

COUNCIL OF FEDERATED ORGANIZATIONS LEGAL GUIDE

Legal Coordinator

1017 Lynch St.

Jackson, Miss.

We cannot hope to provide a complete guide to the law, your rights, or what you should do. However, COFO has worked out certain guidelines which should apply to almost every situation. There are now in the state attorneys from the NAACP Legal Defense and Educational Fund, Inc., the National Lawyers Guild, the Lawyers Constitutional Defense Committee, and the Lawyers Committee for Civil Rights Under Law. In addition, there is a group of law students available to us through the Law Students Civil Rights Research Council. The students are to clerk for whatever lawyers are in the area working on COFO cases, help work up evidence for suits, and be the local channel for legal problems. No suits are to be signed or brought or lawyer retained except through the Jackson legal office. When arrests occur in an area having a COFO volunteer attorney, he would normally be assigned to the case, but the Jackson office must still be requested to make the assignment. This can be done when the call is made informing us of the arrest.

ARRESTS AND POLICE

1. Don't give out local people's names, addresses or phones. Beware of "friendly" conversations with police. They might well be trying to get some information against someone or against the project and trying to trick us. Be guarded but always polite.
2. Registering with the police. Some people have registered--including having their pictures and finger prints taken--feeling that the local police would offer protection. Others have just given their names and COFO address. Others refuse to go down to the police station unless arrested.
3. Make full reports of all harassments, arrests, beatings, suspicious cars (license plates, make, year, model, and color) to the local police, sheriff, highway patrol, FBI, Justice Department and, most important, to Jackson COFO.
4. Don't go anywhere with a policeman unless you are under arrest.
5. If you are under arrest, you have a right to know what law you have violated and what the charge is.
6. Be sure to ask for receipts itemized for every item taken by the police.
7. Ask to make a phone call for obtaining legal aid upon arrival at the police station. You don't have to tell anyone who that might be. Call your local COFO office, or if that can't be done, call Mr. Jonathan Smith at 352-9478, collect.
8. Don't worry if a lawyer doesn't immediately come. We are working on your case and many others.
9. Remember to get exact descriptions of the police, and names.
10. To local project office: Call Jackson COFO staff phone, 352-9478. Report names, ages, race, organizational affiliation, home address, project phone and address, date, time and place of incident, the circumstances leading up to the arrests, police descriptions, jail location, charges, likelihood of danger, hearing or trial dates, whether affidavits were taken, what contacts with officials have been made, and the bond information as indicated below.

BAIL BONDS

1. Give full bond details when calling Jackson COFO the first time. What is the total amount needed (in cash and in property) to get the person out of jail? Who with the local project is handling the bond situation (preferably the project director or the law student)? What is his name, address and phone number?
2. List the name, age, etc., of each summer volunteer requiring bond money to be sent from his parents or contacts. Each project should have a complete list of summer volunteers, staff and local people working with the project, including names, ages, birthdates, home addresses and phones.
3. When only a few people are arrested, the local project will obtain the bail bonds. (Try to set up a local bonding committee of local residents who will sign as sureties on property bonds.) Call collect to the bond contacts or parents of the summer volunteers when they need bailing out. When larger numbers of people get arrested, call Greenwood SNCC (453-4995). Notify Greenwood when planning Freedom Days and when any bond problem arises.
4. The parents or bail contacts for the summer volunteers will wire the money to whoever and to what address the local project designates and in whatever form specified. The project bond person must obtain a receipt for each bond and send a copy of that, including the bail receipt number, to: 1017 Lynch St., Jackson; 708 Ave. N., Greenwood; and 8½ Raymond St., N.W., Atlanta, Ga. 30314. Each bail bond sender or donor needs to be sent that information, along with the trial dates and charges for each defendant.

TRIALS AND HEARINGS

1. **REFUSE TO PARTICIPATE IN ANY HEARING WITHOUT A LAWYER.** Request a continuance until you have had a reasonable chance to get a lawyer of your own choosing. This right to counsel includes the right to an attorney who will raise all the relevant constitutional issues, including segregated courtroom, exclusion of Negroes from the juries, discriminatory references to Negroes in the courtroom, etc. Therefore, do not accept a court-appointed lawyer, since in most cases he'll not help.
2. If the judge tries you without a lawyer, stand mute, which means that you are not to make any plea of any sort. Do not plead guilty, nolo contendere, or not guilty. Refuse to plead.
3. Nolo contendere pleas are discouraged.
4. Be cautious in your first hearing. What you say in the Justice of Peace, Police or Municipal Court will most probably be used to strengthen the case against you in the trial de novo in the county court.
5. Ask the judge to inform you of your rights.

