

February 7, 1965

Dear Friends,

It has been a very long time since my last letter because of two weeks in New York, and a busy week here since we've been back. I just thumbed through my old letters and discover that I also didn't write anything about the week before we went to NY, so I had better start there. I told you about the guys who came in from Wheeler County. Well we went up there on Monday, Jan 18. Alamo, Ga, the county seat of Wheeler County is exactly 108 miles from here. The drive up was uneventful and very pleasant. In away these long drives are very good times because we have a lot of time to talk (if we aren't going to trial and trying to put the case together in the car) and this is the time when CB is most eloquent, reaching far back into the past for stories of his early practice in SWGa, and especially of the first reactions of the courthouse gang in various counties to seeing a Negro lawyer appear there. On the trip back, which is getting ahead of myself but I don't want to forget, he told me a story which is typical of things here and yet is the kind of story that is not generally told when one thinks of the practice of a Negro lawyer in the South. There was a Negro woman who lived in Cordele (a town near here in Colquitt County). Her father or step-father was a very wealthy Negro doctor in Savannah and owned quite a bit of property. He died and appointed her administratrix of his estate. One of the provisions in his will was to provide reasonable support for some children of his by another marriage. The guardian of these children felt that the woman wasn't providing enough support so he went to a white lawyer to see if he could get the amount increased. She in turn retained a white lawyer to represent her. Now these are both very ethical, if you can use this term, lawyers, that is they are ethical in their relationship with "people" which by Southern definition excludes Negroes - but it is important to know that both lawyers are community leaders and highly respected; that is they were not shyster types. But because there is a Negro involved, and a Negro who is administering a whole lot of property, the lawyers get together and decide to take the administration of the estate away from her. So this is what happens. Now all she is left with is a life estate in some of the real estate. The person appointed administrator by the Court is a white real estate dealer. Her lawyer is now representing him. Anyhow the real estate man wants to sell off some of this land and petitions the Court to allow him to sell it as he alleges it is worthless and not producing any rental income. He has a buyer willing to pay a couple of thousand. Normally this would have been any problem. The Court would have allowed the sale as a matter of course. But she had heard about CB and came to him with the problem. The property in question, in which she had this life interest, was 4 lots on the edge of town, right along the highway. On one side a gas station and on the other a restaurant - damn valuable commercial property worth about \$100,000. So CB went down to Savannah where the hearing was to be held. The Judge ignored his presence and told the lawyer for the estate that he was going to grant the petition. CB asked the Judge if he would do this without even reading the defensive pleadings that CB had filed. All hell broke loose with questions like who are you, and incredulous stuff about whether he was licensed to practice in Georgia. This is about 8 years ago. Anyhow he finally gives CB permission to argue against the sale but it gets to be too much because in the middle of the argument the Judge says to him, "sit down and shut up or I'll throw you in the Chatham County jail". But he then turns to the other lawyer and says, "I'm going to have to deny your motion and not allow the sale, but I want you to know that nothing he said had anything to do with this." And even better is that a couple of months later this woman gets a letter from the Judge telling her to come see him, and he tells her he is giving her the administration of the estate back (this was also asked for by CB) and told her I just want you to know you had a darn smart lawyer but I couldn't let him take over my Court that way. Anyhow, this story is interesting in that it's a funny story and that it illustrates the kind of crap that he has to put up with in these Courts, but more important it shows

a hell of a lot about the life of a Negro in the South because this woman wasn't an ~~impoverished~~ impoverished domestic or tenant farmer, but was quite wealthy. She, or rather her father before her, had risen as high as it was possible to go; had made it in the white man's terms, being successful, wealthy, middle class, and yet not a damn damn thing that this man produced really belonged to him because the white man can come and take it away and there isn't anything that can be done about it. The whole existence of people whether it being in terms of their lives, or material existence of whatever is subjected to the whim of the white man. And you can explain this to people in terms of a tenant farmer in Mississippi who is totally dependant on the white man for his livelihood and he will be thrown off the land if he resigns to vote - or that he is poor and defenseless and so he can be shot down and no one cares - but it is much harder to get people to understand that it is not only the tenant farmer who has no stake in America in the sense that advertisements tell us people have; but it is also the Negro who makes it the way he has been taught is the right way, the Negro who works hard his whole life, never gets drunk, saves his pennies, goes to college, kisses white asses, and builds up a little separate world around himself; none of it means a god damn thing because when the white man decides he wants what this man has he just comes over and takes it, and he takes it whether it is his land, his property, his money, or his woman; and it is most important to understand that this doesn't just happen to the sharecropper because that almost makes sense and transcends a color thing - I mean poor people always get screwed whether they are black or white; but when you are ~~black~~ black, economic class doesn't ~~really~~ really mean a whole lot. In a way it's kind of like when CB tells people that they are in the Movement whether they think so or not.

