

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

ASSISTANT ATTORNEY GENERAL

COMMITTEES & COMMISSIONS

Lawyer's Committee for Civil Rights
ABA Committee on Civil Rights

Guild Playing Important Part In Civil Rights Fight

Much of the progress being made in the area of civil rights today is due to a special committee of the National Lawyers Guild, which represents Negro litigants in southern courts, according to a Norfolk, Va., attorney. Lon, Len Holt, whose Norfolk law firm handles many civil rights cases, said at a press conference Monday that gradual progress is being made with the courts towards legal equality between the races.

"We are hopeful we would have to 'write off' all hope of gaining redress through the state and local courts in Virginia and Alabama," he said, "but a couple of recent decisions down there have made the Negroes more hopeful."

Groups from outside the South, such as the National Lawyers Guild and the American Civil Liberties Union, have focused national attention on the civil rights problem in that area. This has led to the growing emigration of many Negroes from the South, and their predicament, which Negroes are reflected in a number of local Negro branch conventions throughout the South.

Commenting on the attitude of the Virginia State Supreme Court in the case of the Virginia State Board of Education, Holt said that the court's decision doesn't create very much hope, but feeling because of the practice of turning racial litigation trials into two or three day court battles.

Norfolk, Internated

Norfolk, Va. is very well among southern cities, according to Holt, in that it has a "desegregated" Negro population. "Norfolk is a good city," he said, "I have no trouble in getting objectives of a branch removed."

His own firm is currently engaged in a number of civil rights cases, including the "lawyer" but a few years ago in the case of a Negro in Alabama. Holt's firm is to be on the "black left" when the NAACP was enjoined from engaging in protest activity by a USF order of the Alabama courts.

He is also handling a case centered upon the rights of indigents in Hopewell, Va. to avoid paying excessive local utility fees.

Eastern Will Meet

The recent Supreme Court decision involving the participation of the Negroes in the legislature will be discussed at the annual meeting of the Eastern branch of the National Lawyers Guild, which will be held in Norfolk, Va. on Saturday, June 12-13, 1959 at the Statler-Hilton Hotel. He will also be the principal speaker at a workshop on Saturday, June 13, 1959 at the Statler-Hilton Hotel. The workshop will be held from 10:00 a.m. to 5:00 p.m. and will be held in the same room as the workshop on Saturday, June 13, 1959.

Continued

(CONTINUED FROM PAGE 10)

course the Negro vote in the South.

"Southern Negroes" he said, "are moving into the cities of the South as well as moving northwards. As an example of this trend, I think there is a chance will be elected to the U.S. Legislature from Atlanta this fall."

Education

In the field of education the situation is still largely the same as it was in the South in the Holt's opinion. "Segregation is still a fact in all of the southern states," he said.

He also expressed dissatisfaction with the Kennedy administration's program in the civil rights field. "The federal government cannot get some legislation passed in the next few years," he said, "and the situation is still the same."

He also expressed dissatisfaction with the Kennedy administration's program in the civil rights field. "The federal government cannot get some legislation passed in the next few years," he said, "and the situation is still the same."

Mr. Holt is in Norfolk to attend a banquet of local chapters of the National Lawyers Guild being given on June 22, at the Statler-Hilton Hotel. He will also be the principal speaker at a workshop on Saturday, June 13, 1959 at the Statler-Hilton Hotel. The workshop will be held from 10:00 a.m. to 5:00 p.m. and will be held in the same room as the workshop on Saturday, June 13, 1959.

Lawyer Guild Offers Aid in Meredith's Court Fight

SAN FRANCISCO, Oct. 1 (AP)—The National Lawyers Guild responded today to the call of Attorney General Robert F. Kennedy for American lawyers to support the Justice Department and Federal courts in the University of Mississippi's segregation controversy.

Benjamin Dreyfus, president of the guild, designated its vice president, Herman Wright of Houston, Tex., and an executive board member, Benjamin Smith of New Orleans, to make appearances as friends of the court backing the application of James H. Meredith for admission to the university.

In wires to President Kennedy and the Attorney General, Mr. Dreyfus offered the services of the guild's distinguished and experienced constitutional lawyers in the public range.

Last week the Attorney General said in a speech that Southern attorneys were not supporting Federal efforts to integrate the university.

