

February 6, 1966

Dear Phil,

I'm returning Gitelle's letters to you. I really don't know what to make of her criticism. She's right about a lot of what she says in the abstract, but I just don't think it applied to what I am saying. I didn't think it was open to question, or had to be spelled out, that a bunch of NY Jewish liberal lawyers just can't assess what is happening in the legal developments of the movement on a week or two vacation. Yes they did a good, superficial job of writing, in the same sense that everyone who writes any article on the South picks out a couple of horror stories and makes good journalism - and I don't mean to criticize that. All I want to point out is that that itself is ~~the~~ one of the problems; that people don't go to the most likely and informed sources but rely on a vacationing visitor to tell them where it's at. To me it's the same as if Shriver wrote an article on WRO; it would be informed, tell a couple of "cute" stories, and hold people's interest. But a valid criticism of it would be simply that it is just superficial bullshit and if you want to know about WRO ask Ellie or the lady whose roof burned off her house. I think that in these situations you can say "this isn't the book I would have written" because you are really saying "this book shouldn't have been written, it is just another tome thrown on an overwhelmingly huge pile of shit already in print". However, I felt that I could say the same thing without really having to come out and viciously attack these poor well-meaning bastards, who themselves aren't at fault. She's right about what Len Holt said about the Inc Fund, but Holt isn't working for CB who depends financially on the Fund, ~~xxxx~~ not only to keep alive which isn't that important to him, ~~xxxxxxx~~ in terms of having to get money from them, but to get them to pay the costs in raising cases that would otherwise go by the board.

Your points about Stalinism are well taken though I still have some reservations about your position, or whether I made my position clear enough. I don't think I am saying, or at least don't mean to say that you should "appease" Stalinists by not antagonizing them. That alone is the same as saying you should tone yourself down so as not to alienate nice liberals, and it is just as much bullshit. The distinction I want to draw is between baiting them when it is unnecessary, or not. In other words, if you throw "Mao is a fascist" into every article, whether it adds anything to the article or not, or whether it is forced in, out of context often, just to make sure of "ideological purity" than I think it is best left out. The question is whether it adds to the article or not. If you are writing about Mao then it should be in there. If you are writing about ~~the~~ the grape strike in Delano, then it has no place, and if there are Stalinists working with the strikers but are not using them (the strikers) in any self-serving sense, then an attack on the Stalinists would be unnecessary. Everytime Norman Thomas speaks he prefaces his remarks with an anti-Red disclaimer. The point is, who gives a shit - the SP purists know he isn't "Red", the general public doesn't believe him anyway, and there are some people who might listen to what he has to say but are automatically ~~turned~~ turned out when they hear this. That's my only point. I certainly don't have any argument with you about Stalin being a butcher, though I don't know a whole lot about the ~~xxx~~ whole sordid period. Maybe that is terribly morally wrong, but I have always been able to make distinctions in my mind about who was being murdered. To kill

left political opposition is wrong - to kill cops isnt. You can sa that Fidel and Bastista were both murderers but I dont find the comparison meaningful. It is like the business about the "Viet Cong atrocities in Saigon" which the US feels should cancel out the horror we perpetrate in the rest of Viet Nam, North and South. Zinn had an article on this in a recent Nation which was wathwhile. Maybe in the ideal world it would all be wrong, but I guess in this one I can go on drawing distinctions between good guys and bad guys. I've given this some thought in terms of the South. I mean, were a revolution to come tomorrow, would I murder to protect it. You're damn right I would, and with a special relish. I have a little mental list right now of the bastards I would love to put up against a wall. Maybe the distinction is that I could shoot down all the cops but not the loosing faction in SNCC. Please understand that most of the foregoing is not terribly well thought through, but a visceral reaction to the problem.

