit up until 2:00 A.M. and make 700 typing mistakes per page - because that's the way we work in Bush Country.

The other day we want to Americus to try that group of 4 traffic cases in the City Court, and also to try a non-Movement case where a Negro was charged with failure to yield the right of way in an intersection accident. He had been driving along a dirt road out near Plains late at night and as he was going through an intersection a young cracker who was a bit high smashed into the side rear of his car. The kid acknowledged fault and made profuse apologies; then the troopers came along, told the ~~kn~~ kid to shut up, and wrote the Negro, Eugene Goodin, up for failure to yield right of way. Goodin is about 30 years old and works as a mechanic for the brother of Fred Chappell, Sheriff of Sumter County. The trooper who wrote him up was A.C. Chappell, nephew of his boss and uncle Fred. But in spite of all this he wants to fight it because he says its a matter of principle. He and his mother had come up to CB at a Mass Meeting in Americus and asked him to take the case and CB agreed, figuring that the guy was talking tough while he was hot but we'd never see him again. But then he came down to Albany and also saw CB again in Americus. But it was his mother who really wanted to see the thing through - during the second morning of the trial she said, "we're really putting a hurt on these white folks" (as a 33 man jury panel had been there two days for a total of \$660. in jury costs alone). Goodin's case was first and CB put the commissioners on and put on his show of proof. It wasnt as good as ~~xxxxx~~ Kitchens, but it was good. The best part was after all the Commissioners admitted that they never saw a Negro in the traverse jury box, and the Judge said that that wasn't true as there had been a Negro on a traverse jury - which is a damn lie. After the Motion to Quash was denied we started the voir dire. It looked pretty tough for a while. They would all give equal weight to the testimony of the officer and the testimony of the defendant if they were both under oath; they would not give the officer more credibility because he was white and the defendant was black; etc. But they all buckled under when the magic question was asked: "In your opinion, are Negroes as a ~~xxxxx~~ race less likely to tell the truth than whites"? The answers ranged from ~~E~~ "Yup" to "Why everyone knows niggers just loves to lie", and since the judge wouldnt strike for cause everyone was reinforced add the enitre panel, except for the two brothers that the Solicitor left on in a great act of magnanimity, responded this way. Anyhow we've got a jury of ten crackers and the meanest looking crackers you've ever seen, and two "greys" ~~1~~ (as CB called them because that's what you get when you mix black and white). They were Giles Smith (funeral home owner) and James Miles (bondsman, who is Fred Chappell's main boot). We put on our case and the jury went out. One hour goes by, then another. We couldnt believe it. We knew that if the Negroes were goig to have enough balls to tie it up there must be at least one white

voting with them. Then the Foreman came in and announced that they were hopeless deadlocked. The Judge said go on back in there. Finally noon came and he turned them loose to eat. We agreed to not keep them together because we figured if Miles and Smith had to go to a cracker restaurant downtown that just might be too much pressure and if they got off by themselves for lunch it would ease the strain - tho we knew that this was we would certainly loose the white once the rest of the crackers got to him outside the court. So they came back after lunch and came out ~~ggaint~~ ~~at~~ about 3 and said they were deadlocked, but the Judge sent ~~hem~~ back. Finally at 4 P.M. it was getting ridiculous. Everybody knew we had won even if they now came back with a guilty verdict. Chappell and Pace (the Solicitor) were looking sick. The Judge called the jury in and told us that if there was any headway he would keep them, otherwise turn them loose. The Foreman said they had made some progress after lunch, but now it was hopeless. The Judge ~~si~~ asked him what the ~~vte~~ was, without saying which way, and he answered it was 10 to 2. So we knew our men had done it, held out in spite of all adversity and I guess the Judge felt that if 10 crackers couldnt change those niggers minds by now they'd never do it, so he declared a mistrial. Later on we went by Miles gas station to see him. Miles said, "well, those two guys from the Georgia Power Company really tied it up" - I almost shit. Then he went on to talk about how hard they argued with them but just couldnt convince them, and how one guy was wavering at the end. I couldnt believe it. Here was this bastard standing up in our faces and telling us this. Then he said, "yes, that one cracker was about ready to change his vote, but the other said he would vote to find that nigger guilty if he had to stay there a week". We made ~~hm~~ him go through it again, slowly. It seems that on the first vote the jury was 7 to 5 for guilty; three crackers were voting with Smith and Miles. One of the crackers started arguing for an acquittal and finally won over three more. So the final vote stood 10 to 2 for ACQUITTAL. In AMERICUS, GA. I about shit. And this meant that they were voting to disbelieve two state troopers and Mister Charlies little boy, and voting to believe our only witness, the defendant. I still cant understand it. But the day couldnt have a happy ending. The Courthouse gang was a bit ~~to~~ upset by that ~~mo~~. We started driving home and when we got to Leesburg the engine just cut off and we couldnt get it started. We hitched a ~~rd~~ ride to Albany and ~~sent~~ sent Bo out for the car. It seems the engine is "froze up" which means something like sugar or syrup was poured into it. In broad daylight in front of the Sumter County Court House. This is the thrid time those bastards have gotten CB's car in Americus - once in 1963 when they poured muratic acid over the front seat and ate it away, and then when Cloke was up there with CB and they wrecked the distributor. But this time they really fucked ~~xxxxxx~~ us up.