The Gazette and Daily, York, Pa.,

Tuesday Morning, October 8, 1957

The Constitutional Crisis

By IRVING BRINER

In the perspective of the work that has been done so far, the President's handling of the matter on the crisis in Mississippi stands out as a most significant and momentous act spoken by the American people in the months it has been in the world.

The world and all of the serious tone of the crisis of the worst constitutional crisis since the Civil War ended with the passage of 97 years.

The President's position is a national crisis of the highest order.

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assuming responsibility for the admittedly unsatisfactory state of race relations in the United States.

Public officials, members of the law and other professions, editors, clergymen, newspaper editors and writers, business men, parents, students — the people of Oxford, Miss., (inhabited by the English-speaking world's most famous center of learning) rest on us all. We cannot escape. It no matter how much we look the other way.

Lawyer Group Set Up

Imagine a situation in which one state's elected authority was compelled to ignoring the federal courts and substituting their authority and your consent of Federal approval from the American Bar Association. But we do not need to imagine it, for that was precisely what happened.

The national organization which is presumably devoted to the "rule of law" set by white its grand old president, John C. Satterfield, and supported by Con. Humphreys, is the only one of its kind in the South. It is the only one of its kind in the South.

When Attorney General Kennedy proposed to admit Meredith to support the De-

partment of Justice and the Supreme Court the federal courts in the Supreme Court. The National Lawyers Guild, the American Bar Association, the Lawyers Guild, the American Bar Association, Benjamin Dreyfus of San Francisco, and other noted members in Houston and other cities to appear in court on behalf of James H. Meredith.

National groups of educators and other men could have done much more to avert the tragedy of Oxford, Miss., and the American people in the eyes of the world which the rising and falling of the flag caused. Let us not make the same mistake — the one that has been made for a century since Frederick Douglass proposed the emancipation of the slaves.

And where do we stand? What are we doing?

In Madison, Wis., an attorney who has been enrolled in the University of Wisconsin to study under Chief Justice Warren for two weeks tried to force a white man and his wife home for his wife's race and four children. They were not allowed, but they held up on their own family.

That in the state which is supposed to be the center of the Republic, in the heart of the nation, in the heart of the nation, citizens of both races are being treated eventually in a way that is a violation of the Constitution's guarantee of equal rights.

Lawyers on Dixie Crisis

September 30, 1962

COURAGE

Attorney General Robert F. Kennedy held a San Francisco luncheon last night he is disappointed that neither the American Bar Association nor the 100+ years of Mississippi have supported the Federal courts in the Mississippi segregation dispute.

His message was delivered over a telephone from his Washington, D. C. home to a group of 100+ lawyers gathered in the University of San Francisco ballroom for the first time.

Kennedy had planned to be here in person for the banquet held as part of the dedication of the new U.S. law school building, Kendrick Hall.

PREVENTED

But the situation at the University of Mississippi prevented his trip.

Kennedy said that lawyers have a continuing responsibility to uphold "the fundamental of justice from which the law cannot depart."

"The he turned to his present problems and said:

"One of my great disappointments in our present efforts to deal with the situation in Mississippi has been the absence of any expression of support from the many distinguished lawyers of that state.

"I realize in that difficult social situation that to defend the fundamental principles of respect for the law and compliance with Federal court orders would be unpopular and require great courage.

"I also understand that many of them may not agree with the decision in Brown versus Board of Education (the 1954 school segregation decision of the Supreme Court). But whether they agree or not, they still have their obligations as lawyers and they have remained silent.

"However, I might also note that there have been no pronouncements in this matter by the American Bar Association."

The young attorney general paid tribute to lawyers down through the years who

have risked unemployment and public condemnation by taking stands they believed in. Protecting rights, he remarked, sometimes costs a lawyer in "the obnoxious interest of his pocketbook."

The words of the attorney general were received by loudspeakers in the ballroom. In his 100+ year day, it was noted that Kennedy would call on the speaker.

The gathering presided by Mr. and Mrs. Charles Kendrick, who gave the University of San Francisco a gift of \$1 million for a building which now bears their name.

