

November 25, 1965

Dear Phil:

My typewriter doesn't have any ribbon, so this is being typed through carbon paper - and therefore I have no way of reading it as I go along, so you will understad if it is full of mistakes.

I searched the Atlanta paper for word of the VDC march in Oakland on the 20th - NOTHING; and CB says he didn't see anything about it on t.v. The only word I got was a couple of days before when an article in the Atlanta press said that the Hell's Angels announced that they had decided not to take part in a counter-demonstration.

Enclosed with this letter is an article I wrote about Rev. Wells case for the local press. It was a very interesting series of events which showed that, federalism notwithstanding, the State and Fed Govt can very easilly work together when it comes to the suppression of justice. Wells was charged with "distributing insurrectionary papers" which the State contends led to the Harlem (Albany) riots. We brouhgt an injunction in Fed Court (3 Judge court) seeking to declare the statute unconstitutional and also to enjoin the state criminal prosecution - something rarely done because of "federalism" - but which had just been done in the Dombrowski case where the State HUAC seized SCEF's files and Dombrowski, Smithz & Waltzer were arrested on Sedition charges (because of their memberships in SCEF and the Nati nal Lawyers Guild. The only way to distinguish the two cases is to keep Donrowski in a "suppression of civil rights speech" context and to see Wells as a forerunner of the Harlem (NY) riots and the Watts riots - which is probably what the Court did tho they didn't articulate it this way. Anyhow the 3 Judge Court turned us down and the USSC agreed with them. Therefore, to keep the State from bringing its criminal prosecution we removed to Federal Court. We filed removal petitions on Nov 5 in Albany. On his own motion, and without a hearing, Judge Elliot remanded the case to State court in an opinion dated Nov. 8 in Columbus. Since Nov. 5 is a Friday, even assuming that he got the removal on Saturday, it would mean he sat up Sunday and wrote it. More likely this was all done by phone. But tho the remand was dated Nov. 8 it was only marked filed in Albany Fed Court on Nov. 15 (by some coincidence the first day of the Dougherty Eounty Superior Court criminal term). The opinion was marked filed at 8:30 a.m. At 9 a.m. the Solicitor called the case for trial and since neither Wells nor CB was there, forfeited the bond of either \$1000 or ~~\$2500~~ \$2500 (I forget which) When CB heard about the forfeiture he rushed over to the Fed Court where he was told by the Clerk that the remands had indeed come down and was filed that morning. She had his copy on her desk to be mailed to him later that day. She admitted that the Solicitor was informed of the remand by "means other than the US mail). CB then filed Notice of Appeal of the remand order to the 5th circuit which automatically stops the state proceeding - then went to the State Judge and asked that the bond be reinstated - wh ch the Judge did tho it pissed off a whole lot of the Crackers sitting around. The Judge is a pretty honest guy, and will try very hard to make honest decisions tho this is difficult in this context. Also the Negro vote

put him in office and he knows it. Because of the local p essure he reinstated the bond but said he would call the case for rial in 2 days - tho he confidentially told CB later that he knew # was wrong. But the Solicitor insisted on going to trial in spite of the fact that an Appeal had been filed in Fed Court. So we had to get an Order to Stay the state trial. The next day CB called the Clerk and was told that Elliot (the Fed Judge) was in Columbus (90 miles north) so I drove up ther to discover that this was a lie and that he was in Thomasville - 60 miles south of Albany. So back to Albany and then down to Thomasville. As usual he kept us waiting from 2 pm until 5:45 pm altho t ere was a recess durin which timex he could have granted us an audience. But this time we had His Honor by the short hairs. We drew up an motion to Stay which alleged fully what happed Going into great detail about his remand wit out notice on his own motion ad no notice to us tho notice to the Solicitor who insisted on going to trial in spite of a notice that an appeal was filed with the 5th Circuit. We had Howard Moore waiting in Atlanta to go to Judge Tuttle of the 5th Circuit in case Elliot turned us down but it wast necessary. Elliot about shit when he read the Motion. Visions of what the 5th might say in their opinon about this whole business danced through his head. First he balled out the Clerk and put the whole thin about the week delay between remand and filing on the Clerk. Then he asked CB what "all this unnecessary business about nox notice was doing in this simple Motion to Stay" "After all, all you are interested inis the Stay, right?" We said yes, but "just want e the record to be imminently clear" Well the Judge went on abouthow there there was no point in cluttering up the record with all this extraneous business and went on to say that he would grant an ORAL motion to Stay - which he did. And "why dont we just dispose of this written Motion. CB was playing it like a gentleman and said o.k. and the Judge heaved a great sigh of relief as CB ripped the Motion up. Then Elliot got veryx pally with CB and told him how he "didnt want this to have a bad reflection on the Clerk's office" So the next morning CB threw the Order granting the Stay of the State proceeding on the State Judge's desk - who was very happy - and now the case will drift for a few more months.