Doc Sanders (of Harlem Drug) and Joe Green were busted for violating the Dangerous Drug Act. Doc is charged with selling Joe bennies. Doc got him a white lawyer but then came around here to find out if the white lawyer is telling him the truth. I thought CB would throw his ass out, but he didnt. On tomorrow Joe Trent and the guys plead to the forged check federal charge in Elliot's court. Kunney, et al. v. Holt, et. al will finally be heard on October 25th. Charlie Burkes is OUT OF JAIL. I still dont understand this as he had a two year and a one year to run consecutively, and there is no way in the world for him to be ~~xxxxxx~~ paroled at this time, but we wrote the Board and they said ~~hw~~ was released. He'll be coming into the office next week and we'll see about the habeas hearing anyhow. The cert. petition in Giddens was finally filed and the Judge has said he will rule on that whole mess in about two weeks. Meanwhile we got back \$2000 bond money on Reagon and Forman (old contributing to the delinquency of minor charges) and we will get another \$1750. back on two guys sometime this week. I wish we could keep a percentage, CB could require. The Mitchell interrogs were finally answered and the case will come up next term. Meanwhile the interrogs that were prepared in this office still ~~hasnt~~ been sent. CB is still "reading them over" (which might mean he ~~bst~~ them again. The last few pages had to be done over because Miss Jessie takes everything quite literally, so interrogatory No. 104 read "Same as No. 103 except answer for Mrs. Mitchell" and No. 105 read "SAme as No. 103

one that said something like. "No. 108. I'm not sure if we ought to put an interrogatory in about the moving van company as it might tip off our ~~defense~~ case, what do you think?" Cloke: if you ever work with Miss Jessie, or one similar in nature to her, please make sure you tell her which are the interrogs and which are notes to CB. Shields v. Midtwon Bowling comes on in a couple of weeks. The Judge told us in pre-trial ~~at~~ that he didnt feel that bowling alleys were covered and that as far as he was concerned it would turn on the "amount of commerce" of the restaurant. Which raises another neat question as they have since taken the restaurant facility out (now they just serve beer there), so can you ask for an injunction at this time? But I really want him to rule against us so we can go up on the bowling alley question.

The big event is the Police Review Board. Yes, after Terrell old Pritchett decided that he damn well better do something about his thugs or he would be spending most of his time in Fed Court, so he set up a departmental review board - something which they never had before. The first case was that of a cop who came ~~up~~ up to the house of a 13 year old boy to question him about a stolen bike. He proceeded to hit him in the head with his pistol because "he talked back to me" (that was what he said immediately after it happened. Now the story was that the ~~kid~~ kid was "reaching into his pocket" (besides being 13 years old the kid is a skinny 130 pounds, and the cop is over 6 foot tall and weighs 197). After he hit the kid one of the people in the neighborhood who was sitting on the porch walked over to the cop and told him "You dirty mother fucker, why dont you try doing that to a man" and the cops just pushed the kid into the car and made it out of there fast. We went to the ~~hearing~~ hearing which was a real farce. CB was furious because they wouldnt let him question ayboyd, and when we came out Pritchett stopped him and asked him why he was pissed off. He told him that the thing was a farce, and just a show to give these brutal bastards a clean record and an o.k. to go on and do what they want to do. Pritchett said that wasn't true and he was convinced the Board would recomend disciplinary action. CB bet him a box of cigars that he was full of shit. The ~~next~~ day the ~~News~~ Herald carried the story that the Board recommended permanent suspension and that the cop then resigned. So if you know anyone at the Justice Department, please tell them: harrassment litigation DOES bring results.

We have a new case from Americus. A guy named L.C. McGarrah who was been in Reidsville since 1955 after being sentenced on guilty pleas, without counsel, and after a brutal beating which ~~convined~~ convinced him to sign a statement. He was charged with 3 counts of burglary and 2 counts of assault with intent to rape (white females). They gave him two 20's on the rapes and 3 10's on the burglaries, to run CONSECUTIVELY, so he's doing 70 years, with no opportunity for parole until after serving at least 63 years. I'm going to Americus Monday to interview his mother and see what else I can find out about the case.