San Francisco Chronicle Monday, Oct. 1, 1962

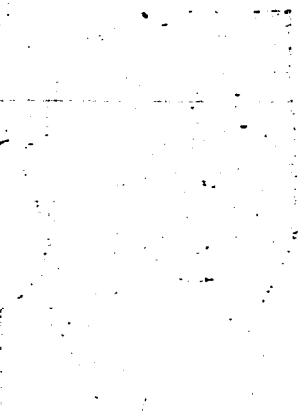
Lawyers Give Views Support

The National Lawyers Guild, responding to a calling of 100+ lawyers by Attorney General Robert F. Kennedy yesterday, announced its full support of the Justice Department and the NAACP in the University of Mississippi segregation fight.

Kennedy, in a telephoned speech to a San Francisco audience Saturday night, said he was sorry that neither the lawyers of Mississippi and the nation had not offered the Federal government their backing in that crisis.

Guild president Frederick Douglass, who has a full-time job, sent telegrams to President Kennedy and Attorney General Kennedy, expressing his support and offering the services of the guild, which is a non-profit organization, within its limits.

Douglass told the Attorney General he had a number of the president's former staff of Houston and executive board member Benjamin Smith of New Orleans to file applications on behalf of the Guild as a friend of the court pending the application of James H. Meredith, a Negro, to be admitted to the University of



ST. FRANCISCO
OCT. 1, 1962

In other news, James H. Smith Jr., president of the American Bar Association, and Robert D. Lillard, president of the National Bar Association, previously "forged and linked" their organizations to join the Guild as a friend of the court in the New Orleans litigation of the segregation fight.

Attorney General Kennedy's criticism of the lawyers was delivered from Washington to the judges, attorneys and University of San Francisco alumni assembled at the Fairmont Hotel for a banquet dedicating the new U.S. law school building, Kendrick Hall.

He said lawyers have a continuing responsibility to uphold "the fundamental of justice from which the law cannot depart." He emphasized a particular point that the

San Francisco Chronicle Tuesday, October 2, 1962

Bar Group Chief's Reply To Bobby

The president of the American Bar Association said here yesterday that all lawyers are duty-bound to obey court orders — but declined to comment on the action of his colleagues in Mississippi.

Replying to Attorney General Robert F. Kennedy's criticism of the Bar's silence in the case, president Sylvester C. Smith Jr. observed, "It is not proper to make pronouncements on matters pending before courts of jurisdiction."

In a telephoned speech to a University of San Francisco law school banquet on Friday, Kennedy called on lawyers "to defend the fundamental principles of respect for the law and compliance with Federal court orders."

Smith, a New Jersey Democrat who has headed the 100,000 member bar association since August 10, said the case of James H. Meredith, a Negro student at the University of Mississippi, is still pending in Federal court.

"I believe a number of

ST. FRANCISCO
OCT. 1, 1962

judgment of the law of the land and that it be obeyed."

He said he would have been "highly grateful" if lawyers at the banquet had supported the Association's position.

"The American Bar Association is an association of lawyers, not of judges," the president said.

Smith, who is a national officer of the American Bar Association, said the case of James H. Meredith, a Negro student at the University of Mississippi, is still pending in Federal court.

INTERIM REPORT OF THE COMMITTEE TO ASSIST SOUTHERN LAWYERS

APPROVED BY THE

EXECUTIVE BOARD OF THE NATIONAL LAWYERS GUILD

JUNE 9, 1962

A Committee to assist Southern Lawyers was established by the Convention of the National Lawyers Guild at Detroit in February, 1962. It has received an original appropriation of over \$6,000 by subscription among the delegates.

The purpose of the Committee was to attempt to fill the gap left by the failure of the Bar in the Southern States to provide adequate and effective legal representation necessitated by the massive resistance of the Southern States to the growing desegregation movement.

The existence of this gap had been recently attested to by Ernest Ansell of the American Civil Liberties Union in a letter published in the New York Times, and in an article by Dean Eugene V. Rostow in The American Bar Journal. But the urgency of the problem was brought to the Convention by a number of battle-scarred Southern delegates from Virginia, Florida and Louisiana.

Having in mind the limited resources of the Guild and the immensity of the problem, the Committee was directed to channel its efforts in the direction of providing legal assistance to Southern lawyers rather than to attempt to provide direct legal aid.

The composition of the Committee is inter-racial. It consists of 32 members from 10 states.

Guild members were polled and 74 lawyers from 33 cities in 14 states sent "Commitment Forms" to the Committee agreeing to devote at least 40 hours of their time during the year and listing their qualifications. They also indicated whether they preferred to work on briefs, pleadings, research, trial or appellate cases, and whether they were willing to go South, if necessary, on a particular case.

