

Nov. 28, 1964

Dear Friends,

Tomorrow or Monday I am going to New Orleans to pick up my brother Steve's car. There is a Miss. Freedom Demo Party Convention in Biloxi, Miss., which will last for a few days, and some of the people from SWGa are going, so I can catch a ride. It's about 100 miles further to New Orleans. I hope to be able to get in a few hours at the Convention, but taking off in the middle of the week is tough, so I won't have too much time. I stayed in the office late tonight - trying to get everything ready for the trial(s) in Americus on Monday. Harris has the riot charge left over from the insurrection and other arrest last August. Ralph Allen Perdew, and McDaniel also have some assorted charges, but we aren't sure if they are going to try all of them, or just Harris. The Solicitor, Pace is on his way out of office. He lost in the Congressional race in the 3rd district to a Goldwater Republican. He says he wants to try one more of these cases before leaving office. It seems that the new Solicitor doesn't want any part of these cases, so if they don't try them this term it is over with. We drew up a plea in bar arguing that as we asked for trial last November Term (the Superior Court meets twice a year in Sumter County, the required minimum) and they didn't have it and as they didn't try in the May Term, under Georgia law they have to discharge. They will argue that since they nolle prosequi the cases, they still have another term on the new indictments. The law is on our side, but they have the ability to control the facts, so... Also finished up the motions to quash the indictment based on systematic exclusion of Negroes from the grand and trial juries. Until last year they never had a Negro on any jury list. Now they put on 14 (out of 1071 whites), but none ever get on a trial jury. Last term they were listed alphabetically out of order, but they fixed that up this term (the last year's list precedes this year's list in the books of the Jury commissioner). We also worked up a bunch of questions to put to prospective jurors on the voir dire; ie. Would you believe the word of a white man before that of a Negro? Are you in favor of Negroes being treated exactly as whites?, etc. The Judge is very careful to allow reasonable challenges for cause as he doesn't want a reversal on that ground. Last year, in Ralph Allen's trial for assault, it took 2½ days to select the jury. This is good strategy when you have a panel of lawyers who can rotate and stall the trial that way, but CB does it himself, and wears down the entire judicial machinery of the Court. The Judge has expressed himself privately that he would rather never go through that kind of a trial again.

I also drew up a motion to quash (jury question) and demand for trial in the case of State v. Artis "Bobo" Brown. Brown worked with the Movement in Americus ~~last year~~ two years ago (when it first got started). After that summer he drifted off. Last June, right after the May Term of the Sumter County Superior Court, he was arrested and charged with rape (of a white woman). His bond was set at about \$5000. but no one would go it, so he has been sitting in jail since then. The Grand Jury just heard his case and no billed the rape and indicted him on motor vehicle larceny (I don't understand this either). So anyhow, CB has been asked to represent him. He claims that he was arrested because he used to be with the Movement. Which is probably true to some degree. He was probably arrested because some white woman was raped and he was the first Negro they grabbed. What I don't understand is why the Grand Jury let him go.

Today the first two Negro cops appeared in Harlem. It was kind of wierd sight. A lot of little kids were crowding around them - they had never seen a Negro cop. These guys have to be better than the crackers who used to patrol Harlem. I guess The Chief thinks that Negroes won't throw bottles and bricks at other Negroes; or maybe he doesn't really care if they do.

At the beginning of the week I spent two days on a memo regarding demand for trial. This is the Georgia provision that ~~it~~ allows you to request a trial within two terms of the Superior Court, or the case is discharged - part of the Constitutional guarantee to a speedy trial. Only in some counties you wait an entire year for two terms. Anyhow some of the SNCC workers had some old traffic charges hanging over them in the Albany City Court. CB had filed a demand for trial and requested a jury in these cases as they were obviously harrassment arrests. A couple of them are over a year old. Anyhow I spent all this time writing a memo to convince the court that it had to try the cases this term or discharge them; after I finished, the Judge called CB and told him that he was going to dismiss the cases if the Solicitor didnt call them this term - this without the memo.

While I think about it; Guy Touchstone is dead. Guy was the overseer of Ichauway Plantation in the Charlie Ware case. Other local deaths are Cull Campbell, Sr. (the sheff of Dougherty who hit CB with the cane), and a horrible sheriff from a county south of here. And the people continue to pray.

When we were up in Americus last Monday - we had to go up because it was the first day of their Superior Court term - a funny thing happened. They called the civil calendar first, and as prospective jurors were sittin in the Court Room they asked anyone related to any of the parties suing to please stand. An old Negro man who was a witness in the case, and misunderstood what was requested, stood up. Both plaintiff and defendant, (white) turned purple, and the entire courtroom fell out laughing.

Phil: I am enclosing some things you might be interested in. A copy of Voice of Americus and S. W. Georgia, a newspaper which comes out about every three weeks. It is put out by the son of the man who runs Koinonia Farm (Jordan), and Collins McGee, a very sharp young Negro guy from Americus. Alot of the local kids work on it, write for it, and circulate it like crazy throughout Sumter County. It is far and away the best paper of any type in that county. They even have some white people subscribing (note the 50 cents extra for a plain unmarked envelope mailing). Zev has promised to send me them when they come out, and I will forward them to you if you are interested. The other thing is CB's congressional platform. Notice that he does not run as a Negro, but as a Populist. ~~WE~~

~~are still looking around for a place to live.~~
We are still looking around for a place to live. Wendy saw a nice little duplex in the Negro neighborhood (Corn Ave for those who know Albany) with a for rent sign in one side. The realator was white. She went down to his office and asked if the place on Corn was still available. He went through a whole lot of stuttering and mumbling and said "no, it's not". She asked if they had anything else "in that or a similar neighborhood." "Absolutely not". She came to the office to tell CB and I about it CB called down to the tax office and asked who owned the house. It is owned by a local Jewish businessman-realestate dealer. (oh, after Wendy left the office she went to Carol King's and when Carol called about the place it was still available, so then Wendy came over to tell us). So I called Mr. Cohen and asked him if he ~~was~~ really was interested in renting his house and told him what happened. I guess he figured I was interested in renting the house for some domestic help or something because he said he couldnt understand it, and was sure that the person who later said it was still available was mistaken - but he would call the realator and check. He called back about 2 minutes later. (When Wendy inquired about the house originally, the guy asked her who she was renting it for, and she told him for herself and husband). So Mr. Cohne asked me what I did for a living. I told him I worked for Attorney C. B. King. Wow! About 2 minutes of stunned silence, and then a whole lot of stutterin ~~and then he called back and said it was still available.~~ So he did. He said it was

in fact vacant, and that the realator was wrong originally, as he had gotten a deposit but the people cancelled out. And if we were interested we could look at it - if we would sign a lease (unheard of in Albany, Ga). So I told him we would look at it. He wanted to know how long we would be living there, etc. I told him I had no idea, but I would sign a year lease if I liked the place. So I guess we can rent it. Avarice must have gotten the best of his principles.

Tomorrow, Sunday, we will just try and relax. I h just heard from Randy Battle. We are leaving for Biloxi, Mississippi on Monday, early morning. I tried to convince him of the wisdom of driving through the night as I dont exactly relish crossing Georgia, Alabama, and Mississippi during the day, but he decided against it. But it is a fast car. SNCC has quite a few brand new cars now - they are stripped of everything but essentials, with a premium being placed on speed.

Dennis