REPORTS

Fully report all harassments, intimidations, arrests, trials, etc., including difficulty in obtaining or using the telephones so that proper legal aid and/or protests can be made. Each project should keep a chronological log with details (names, days, dates, times, places, etc.). Copies to Jackson, Greenwood, and Atlanta. In addition, the U.S. Commission on Civil Rights is required to investigate every signed voting complaint (Washington, D.C.).

CARS

1. Must have state license plates (and as soon as have plates must have an inspection sticker) within 30 days and operator's license within 60 days of entering state. One can be validly arrested if one has Mississippi tags but not an inspection sticker.
2. Insurance. SNCC and COFO require every car to be insured. At present, we have no means to own nor insure cars. Therefore, all cars must be owned and insured by individuals themselves. We hope that soon SNCC's Sojourner Motor Fleet will be able to own and insure those cars SNCC agrees to own. Contact Atlanta SNCC, Mrs. S. D. Johnson, about this.
3. Drivers. Always have automobile registration in glove compartment. Only the owner or duly authorized person can drive the car. The latter must have written and preferably notarized authorization.
4. COFO requires all cars used by us to be registered with this office. Copy the car's registration form, including the date entered the state, the license plate number, operator's license number, and complete insurance information.
5. In case of accident. First aid the injured. Call an ambulance if necessary. Get the license plate numbers, the make and year of all cars involved and names, addresses, and insurance companies of all drivers. Call the police, but don't discuss who was at fault. Be sure to file the complete report with the Mississippi Highway Patrol within 24 hours.

SECURITY

1. Lock all COFO buildings at night and have the front door closed, if possible, during the day. Don't allow a policeman to enter, unless he has a valid search warrant. Consent or failure to object at the time waives one's rights. Search warrants are illegal if: they are for the "premises," they vary from the affidavit, have no return date, person in charge of the premises isn't given a copy of it prior to the search, or if it is a "John Doe" warrant. Treat automobiles as buildings, except that they are much less secure. In arrests, searches can be made of the immediate vicinity, but subsequently warrants are necessary.
2. Don't allow anyone to wander about your office or freedom house. Be strict about checking credentials and control visitors. Accept no additional workers unless they have been assigned by COFO. Call Jackson about any special problems.

LAWYERS

Attorneys are sent out upon requests given to the Legal Coordinator in Jackson. No suits are to be filed or trial work done without our O.K. and assignment.

COFO AND THE CIVIL RIGHTS BILL

1. Public Accommodations. Concentrating on political rights such as voting, education and eliminating violence, COFO is not at this time sponsoring demonstrations for desegregation of public accommodations. However, certain rights of citizens are more clearly defined now. In this regard, when non-compliance with the public accommodations section of the new law is found, suits can be considered. Send the Legal Coordinator a statement of the facts, affidavits or signed statements of people refused service, and signed verifications, which will be supplied by your law student or this office.

2. Voting. A form (based on the CR Bill) to request from the Registrar a copy of the test taken by applicant, together with his answers, is shown below. We request every Project to duplicate this form for each county in which they work. Prospective registrants (or re-registrants) should submit this form to the Registrar together with self-addressed, stamped envelope.

When reproducing this form for your own county, please be sure that the name of your county and the name of your registrar appear. The only blanks on the form should be for name, signature, dates, address.

To: Registrar of Sunflower County
Re: Request for Copy of Registration Test and Answers

I, _____, pursuant to the provisions of Title I of the 1964 Civil Rights Bill, do hereby request Cecil C. Campbell, Registrar of Sunflower County, Mississippi, or anyone acting in such capacity, to furnish this applicant with a certified copy of the registration test and of this applicant's answers to this test within 25 days of receipt of this request. I took this test on _____, 196_.

Applicant's Signature

Submitted to the registrar this ____ day of _____, 196_.

Attached: Self-addressed, stamped envelope

Name _____

Address _____

ATTORNEYS' PROJECT

Some attorneys have pointed out that there are times when it would be useful to have some contact with local whites in the power structure or law enforcement agencies. At the discretion of the local Project Director, lawyers can help set up such a line of communication.

PROTECT LOCAL PEOPLE

Do not take any statements or affidavits from local people, or ask them to serve as plaintiffs in any action, unless they know exactly what is happening. Every party to an action must fully realize the nature of what he is getting into and the risks involved. This does not preclude us from encouraging people to fight for their rights.

THIS IS THE LAW OF THE LAND

Title 18, U.S. Code, Section 241, CONSPIRACY AGAINST RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;

They shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.