Requests for assistance have come primarily from Guild attorneys who practice in the South, but also from attorneys who had read or heard of

the Committee's work and from organizations active in the desegregation movement.

Attached are excerpts from several reports submitted to the Committee by attorneys in a few of the cases in which the Guild has given assistance. These are included to illustrate the nature of the Committee's work and some of the problems involved. (We attach a summary of other cases handled by our Committee.)

The following comments may illuminate several of our experiences:

The Covington case illustrates how deep-seated is the prejudice which raises a barrier to obtaining legal counsel in the South. This case arose in Monroe, North Carolina, and on the surface, appeared to be a routine prosecution for a common law crime. However, Monroe, North Carolina has been the center of a bitter racial controversy which resulted in a prosecution for kidnapping against some of the leaders of the Negro desegregation movement in that community. The trial of this well-publicized case still pends.

Covington had been associated with the desegregation movement and with the defendants in the kidnapping case. Lawyers were unwilling to take his case, particularly because a challenge would have to be made to the jury system. Our Committee was requested by interested organizations to provide legal representation to Covington, since they had been unable to find an attorney in North Carolina. Because we were reluctant to provide direct legal aid, we first made every effort to obtain an attorney in North Carolina.

Our efforts were fruitless. At one point an attorney agreed to undertake the defense, but later he took the position that his fee, just for the examination, would be \$1,000. The defendant and his family were poor and had no such funds available. The organizations involved had already exhausted most of their resources in the kidnapping cases. Under the circumstances, we asked two young lawyers to take the case. They agreed, and their report is appended. They deserve great credit for their work, under the most difficult conditions, and of course,

without fee.

The SAM MITCHELL case illustrates the problem which faces the Southern Negro lawyer who undertakes desegregation cases. Sam Mitchell is an attorney who has practiced law in Durham, North Carolina for a number of years and has been one of the few active lawyers in this State who undertook many kinds of cases arising out of segregation.

Last year he was indicted for failing to file income tax returns in 1956 and 1957. His failure to file and pay his modest taxes for these years was undoubtedly related to his non-lucrative, harassing work on desegregation cases. Having no defense, he pleaded guilty, hoping to be able to pay the taxes and penalties out of his current income. The Judge, in addition to requiring the payment of taxes and penalties, imposed a fine of \$7,500, more than his tax and penalty combined.

Mitchell was unable to pay the fine and was prepared to serve a year's imprisonment. Our Committee was asked to assist. Because we concluded that Mitchell's predicament resulted from his work as a lawyer on desegregation cases, we agreed.

Several lawyers from Flint, Michigan agreed to handle the case. We attach a copy of Mort Leitson's letter following his appearance on behalf of Mitchell in North Carolina, which gives the flavor of the lawyer-lawyer relationship which arises in the course of our assistance program.

The AMEROMBIE injunction case illustrates the cross fertilizing process involved in North-South lawyer relationship. This case arose out of an effort by Negro and some white citizens of Durham, North Carolina to break down segregation at a local movie theater. The theater owner sought an injunction to restrain picketing and other peaceful efforts at persuading the theater to desegregate.

Martin Bradley of Buffalo, and several attorneys working with him, have agreed to assist. S. B. McKissick, the local attorney for the defendants. Among the other theories advanced by our Committee for the legal defense of this injunction case, is the old legal equitable doctrine of "clean hands". This doctrine proved helpful during the early union

organizing efforts in the 1930's when employers were able to obtain injunctions in most state courts to restrain peaceful picketing on the simple theory that any kind of picketing was illegal.

By the use of the "unclean hands" doctrine the union was able to prevent the quick determination of employees' rights on the sole question as to whether the picketing interfered with the employer's property rights. This gave the defendants' attorney the opportunity of presenting evidence that the employer's own illegal or unfair conduct created the conditions under which picketing became necessary.

This doctrine may permit the attorney in a typical case in the South, where an injunction is sought to prevent peaceful protest of segregation, to prove the illegal character of segregation in the particular circumstances, and thus allow the basic constitutional and moral issues to be openly raised and decided in the injunction proceedings. This should provide an additional weapon in the legal arsenal which Southern lawyers can use in desegregation cases.