The Moultrie cafeteria lady has still not been written to. She never will be. But she'll stay on my list until one of us dies.

The Ga. Supreme Court turned us ~~down~~ down on Ricks and Kitchens. I still dont understand the opinion - what it seems to say is that you cant go up on a bill of exceptions to the jury question until a motion for a new trial has been heard (tho they have ~~never~~ never raised this with us before and we have always gone up that way) - at the same time if you have to wait for a motion for new trial then the 30 days within which to file the bill of exceptions might run (as it certainly would have here). As I have said before, Georgia procedure is rather complex. But we still have the motion for new trial to argue in their case and can go up on appeal from that still raising the jury question.

CB finally got a personal injury case. When we were up in Americus the other day a cracker came speeding up Lee Street and killed an old Negro woman who was crossing the street. Grandman had CB talk to the people and he told them not to sign anything. The ~~next~~ next day the claims adjuster came around and told grandma ~~xxxxxxx~~ the guy didnt have liability insurance, but that ou

of the goodness of their white hearts they would: 1) pay the hospital bills 2) pay Grandma's funeral bill of \$1775. and 3) give the husband of the woman \$100. Grandma told them to sign. When CB heard about it he threw a god damn fit - he saw the adjuster and threatened to bring disciplinary actions for contacting his clients when he knew they were represented by an attorney. A lot of folks saw what grandma was doing and are pissed off at her for it. She is such a greedy bitch.

The harrassments of Negro kids in the white schools is really atrocious. One of the kids in Americus High had an ~~ank~~ attack because of it, I'm not sure if a heart attack or some kind of seizure, but she's been in the hospital for a while. You remember the guy from Mitchell County, Mr. Lamons, who was beat up brutally because he sent his kids to the white school - well the J.D. is still sniffing around but so far nothing has been done.

Another example of slave mentality: A guy was working for his bossman for about 10 years. His brother wrote him that he could get him a good job with Ford Motor in Detroit if he came up in a week. So the guy went to Mr. Charlie to tell him he was quitting. Mr. Charlie didnt like this because the guy was a good worker. Each week Mr. Charlie had been taking out about \$10. from the guys pay to make his car payment for him. So Mr. Charlie called the car company, and they told him he was two months behind and were going to repossess. CB asked him if he didnt think he was man enough to be able to take care of his own financial arrangements and make the payments himself each week without having to ~~have~~ have Mr. Charlie take it out of his pay and do it for him. CB gave the poor bastard a whole lot of hell, which included his implying that perhaps he should have Mr. Charlie come over and service his wife for him as he probably wasnt man enough to do that. The guy felt like a dog and told CB that he was going to Detroit anyhow, that they could keep the car (which is worth less than the remaining payments) and that in Detroit he was goddamned if any cracker was going to touch his paycheck.

In Baker County some cracker farmer has just brough suit against one of the black Hall's for "damage done by his hogs running loose" which is absolute bullshit - the guy suing is on the Bd of Education (one of the ones who has transferred his kids to Miller County to go to school - and the Hall involved has two kids in the white school.

Another grandma story: Seems that SCLC now wants to move into th Freedom Center and either share it with SNCC and the Americus Movement, or more them out. Grandma originally gave it to SNCC to use free, or for ~~ways~~ whatever rent they wanted to pay her, if SNCC fixed it up - which they did. But now SCLC is talking big rentals and grandma just cant help herself, all that money loomin large before her. There was a big argument there the other day with Roy calling Judgson Ford a dirty sneaky mother fucker and offering to beat the shit out of him and "your leader". In the course of the argument it came out that Ben Van Clarke had said that CB was no god damn good, and was "too much of a bourgeois mentality". CB about shit. Meanwhile, Roy is talking seriously about going back to school. If anyone knows of any kind of deal he could get in any decent undergrad school please let me ~~know~~ know; as it would be good for both Roy and the Movement if Roy went bak to school at this time.

I still havent had a chance to look through the files and see what really ought to be done by you guys, but I will in the next ~~weeks~~ couple of weeks and write you on it. There still hasnt been a decision in the Americus injunction case and I doubt if we'll get one in the next 6 months - I know an injuncti~~on~~ is supposed to ff offer speedy relief, but I guess Elliot figures that's speedy enough for us folks. A kiss to you all from Mattie Ruth. Take care,

Dennis

cc: "Say, uh Dave" "Fru" "Brownie" "Hegelman" "Kloak" "LSCRRC" and "Where's Z