I havent written in a ~~whis~~ long time and am having trouble recalling what has been going on since I last wrote. I wish I could force myself back to the weekly letters but I just cant. Right now I'm pretty tired of Albany, Georgia. Much as I love the work and am very emotionally involved with people here, I feel a strong urge to get out and go somewhere else. Wendy has started talking about going back to school in Pre-School Ed as she feels she has a lot to learn and now is certain this is the kind of work she wants to do. With this in mind we have been talking about going to NY in the fall - if I can figure out something to do there. I still havent heard anything from Kinoy but when I know I'll let you know. I've been getting very interested in Welfare cases - we now have a couple of things going which I instigated and CB is sharing my interest. I dont remember if I wrote you about the lady in Worth County who was taken off under this insane interpretation of the substitute father rule. (let me know if I didnt and I'll gok into more detail) - anyhow the Inc Fund has prepared a complaint attacking the rule as applied by the Arkansas Dept of Welfare and when we told them about our case they added it to the complaint which they filed the other day with HEW. Our other complainant is Mrs Gracie Miller in Baker County who has been threatened with being taken off Welfare (AFDC) if she lets SNCC workers sleep in her home - they would then become substitute fathers also. Our new case involves a woman who was divorced before her husband died. Therefore she is not entitled to any of his social security, but her kids get about \$160/month from his social security. She is totally disabled, but they wont givex her disability compensation (the Welfare Dept) because they told her she can live off her kids social security check. This is absolutely insane as it is a violation of fed law if she is to use her kids social sec money for her own maintenance. So we will probably raise hell about this too. It looks like CB will probably get out to California on Feb 16-17 for the Welfare Conf. and he is supposed to address some sort of large meeting. It seems OEO is paying for this meeting and one of the provisions is that they "involve the community" so CB says they got them a boot to talk to the poor folk. But he wants to see Calif so he figures its worth it.

I'm enclosing a picture of CB taken at the Mobley case. They found him guilty and the jury recommended electrocution. One Negro on the jury, a pathetic tom. Federal ~~electrocutions~~ death penalties are very rare - but of course this is a Negro charged with murdering (in the course of bank robbery) a white man. We talked to the Clerk of the 5th Circuit in New Orleans who said the last case they had involving a federal death sentence was about 18 years ago. We feel pretty hopeful about the appeal because Elliot really fucked up. We made a Motion requesting that the Government let us see the jury questionnaires. Each prospective juror is sent one to fill out and it includes a designation of race. We said the reason for this is that it doesn't go to the government's case so they have ~~no~~ no reason to object, and that the Fed Govt should be interested in ascertaining whether they have impartial juries in their interest of the administration of justice, and our man is a pauper so he can't pay to have investigators go into the 13 counties that make up the division in which he was indicted and the other one in which he was tried to check each of the 800 and 1500 names on the lists to see who is black and who is white. Elliot turned us down saying there was "no compelling reason" - because he knows what we would find. The best part was at the hearing on the Motion where John Cowart, Chief Clerk for the Middle District testified that a large number of these questionnaires had the race omitted from them anyhow. Then the US Atty testified that of the 100 people on the trial jury panel, 15 were black. Elliot got into a very cute bag and asked CB if he wanted to see the questionnaires of those 100 (out of the 800 in the Americus Division) to test the validity of the US Atty statement - like this was supposed to put CB down - nigger, don't you trust that white US Attorney. But CB doesn't get put down and told him he damn well wanted to see the 100. So Elliot adjourned the hearing and sent the poor deputy clerk on a 150 mile roundtrip to get the cards in the ~~str~~ pouring rain. When he came back we rifled through the 100 (out of 800) and discovered that every one

had race on it. We put the deputy on the stand and asked him that one question - how many of these 100 do not show race. Cowart about shit. So, I really think we have a good argument that Elliot committed reversible error in not letting us see the questionnaires. I'm very proud of this because it was my brainstorm. The hearings were in Columbus (where the grand jury indicted him) and then he had a 4 day trial in Americus. CB and Jackson went up but I stayed here as Jackson felt that my presence might push some cracker over the line - I felt he was full of shit, but in a death penalty case I don't ever want to feel that I might ~~have~~ been the reason for it. But they gave him the chair anyhow. We went up on Jan 26 for sentencing, and at that point presented Elliot with a motion to not only allow an appeal in forma pauperis, but also to require the government to provide ~~him~~ us with a free copy of the transcript for our use - Elliot granted it immediately, I guess he's had second thoughts about ruling against us on the jury questionnaire business. While we were waiting for him to sentence our man, another ~~of~~ Negro came up for sentencing on a moonshine conviction. His lawyer said he had someone who wanted to speak in his behalf, and who should appear but "Miss Mattie" of Macon fame, who launched into a fantastic paternalistic (or is it maternalistic) bit about what a "good boy" he is and how if the Judge would put him on probation she

would keep him working and see that he didnt get into any trouble. It was a great sequel.