The Committee's experiences with these and other cases warrant the following conclusions:

1. The need for legal services in the South in cases arising from segregation, both civil and criminal, is serious and widespread, particularly in the smaller communities.
2. Pro forma legal representation, frequently the only legal representation available, particularly in criminal cases, cannot be considered as representation at all, since it avoids the constitutional challenge to the illegal underpinning upon which the system of segregation rests in the South. In most of these cases, the only effective legal right or defense available is the Federal Constitutional right. But if an attorney raises and fights for this right, whatever his own personal feelings toward segregation may be, he places himself in the position of helping undercut the system of segregation. Most attorneys are apparently unwilling to take this position, even though it is their professional obligation to do so.

3. Some attorneys seek to avoid the dilemma involved in this conflict by setting such high fees in these cases as to make their services unavailable as a practical matter. Or, if the fee is paid, the amount is large enough to provide some insurance against future loss of business.

4. We have not yet found any local or State Bar Association in the South which has taken any effective action toward providing legal services in such cases, or which has publicly encouraged attorneys to undertake their professional responsibilities.

5. Attorneys who have taken these cases, and have vigorously fought for their client's constitutional rights, have frequently suffered financial loss, social and professional ostracism and have been otherwise intimidated and harassed.

In addition to the Committee's principal task of providing assistance in particular cases, the Committee has undertaken the following activities:

PARTICIPATION IN CONFERENCES

The Committee was requested to have its representatives present at two conferences held in Atlanta, Georgia and in Birmingham, Alabama, which were attended by persons interested in working actively to eliminate segregation. Our participation was for the purpose of explaining and clarifying the legal problems involved, the Court decisions, Courtroom practice and procedure, legal rights and remedies, and the function of the lawyer in desegregation cases.

At both conferences, the Committee lawyers were well-received and made a valuable contribution to an understanding of the law and the lawyer. A report on the Committee's participation at these conferences is attached.

MANUAL FOR LAWYERS

A great deal of work has been done by Ann Ginger of Berkeley, California in compiling material for a Manual which might be of practical help to lawyers undertaking cases in the South arising from segregation. Several outlines for such a manual have been prepared and discussed by correspondence.

We are concerned that the Manual be practical but not superficial.

lawyer-like but not pedantic or too theoretical, complete but not expensive. We are presently engaged in resolving conflicting views in the light of our objective and our budget and hope to have a manual ready for distribution by the Fall of this year.

HANDBOOK FOR LAWYERS

As a result of our experiences at the two Southern Conferences, it appeared to us that a small, easily understood handbook on legal rights, remedies and procedures suitable for general distribution in the South to non-lawyers would be most useful.

Since so few lawyers are available in the South for advice and help in cases arising out of segregation, a temporary legal crutch, at least, might be provided by such a handbook.

A committee has been appointed by the Los Angeles Chapter to prepare such a handbook. We hope to have it ready early this fall.

LAW STUDENT CLERKSHIP PROGRAM

Amyay Lenske, the Guild's Executive Secretary, in his frequent visits with law students at various campuses, was profoundly moved by the enormous interest shown by the students in the Guild's program on legal assistance to Southern lawyers.

Their interest amounted to more than intellectual curiosity. Many wanted to participate in a program which seemed to represent to many of them a practical expression of an ideal view of law as an instrument of justice. From these discussions arose the suggestion that law students serve as clerks, at subsistence pay and expenses, during the summer vacation, in offices of Southern lawyers who are active in desegregation cases.

The suggestion was communicated to some of the lawyers in the South with whom our Committee is cooperating. We have thus far been able to place only two of the many students from Northern Law Schools who volunteered, at Southern offices for the coming summer. It was too late to develop this program any further this year. If the experiment works, and funds are made available for this project, we hope to greatly expand the program next year.

COOPERATION WITH OTHER BAR ASSOCIATIONS

In accordance with the Convention resolution, other national bar

associations were asked to help in the solution of the problem. The National Bar Association expressed its willingness to do so. The National Association of Defense Lawyers in Criminal Cases expects to consider the matter at its convention in August.

The American Bar Association referred a communication from our president, Mr. Dreyfus, to its Committee on the Bill of Rights, which met in Washington, D. C. last month. The Guild was invited to appear and present its views to the Committee.

George Crockett, Jr., Co-chairman, and Ben Smith, Co-secretary of our Committee, appeared and presented our views and experiences.