But I started to talk about Wheeler County and what happened there and that is important too. I told you in the last letter about Wiley Hall, the 17 year old who was hunting on a white man's land and after he was chased off the land the guy pursued him and kept cursing him and finally hit him with his rifle - so Wiley turned around, punched him in the mouth, jumped on him and worked him over. After we met Wiley it started to make more sense. Even though this guy was white (which is enough in itself to make this conduct rather reckless) he was also 3 years older, 30 pounds heavier, and several inches taller. But Wiley is really a kind of freak in Wheeler County - freak is such a terrible word but I can't come up with anything else - because this is the real rural south, where all the land is owned by the white man and you work his land and that's all you do and if you are black you have been saying yassuh from the time you could first speak, or as Wiley said you "humble down" to the Man. It isn't an urban area like Albany where the Negro has his own community and is in a position to loose himself, and already is starting to loose his rural roots and is able to, at least much more so than a rural county Negro, pull up and go to Newark (where so many Albany Negroes go). But if you are born in Wheeler County you die there and your whole life is spent humbling down to the Man. But Wiley Hall decided for himself in that moment, when his world was crashing in around him and spinning from the pain of being hit on the head with the white man's rifle that he was through with humbling down; that he would be a man. And you can see this streak in his family; there is a kind of pride, a very difficult thing to describe, that you see very very rarely among rural Negroes, a pride and a strength which will only allow them to absorb so much before they strike back. I don't know what will happen to Wiley Hall. He was charged with assault with intent to murder, a felony carrying a 10 year penalty, and there will be a trial this term of Court. I don't know whether they will try him and know they will be reversed - you can forget about even the possibility of finding the Name of a Negro on the jury list of Wheeler County - or whether they will just let it drag on and finally nolle prosequi because they just don't want to pay the dues of having CB come into their courthouse and kind of mess with their little world. But I started to say something about Wiley Hall, and I want to make some kind of a statement about him, and what the Wiley Hall's of the South are about, and I really can't.

But maybe it is enough to say that there are Wiley Hall's in every rural County - that kids like Wiley are coming up now and they are a whole different kind of people; and that most important, the white man is starting to realize this.

Like I started to say before, we do alot of talking on these long trips. Besides the story about the property which I just wrote CB started to talk about his feelings about what he is doing. We had got into this in talking about Gideon and the whole problem of the defense of the indigent and what can be done about the thousands of guys who are rotting out their lives in jails and work camps across the South and across the entire country, who are there in ~~such~~ shocking violation of the Constitution and that the only thing standing between them and freedom is a loosey writ which even law students could draw up from form books. I dont know how many lawyers there are in the country, and I dont know how many prisoners who are being illegally detained but I started to think that if each lawyer drew up one writ petition for a writ of h.c. they could probably turn the jails into hospitals. And its shocking to think that our entire system of criminal law and the whole system of penal institutions is ~~built~~ dependant on the idea that people dont really give a shit about people; and that the constitution is a joke. I mean what the hell does due process really mean if the cops know that it only means something if a lawyer gets into it, a lawyer who cares which rules out most lawyers. What does the right to a trial by jury mean in the south when for every reversal CB gets because of exclusion of Negroes from the juries, 20 Negroes or 200 or maybe 2000 Negroes in this part of the country get convicted by unconstitutional juries and they have lawyers representing them. But I'm getting away from what I started to say and that is how CB told me that when he came back to Georgia to practice he decided that the only really worthwhile ~~thing~~ thing he could do was to see to it that whenever he had the opportunity to defend someone, whether he was retained, or appointed by the Court, or just heard about it and felt he could somehow find the time to take the case, he would always give it everything he had. I dont know how many times he ~~has~~ has gone into his own pocket to pay for transcripts, or paid the rent for some guys family. But this is what is important to him and it has been important for the 10 years he has practiced here, where to give someone an adequate defense is really to risk your own life on many occasions and yet he has never turned from this feeling and I remember talking to lots of guys practicing where there are Court appointed cases and remember them telling me how they went into the first couple of cases with this kind of great enthusiasm, but how after a while you fulfill your role as an attorney by advising your client to cop a plea. Because the system doesnt let them do anything ~~more~~ more unless they want to be some kind of an outcast, which very few people will willingly do.