During the week that they were in Americus trying Mobley the Baker County Superiro Court convened. As usual, CB didnt have the vaguest idea who, specifically, his clients were. He just knew that he was representing every Negro who was arrested during the summer for a variety of traffic and other charges. So he wrote the Judge a letter asking for a continuance and put down every name he could think of. I went down to Baker alone the next day and sat in court and as soon as they called the name of a Movement person, I would just jump ~~and~~ up and tell the Solicitor that he was being represented by CBKing and to please continue the case. One of the cases that wasnt in the letter to the Judge, but who was called and I told them CB was handling, was that of Mr. Lucious Bailey - who was charged with resisting arrest. It seems that the sheriff came out to repossess his car and he wouldnt give over the keys, so the sheriff ~~hit~~ went into his pocket and then charged him with resisting arrest, tho he wasnt then arrested. Anyhow, the next day, early in themorning I got a frantic call from Mr Bailey who said they called his case and told him that he had until 9:30 to get another lawyer. I toldhim to just tell them that he had a lawyer who had an official continuance and there wasnt a way in the wrold they could try him. About noon he called back and said they told him they didnt give a shit, they were going to try him at 1:30 and if he didnt hire another lawyer before then they would try him without a lawyer. The judge was there so I explained the whole ting to the Judge; that he was represented by Atty King who was in Fed Court, and that he didnt want another lawyer so they couldnt try him. The Judge told me that he was trying him at 1:30 and that he didnt believe that Bailey was represented by CB as his name wasnt in the letter. I told the JudgeI told the Solicitor that he was representing him, but the son of a bitch denied it. Then the Judge said, I'm trying him after lunch and if you want to come down and represent him, you can, but he's going to trial. I told the Judge I wasnt a member ofhte Ga bar but he said it didnt matter,he'd still let me represent the man. So there was nothing else to do. I guess the bastard thought I would just come down and~~please~~ plead him guilty. At this point I had about 20 minutes left, and it takes 30 of normal driving to get to Newton - so I grabbed the first old jury exclusion motion I saw (which was completely inappropriate in this case) and drove down at about 90 mph. When I got there I frantically started drawing lines through it and changing it from Colquitt County to Baker County and chaning the names of the Defendant and the crime, etc., also the population info - it looked like hell when I was done, all scribbled over in penx and pencil. So the Judge called me up and asked if we were ready.~~xxxxx~~ I said we were, subject to having a reporter present as we intended to plead not guilty, and wanted ajury trial, and that I also had a jury exlusion motion to file with the Court. The Judge about shit, told me to sit down, and had a hurried conference with the Solicitor. Poor Mr. Bailey was scared to death; "they sho going to put me in jail today" but I told him they wouldnt try ~~hm~~ him today. Sure enough the Solicitor made some announcement about how he wanted the case continued to give him time to disprove this scurrilious attack on their jury

system, and alot of face saving stuff, but they didnt try him and continued the case to next term. So I won my first case.

Other Baker County tidbits: About a month ago the Klan rode. They caught a young Negro guy who has nothing to do with the Movement and handcuffed ~~him~~ him and were about to take him into the woods when his white boss showed up and told them to release him. Also, Wendy and Carol are working with the Movement to set up a Head Start program this summer. They went to the Supt of Schools who not only gave them a letter stating that the Bd of Ed wouldnt sponser their own head start program (which you need before you can sponser one without the School Bd) - they are afraid they would have to integrate it; but he also promised them the use of the Negro school. I guess he's had so many HEW investigators into his office hes afraid they might not give him all of those Title I goodies if he refuses to cooperate with a group who wants to sponser a head start program. If we can get this off the ground it will be a fantastic achievement for the movement as they will run the program themselves, from Administrator down to the cooks and janitors - and the Movement, at open meetings, will vote for who is hired for what jobs. We have been taking ~~about~~ the idea of taking large federal salaries and then contributing anything above what people think is a fair salary into the Movement to be used for people who need financial help.