Their report of this important conference is attached. It is hoped that the ABA will act on the matter at its convention this summer. Effective action by the ABA could result in a significant change in the attitude of the Southern bar.

IN GENERAL

Something should be said about the willingness of every attorney whom we asked to "assist" to give his time and efforts to the cases, sometimes at great cost and inconvenience to himself. We have made it a practice to ask several attorneys to work together on each case so that the Southern colleague can have the benefit of the thinking of more than one attorney and so that the burden will not be entirely on one. We have also tried to distribute the work load among different cities.

The cost of administering the work of the Committee has been kept at a minimum by reason of the fact that the Chairmen and Secretaries make no charge for office overhead to the Committee, and no legal fees are paid to any attorney.

However, the actual expenses, particularly travel and long distance phone bills, are substantial, and additional funds will have to be raised if the work of the Committee is to continue on an effective basis.

George W. Crockett, Jr.
Ernest Goodman
Co-chairman
Len Holt
Benjamin Smith
Co-secretaries

REPORT ON ASSISTANCE IN CONTEMPT CASE

AT HOPWELL, VIRGINIA, MARCH, 1962

On March 28, 1962, I arrived at Hopewell. I met Richard Scupi and Hal Witt, young white lawyers from Washington, D. C. They had arrived the previous evening at the request of the special Committee, to assist Len Holt.

The morning had been taken up with the trial of 26 adult and 32 juvenile Negro sit-in demonstrators who were charged with trespassing. At 2:00 P. M., the Court reconvened and as anticipated, after hearing legal argument, found all defendants guilty. The adults, men and women were sentenced to thirty (30) days imprisonment; bonds of \$250.00 were set for each pending appeal.

The juveniles, many of them children of the adult defendants, were paroled to the custody of their parents—a dubious exercise of judicial judgment, if the purpose of parole is to change previous attitudes.

Scupi and Witt were guests at one home; Holt and I were guests at another. Since segregation is complete in Hopewell we were totally estranged from the white community. We suffered nothing on this account, however. The hospitality, solicitude for our comfort and many kindnesses by the Negro community were heartwarming; we felt "at home" during our entire stay in Hopewell.

That evening, at Petersburg, about 15 miles from Hopewell, a public meeting was held at the First Baptist Church under the auspices of Southern Christian Leadership Conference. The meeting overflowed the seating capacity into the basement hall. Dr. Martin Luther King was the principal speaker.

Len Holt introduced Scupi, Witt and myself, the only white persons on the platform. I spoke on behalf of the Guild. A copy of my remarks is attached. The response from the audience to the announcement of the Guild's action in creating the Special Committee and in bringing us to Hopewell was tremendous.

Later that evening, the lawyers met and developed the legal and Constitutional issues involved in the contempt case against Rev. Curtis Harris which was to be heard the following morning in the Circuit Court of Hopewell. It was this case which had prompted the Committee to provide

assistance to Lon Holt and Ed Dawley, his partner, who were the attorneys for Rev. Harris.

The facts of the case were simple. The Virginia Legislature had established a Committee on offenses against the Administration of Justice. This Committee, by the inverse logic which prevails in this part of the Country, instead of investigating the reasons why Justice was being withheld or denied to millions of Negroes, was investigating how Negroes were able to obtain attorneys willing to challenge segregation and to defend them when arrested.

Rev. Curtis, the President of the Hopewell Improvement Association and one of the Southern Negro leaders in the fight against segregation, was subpoenaed; he appeared before this Committee with his attorneys, Dawley and Holt. There, he refused to answer the first question, "What is your name," asserting the Fifth and Fourteenth Amendments to the Federal Constitution as reasons for refusal. A rule to show cause for contempt was issued, upon petition by the Committee, and the trial was on this contempt charge.

Without going into a discussion of the various legal and constitutional issues raised at the trial, suffice it to say that defense counsel's principal contention was that the proceeding was one for civil—rather than criminal contempt; that if the Judge concluded that the refusal to answer was contempt—he could only direct that Rev. Harris answer the question; and that Rev. Harris was willing to be sworn in Court and to answer the question—"What is your name?" At the end of the trial, the Judge found Rev. Harris guilty and directed that he appear before the Committee when called, and answer all lawful questions. It was felt that the decision was a victory for Rev. Harris and the Negro community.

