

April 24, 1966

Dear Phil,

To try and catch up with the letters: We went down to Brunswick a couple of weeks ago on the habeas hearing of L. C. McGarrah. I have no idea how it went (in terms of what the Judge will do) tho a couple of funny things came out of the hearing. At on/e point the Judge (Scarlett, a Fed judge for the Southern District of Georgia and the guy who overruled Brown v. Board of Education) left the bench and remarked to the Clerk in a voice loud enough to be heard by anyone in the courtroom, "old man's got to take a ~~xx~~ piss" (so much for judicial integrity). The other great thing was that I was sitting next to McGarrah throughout the hearing and noticed he was intently studying me. He finally said, "You go for colored or white". At first I thought he was ~~xx~~ asking me whether I had a preference in who I represented or something like that, but when he repeated it I realized that what he was saying was, I know you're a Negro, but do you "go for colored or white", ie. does the outside world see you as a Negro, or are you passing for white. It cracked me ~~xxx~~ up. When we got back to the office we told Miss Jessie, the secretary, who said that most of the ~~xxxxxx~~ people who come into the office ~~xx~~ for the first time will ask her whether I am white or Negro. But the best of this kind of thing was ~~xxxxxxx~~ with Wendy. I guess in setting I can be a Negro with my nappy hair, but I never thought it was a question with Wendy. But when she and Carol were at the head start training session at the U. of Georgia last year an old Negro woman came up to Carol and asked her, "who/~~is~~ that young bright skin girl hanging around with you."

This is the week for funny stuff. I told you about how much shit the kids in Terrell County who integrated the white school are catching. Beaten on most every day, threatend with guns, knives, etc. We went to see the Prin and it helped for a while, but same old stuff again. Complaints to HEW didnt seem to help. But all of a sudden everything is fine. Seems that a young white girl moved to town and entered the senior class. She came alone, no parents. She told the school that she is from Massachusetts and her fiance is stationed at Turner AFB and she wants to finish her senior year here before marrying him. But no one believes her. The school authorities are convinced she is a federal spy planted in the school system, so everyone is very cool. No more "nigger", no more threats. It's great. Meanwhile, this little white girl has no idea what she is the cause of.

More school news: Baker County - last week Mr. Coe came in. Seems he ran into Sheriff Johnson in town who told him, "nigger, dont you know to take your hat off in front of a white man" and threatened to kill him when he didnt comply. Coe feels this is because his kids are in the white school. Also, we got an anonymous call that Coe's kids are not getting free lunch in the white school tho family is on welfare and they got free lunch inthe Negro school, but white kids not onwelfare are getting free lunch. We sent in complaint to HEW and will see if they do anything.

We had hearings on two welfare cases. An AFDC which I think we will win, and Mrs. Campbell who is disabled but they wont give her money because her kids get some social security and they tell her to use that, tho its a violationx of fed law to use kids s.s. money for her own benefit. The AFDC is just absured. This woman had an illegit kid two years ago but they cant prove a man inthe house since that time and we just submitted five affidavits from neighbors swearing there is no man inthe house.

Monday we go down to Cordele on some more arrests, part of the

"flag desecration" arrests. That's about it, except for the big news.

On or about July 1, 1966 we leave Albany, Georgia. Wendy learned that she has been accepted to Bank Street College for the fall. A few days ago I was supposed to go to Wash, D.C. for some OEO conference which LSCRRRC invited me to. Just before I was ~~going~~ going to go I got a call from Kinoy who said he learned I was planning on going to DC for the weekend and would I come to NY for Thurs nite and Friday before I went to DC at his expense. So I said sure. When I got there he offered me this thing that we have been ~~x~~ talking about off and on for the past year, only its to start July 1. I talked it over with Wendy and CB and decided that it doesnt make that much difference if I leave in July or September and that I'd be a fool to pass it up. Basically, this is what it is. Kinoy, Kunstler, Stavis, and to a lesser extent Smith and Waltzer in New Orleans, are "what's happening" in affirmative litigation in civil rights. They are the legal power behind MFDP, the Challenge, Hamer v Campbell (voiding elections where Negroes didn't have a chance because they were previously kept from registering). They are among that tiny handfull of lawyers who sees the Movement as producing something other than alot of black wardheelers trading off the new black vote. Anyhow, they are almost exhausted. Both Kinoy and Stavis (who really carry most of the litigation themselves) also both teach at Rutgers and also have private practices. Therefore, they are rapidly going downhill. Also, there is very little bread around to finance their litigation. So they decided to establish a legal defense fund which would be tax exempt (and has been promised the first year budget already). This Fund would take over the entire case load which they handle as individuals and then parcel it out to them and also involve other lawyers (guild types who want to help but no one has the time to sit down and tell them what to do). Also do ~~xxxx~~ research on stuff that is current and pressing, etc. etc. etc. Anyhow, when all of this gets a name, I will be Executive Director of it. Fantastic? I 'll even have little cards printed up. "Dennis the Director" Right now its contemplated that there will be me, a secretary, and one or two recent law school grads as the staff. Man, I'm so excited I about shit in my pants. As more details are known to me I'll let you know. But if it does nothing else than give Kinoy and Stavis breathing space and an opportunity to keep doing what they have been doing it will be worth it, because if they fell out of the picture, there is nothing but gloomy shit!

Dennis