The longer I sat at this typewriter the more I am convinced it will be impossible to ever get this letter written because I have put off writing for too long and there is just ~~so~~ too damn much that can happen in these weeks, and too many important things that I just have let pass out of my mind, and there is also a kind of loss of sensitivity, or maybe becoming jaded is a better way of putting it, which happens to you after a while down here so that you cant really recall what is important because very little stands out as "shocking" the way everything used to be shocking. I remember talking to Len Holt who is a Negro lawyer from Virginia and tho a very wierd guy, a ~~damn~~ damn competent lawyer, and he ~~had~~ had read someting I had written and told me that it was interesting to him because so much of what I had talked about was stuff that happens to him every day, every minute, and because of this he doesnt notice it and isnt aware of it until he saw it written down. Its Sunday now and it is 4 in the afternoon and I am really getting pissed off at having to write this; annoyed at the compulsion I have of putting down every little thing that I can remember about who I see and what people say and what is happening in their lives and in my life - because I really want to go outside as it is a very lovely day, the first nice day in quite a while. And the worst part of this is that I have 3 weeks to cover and have on

I just came back from Frank's, had a cup of coffee, and am feeling better about things in general and especially about this letter. Randy just came into the office, he is back in from Cuthbert, Ga. and going right back - things will be breaking there soon and he ~~am~~ wants to talk to GB tomorrow morning.

If I try to do this in some kind of chronological order I find it is impossible - and why I feel I have to do this in that order is beyond me except that I think that I ~~was~~ will leave out less that way - but I see it makes only sense to me because I'm here, and it must be hard as hell to follow if you aren't very familiar with all the people, places, and most important changes, mentioned here. So if I work in chronology I should talk about ~~Bank's Candy Company~~ which happened Tuesday after the Monday on which we went to Wheeler County. But not that much happened Tuesday with ~~Bank's~~ and it only gets important this week after I have come back from NY so I will just tell the whole thing about ~~Bank's~~ crossing time, and then go back and try to carry things up to date in other respects. And as a complete aside at this time I just remembered something funny about time and remembering time that happened in Wheeler. Wiley Hall was trying to remember when the events took place - he was trying to date it, and he finally said, "it was the Saturday before the first Sunday", which I didn't understand, but CB explained that a lot of country people date events around each Sunday in the month as that is the only day they are really a conscious of, as so much of their life revolves around the church. So they will tell you that something happened a few days after the third Sunday, and like that. But about ~~Bank's Candy Co.~~

~~Bank's Candy Co.~~ Company is a white owned company in Albany, but it employs a very large Negro work force. The reason I am leaving their name out is that I don't want to take the chance on having this stuff drift back to Albany. Anyhow they have a lot of federal contracts, and sell stuff throughout the country and overseas too. The guy who owns it is a very strange guy - into a heavy paternalistic bag with extreme feelings of guilt about what has happened to Negroes here in Albany - this description of him by way of a lot of people who have dealt with him. Fuck it, Phil, leave all this shit out about the Candy company as I really don't want to get into it as it might have bad repercussions for CB. What happened, quickly, is this. Bob, the owner, comes in here with his Atlanta lawyer ~~xxxx~~ and tells CB they want to hire a local attorney and want CB to represent them. Now this is unheard of in Albany, Georgia, that a white company should have a black lawyer, and CB was extremely sceptical, and told them that he would not for a moment tolerate being used as some kind of front man for their shitty dealings. They assured him this would not be the case. They are in the middle of having a union being organized and he told them he would not represent them in dealings with the Union and they said that was fine with them. So he decided to try it just to see what it was all about, because he felt that maybe being inside the Company he could do more than just trying to work from outside. But the whole thing turns out to be no good, in that people in the union have gone around saying that CB sold out, so we wrote a letter to Mr. Bob telling him to forget it; that CB's only responsibility is to the black community, and that their system doesn't let him do anything else. Anyhow, leave all this shit out.