Submitted by,

ERNEST GOODMAN
Detroit, Michigan

ADDRESS BY ERNEST GOODMAN AT THE FIRST BAPTIST CHURCH

PETERSBURG, VIRGINIA, MARCH 28, 1962

Looking, as a lawyer, at the South, it is clear to me—as it should be to any lawyer—that the Constitution guarantees equality to all, Negro and white alike.

It is equally clear that any State or official who denies or subverts this guarantee of equality, violates the Constitution and the laws of our country.

Such an official may or may not be guilty of a specific crime—but he is clearly a law violator.

Any lawyer will also know, what everybody knows—white or Negro—Northerner or Southerner—that many States and thousands of counties, cities and villages are consistently and openly engaged in preventing legal equality.

Some even proudly assert that their aim is to deny equality to the Negro people by every means at their command.

Now consider this: If the situation were reversed—if the law of our land denied equality and compelled segregation, and the Negro people then sought to obtain the equality denied them under the law, these same officials could, and would, lawfully indict all the Negro leaders as members of a gigantic criminal conspiracy, and legally send them to jail.

This is exactly what is now happening in South Africa, which I visited last year. There Apartheid—or segregation—is the law of the land. And there the Apartheid government acts cruelly and remorselessly to suppress, prosecute and imprison Africans who even advocate equality. There—this suppression occurs under the existing law.

But, here in the South, suppression occurs contrary to the law. And I ask: How can we justify the existence, within our country, of a common agreement, by those who possess all political power, under which the right of equality is denied to millions who are entitled to equality under our own Constitution? Is this not, also, a criminal conspiracy?

I leave the answer to this significant question for another occasion. Now, I would like to tell you of a moral and legal problem which faces the legal profession and which lawyers cannot evade. It is this:

Those who are seeking to deny Constitutional equality to Negroes

are those who possess all the power. And they use this power, without hesitation and with little restraint. Those who possess the constitutional rights but no power and little money, must resist—must defend themselves—must fight back as best they can.

Because the Negro people, and their leaders, have chosen the road of non-violent resistance to Freedom (by sit-ins, freedom rides, prayer meetings, peaceful marches and lawful boycotts) they are brought (some might say "hauled") into courts. They sometimes try to use the legal machinery of our courts—particularly the Federal Courts—to seek justice.

To defend themselves and to fight back, they need lawyers. Under our law, under the law of practically every nation on earth, even South Africa, they are entitled to lawyers.

But we sometimes deny in practice what we give in theory. Only a few lawyers will take these cases. Some will take them but are not prepared to really fight for the constitutional rights involved—for this would require them to fight against the institution of segregation itself.

And the few lawyers who have had the courage—the guts—to take these cases have frequently suffered the consequences.

It is for this reason that the recent Convention of the National Lawyers Guild at Detroit created a Special Committee to assist Southern lawyers. Six Thousand Dollars has already been subscribed to the work of the Committee, and more will be available as our work progresses.

My law partner, George Crockett, a Negro and myself, a white lawyer, of Michigan, are co-chairmen. Len Holt, a Negro lawyer of Virginia, and Benjamin Smith, a white lawyer of Louisiana, are co-secretaries.

Every Guild member is being canvassed to commit himself to give voluntary, unpaid assistance to any lawyer in the South who requests such assistance in any case involving the system of segregation.

We hope, however, that Local, State and other National Bar Associations will undertake to discharge the obligations of lawyers to provide effective legal representation to everyone.

When Len Holt appeared before the Guild Convention last month and presented the problem, he ended his moving appeal by singing that song of Freedom "We Shall Overcome." I cannot sing as Len can. I can't sing at all.

But with all my heart, may I say "We shall help you overcome."

REPORT ON JAY VAN COVINGTON CASE
MONROE, NORTH CAROLINA, MAY, 1962

JayVan Covington, an 18 year old resident of Monroe, North Carolina, was indicted under the following six indictments on May 7, 1962 by the Grand Jury for Union County:

1. Conspiracy to break and enter a store with intent to commit a felony therein;
2. Breaking and entering said store with intent to commit a felony;
3. Larceny from said store of goods and money worth more than \$200.00;
4. Receiving said property, knowing it to be stolen;
5. Assault in a secret manner upon one Zeb Seecrest with intent to kill by rifle shots;
6. Resisting arrest (a misdemeanor);
7. Attempt to break jail (also a misdemeanor);
8. Assault in a secret manner upon the County jailer, with intent to kill, with a piece of board.