The week before I came out to California a really strange thing happened. A young Negro cat from Terrell County, correction Lee County, camd into the office and wanted CB to represent him. He had gone to a little grocery store in Smithville and gotten into an argument with the proprietor which ended with him cuttin g the cra eker from ear to ear. Well we showed up on the day of trial and busied ourselves in checking out the jury lists to build our case for systematic exclusion of Negroes from juries. The Judge is T. O. Marshall, the same judge as in Americus who is about sick to death of GB and the thought of going through a long trial with him sends shivers up Marshall's spine. They didnt call the case and the next morning when we picked up the mail there was a letter from our client. It was written on blank stationary (typed) and came in

but signed with our
client's signature.

an envelope bearing the Sheriff's seal and return address. The letter, purportedly from our client who is stone illiterate, went on in legal language to advise CB that he was no longer interested in having CB represent him but was going to plead guilty and throw himself on the mercy of the Court. It put CB in a very tricky position because they are looking for an opportunity to disbar him so there was really nothing to do. The guy seemed pretty strong so we hoped that maybe he had worked out a deal where he would get a light sentence for agreeing not to put the Judge through the agony of having to face CB. Well, we called up the Clerk this week because I had been bugging CB to see what happened to this guy and if he got screwed to perhaps go in on habeas. The Clerk said they never called his case this term so it won't come up again for 6 months. Meanwhile the Solicitor of that circuit - including Americus - Charles Burgamy who is one unmitigated swine just blew his brains out. They found him dead in his office and report it as a suicide. No news has made me happier this year.

We've got a rape case in Bainbridge (on the Florida border). A young Negro guy charged with "rapin" a virtuous white maiden. His story, and it seems very plausible, is that he left a Negro juke joint and this white girl came up to him and asked him to drive her home. She said she had a fight with her boy friend and got out of his car. She directed him up a lonely dirt road, told him how pissed off she was at her boy friend, asked him to beat the boy friend up if he had the chance and then asked him if he's like some white pussey. Our hero scratched his head and agreed. They went into the woods where he slipped it to her and then got back to his car where she asked him where he's like to meet her the next night. While trying to back out of the road his car skidded and went into a ditch. She started walking one way and he went the other. A minute later a car coming down the road stopped for her. It turned out to be the boyfriend who had been cruising for the last hour looking for her. To save her reputation she came up with the rape story. And so our man faces the chair. But we had the commitment hearing and CB was beautiful. First of all the chick looked like about the cheapest whore ever made. CB ripped her apart on the stand, and sent her off the stand in tears. I was sure we'd be lynched before we left. Our client is still in jail awaiting trial in May. He said if he ever gets out of this he'll never look at white pussey again.

Also have an interesting "property" case. A guy in Moultrie has the habit of going to the loan sharks and small loan agencies constantly. He earns about \$50/week and is killing his wife and kids with his debts. So last year his wife agreed to put a mortgage on her house and pay off all his outstanding debts if the loan companies would sign an agreement with her promising not to loan him any more money unless she signed with him. Now one of the companies just loaned him \$75 which he can't repay and they are threatening to

go to his boss - here they dont bother with garnishments. They simply go to Mr. Charlie who tells his boy he'll be fired if he doesnt clear up the debt and lays him off until its paid back. Since this will work hardship on his wife and family she w nts to sue to loan xx company for a breach of contract with her.

Our most recent case is another capitol felony. A 19 year old guy and his 14 year old brother and a couple friends from rural Marious County outside Ellaville, Ga were out on a Saturday night. They were outside city limits when they noticed a city cop following them. When he blew them down they didnt stop as they hadn't broken any laws and just kept on drivin at a normal rate of speed. He continued after them and opened fire. Their car finally crashed and the cop and his ~~boy~~ buddy, not a cop bugt just a local cracker who ~~is~~ rides around with the cops, pulled them out of the car. the 19 year old wasnt fast enough getting out to suit the cop who hit him in the head with a club, opening a large gash right next to his eye. That's the last thing he remembers. Meanwhile his 14 year old brother who is in the cop car yells "dont hit my brother" The cop's friend, who is holding a rifle and a pistol hits the kid and tells him to stay in the car. The 19 year old grabs for the club and the cop yells to his buddy to shoot him - which he does, hitting him in the fin er. While distracted the 14 year old jumps out of the car, grabs the cops buddy's pistol, goes up side his head with a hog knife, causing this cracker to drop the rifle and pistol. Then the 14 year old empties the pistol into the cop who is still beating the 19 year old with the club. So they are planning to ask the death penalty for both. The 19 year old is scared to death but the 14 year old doesnt seem to give a shit - he told the bastard to stop beating his brother and he got what he deserved. So we're involved in another free case,

Dennis