More War on Poverty news: I am trying to convince Wendy that if we ever have a child (not for a hell of a long time I might add) we should name him Warren Poverty Roberts. Worth County has set up a CAP. It was a joke with 18 whites and 6 uncle toms - so they put on Mr Sam Yung, president of the worth county improvement league, after the people raised a lot of hell with Washington. This still didnt satisfy them and the crackers must be running scared because they came to the WCIL and asked them to name 12 other Negroes, so that it is now 18 to 18 (tho 6 of the 18 are still the original Toms) But its probably more representative than any other CAP in the country. WCIL took the fed regulations and guide lines seriously and got some POOR people, I mean guys with 14 kids and unemployed, on the Board.

The white folks are trying something new. They set up an organization called the Southwest Georgia Community A tion council which will be a "parent organization" for the local CAPs in these 13 counties (including Dougherty) and will have final word on what programs go in. As I see it, it will serve two purposes. One is to stop these uppity niggers in Albany from getting all that money - by simply voting against our prgrams - and the other is to be able to put fed money into counties that either cannot get up a tokenly representative CAP because the Negroes will raise toomuch hell, or just arent interested - and it will make ~~him~~ big political heroes out of the guys who are behind this. They were going to have a meeting on Jan 31 to approve the by-laws. They sent us a copy of the by-law a few weeks before so we sent notice out to all the Movement people in these other counties and ~~we~~ had a meeting a few days before the 31st. We went over the bylaws and showed folk where the crackers were trying to screw them and then made up a summary of the changes necessary and told people to see that the meeting was well attended. I was afraid the crackers would pack the thing but when we arrived it was beautiful - about 90% ~~black~~ black - and some hostile questions started flying. The by-laws were changed exactly the way we thought they should be. Like requiring 2 out of the 3 representatives from

each county to be from minority and poor groups, and the 3rd could be from any ~~wh~~ group, but not excluding these two groups. The crackers were appoplectic - but know in the long run that when they get their Negroes back in the local county they can push shit by them without much complaint except in a couple of strong countis like Baker and Wrth. Our newest move is to send a resolution to the SWGCAC and tell them that, thanks but we have decided not to join with them-for some very good reasons which are enumerated like that we are an urdan area and our concerns are far different from the concerns of the rural poor - and also that we have a populations of 84,000 or three times as large as the next largest county. They will shit because now they cant control us - and we are still going to go to their meetings (we made the Board of Directors meetings opne to the public with time for questions from the floor) and raise hell about everything they do.

I told you Durden, the judge of the Albany Redorders Court, was retired by theCity Commissioners. It seems that of 3800 cases, he found every one guilty, and only suspended sentences on 100 - the other 3700 either paid fines or went to jail. But the new Recorder is no bargain, tho we hoped he would have a bit more integrity. Its the same old cracker bullshit.

I'm enclosing a clipping from the Albany paper so you can see just where its at with the loaal white bar. This cracker lawyer died and the bastards had the balls to put in the papers that the honorary pall bearers would be limited to the @local white bar" - just a cheap shitty thing to g do.

An aside from the Nursery School. Weddy got two beautiful angora rabbits for the kids, a black one and a whiter one. The white one hopped faster, better, ~~was~~ was smarter, etc. Finally the y both chewed up a plastic dish and one of them died - you can guess which one. It was wonderful reinforcement for the children; if there was any question in their minds before about white superiority it is all respolved now. But she got another black rabbit and things seem to be wroking out as the white one is still sick from the plastic and now the~~his~~ new black one is a leter hopper.

One last thing and then I have to go home and eat. I think I told you about the case of the 14 year old in Ellavile who along with his 19 year old brother is charged with murdering a city cop. Well, after the Inc. Fund decided not to do anything about it and the parents havent got a fucken penny, I ~~decided to take matters~~ convinced CB that what we should do is publicise this case - as it really is shocking. So Slater called William Worthy (who is a personal friend of his - and who, as an aside, asked Slater to go with a group of American ~~to~~ Cambodia to investigate the truth of whether the North Vietnamese are ~~xxx~~ violating the Cambodian border as the US claims, and Slater might just go). Anyhow, Wathy got very excited about the case and ~~as~~ has agreed to give it full publicity. Rather than go into details, if I havent already, I'll send you a copy of what I wrote about it and ~~sent~~ to ~~Wrs~~ Worthy - if you have any ideas on publicity let me know - I am the Hunter Defense Committee.