The only other thing that comes to mind about the week before we went to NY was the letter from Semmie Lee Willis. We get this letter telling us that he is a Negro in the Sumter County Work Camp (I get the feeling I wrote about this before, and if I did please leave it out) and that he has been sentenced to 33 years on an assault and a burglary - which is ridiculous. So I wrote back and asked some questions like whether he had a lawyer, which I knew the answer to, but this is the form... and get this letter back which is from a white prisoner who explains that he is in the jail with Semmie Lee and that he is writing it for him as Semmie is illiterate; and it is a very nice letter and very intelligently written, and he capitalizes Negro and talks about how Negroes are excluded from juries, etc. So we write him back with more questions about Semmie's case before we go up to talk to him

So he writes this long letter back answering all the questions, and also writes a letter about himself; that he will be released from jail soon, and that he wants to sue the county officials on some wierd theory about a conspiracy to deny him his rights, and tells us that he is ~~from~~ from Dawson (Terrell County, terr~~ibly~~ Terrell as its called) Ga and had a couple of years of college at Georgia Southwestern College in Americus, and was arrested for writing bad checks. He said he would come into the office after he gets out and I am looking forward to meeting him. But about Semmie Lee - the usual story of being arrested for assault against a white man when he was 18, tried in Court, never told he had a right to an attorney, nor any offer to appoint one as he is an indigent, and sentenced to 33 years in jail - and the sentences are a 20 and then a 10 and then 3 running consecutively so that he will have to do at least 20 before he can start working on good behavior against the next 10. And of course the problem comes up of how do you take on this case too with all the other ones we have already, and knowing damn well that he couldnt possibly get the money together to pay for the transcript, let alone attorneys fees, and then we get a letter from his mother about how she is praying for CB and all that...so we will be going up to Sumter County to see what we can do for him. And then a couple of days later another letter ~~from~~ from the white guy, this time about another Negro, doing 20 years, in the same kind of situations.

Anyhow, thats what the week before we went to NY was all about. We lef for NY on Friday morning. Or rather Wendy got a ride to Atlanta a couple of days beofre that, and Don Harris and I drove to Atlanta Friday a.m. to pick her up and continue on to NY. We left Atlanta about 7:30 p.m. and got to NY aroudd noon the next day. We had Steve (my youngest brother's) Olds which he left in New Orleans and I went to pick up a few months ago, and we made great time. Harris has deciddd ~~h~~ that he is going to law school and evtually hopes to come bak here and pactice with CB, which would be a beautiful thing. It is very important that another Negro come down here, important for CB, and important for the communify, but he has to be a very certain type of person, and without being able to say what that entails, Don Harris is exactly what is needed. The longer I am here the more I realize that being white is a fantastic handiap and that all I can do is perform a kind of temporary ~~exp~~ stop-gap function for a while. Becuase I can work in the office, and do research and ~~h~~ write briefs, etc., but aside from the shock value of appearing in court with CB, it is a thousand times more important for the person representing a Negro to himself be a Negro, so that he can articulate what the people need and feel and not have it done through a white voice - but this person must be someone in very direct touch with the people someone who understands everything they think and feel - and in this respect I cannot do a thing while Harris would make it completely. This is a big problem for CB because in a funny way he is remote from the people he works for. This is partially because he has to be, because it is part of the "I want to see my lawyer lookin good" thing that so many people here have - which demands that the lawyer be someone different and apart; but also~~k~~ because he doesnt really have time to be with people, and also because he is very different from most of the people here in the way he thinks; and in this respect Harris is so different as he ~~an~~ can communicate beautifully with everyone.

I have just spent the last 4 hours talking with Roy about whats happening in Moultrie and am ~~msst~~ much too tired to work on this any longer so will ~~sned~~ sned it off and write the rest tomorrow or whenever I get some time.

Dennis