On Monday, May 7th, defense counsel moved for a continuance of the trials until the next term of court, on the grounds that the indictments had only been returned that same day, and counsel needed time to prepare the defense to the various charges, which involved four separate transactions. The motion was denied, and trial set for Wednesday, May 9th. (This occurred immediately after the Judge had denied motions of defense counsel in the kidnapping cases, asking for trial at the current term under indictments returned last August.)

On May 9th, the conspiracy, breaking and entering, and larceny charges were consolidated for trial. Covington's two co-defendants pleaded guilty. Counsel moved to quash the indictments against Covington, on the grounds that Negroes had been intentionally excluded from the grand jury. Counsel also asked for a hearing at which to establish the facts of such discriminations, after time and opportunity to investigate and prepare for the hearing. The right to such a hearing was established by State v. Perry,

248 N. C. 334, 103 S. E. 2d 404 (1958), but the judge denied the motion.

A similar motion directed at the petit jury was also denied.

It is interesting to note that the grand jury for 1962 in Union County included one Negro, as has every Union County grand jury since 1948. Apparently, the authorities believe that placing a Negro on a jury avoids the Constitutional problem.

Testimony against Covington was that of the co-defendants, who admitted breaking into the store and stealing the above-named items. They testified, however, that the escapade had been suggested to them by Covington and that he had accompanied them to the store, stood watch while they entered, and shared the proceeds with them.

Under North Carolina law, uncorroborated accomplice testimony is sufficient to sustain a conviction. The defendant is entitled to a cautionary instruction, and one was given in this case.

Covington took the stand and denied any involvement in or knowledge of the incident, testifying that he was at home from 10:30 on the night in question. His mother testified to the same effect.

The jury was out 35 minutes, and brought in verdicts of guilty on all three felony charges.

Next to be called for trial were the attempted escape and secret assault on the jailer. Covington had admitted an attempt to escape and assault to defense counsel. They took place on March 29th, after Covington had been held for 20 days without having been permitted to see parents or a lawyer, according to him and his parents. The authorities say he was permitted visitors.

The defense tendered pleas of guilty to attempted escape and simple assault. The court accepted pleas to attempted escape and assault, both misdemeanors.

Next case called, on Thursday afternoon, was resisting arrest. This allegedly occurred on March 9th when two policemen picked Covington up on warrants for the store and shooting incidents. The defense asked that the case be put over until Friday morning in order to summon witnesses. The court acquiesced, and trial on the secret assault by rifle shots was

started. Again, both co-defendants pleaded guilty, and prepared to testify against Covington. They had admitted participation in this incident, the firing of a number of rifle shots at a service station and passing trucks from across the highway, and claimed that Covington was with them.

The jury tendered in this case consisted entirely of men who had been sitting in court during all of the prior proceedings against Covington. Counsel strenuously objected to the jury, but the court ruled the jurors acceptable in the absence of any admitted prejudice. Lengthy voir dire ensued, with all jurors denying any pre-judgment of the case, any prejudice against negroes, any membership in the Klan or Citizens Councils, any friendship with any members thereof, etc. (There were two Negroes on the jury tendered to the defense, but Covington did not feel that they offered any cause for hope.) The voir dire consumed the remainder of Thursday afternoon and early evening.

On Friday morning before court opened, the Judge called defense counsel into chambers. He indicated that his docket still had some unfinished business on it, and that he would not be able to get to it if the two remaining trials of Covington went ahead. He offered in return for a plea of guilty to resisting arrest, to postpone the secret assault trial, sine die.

The Judge indicated his recognition of the fact that the jury would surely convict on both charges (a recognition fully shared by defense counsel); he further indicated that upon conviction for the secret assault, sentence would be severe (maximum is 30 years), whereas if it were postponed, the case might possibly never come to trial. Even if it did, he indicated chances for a lighter or concurrent sentence would be better before an un-biased judge. Defendant and counsel agreed it would be wise to accept the continuance, and Covington pleaded guilty to resisting arrest. Covington was sentenced to a total of 62 months on the three misdemeanors and 7-10 years on the three felonies, the two sentences to run concurrently. The co-defendants received 3-5 years each.

Appeals were noted. Appeal bond of \$10,000 (plus \$500.00 for costs) was set, as well as \$5,000 on the remaining felony charge. Thus, it will take \$15,500 to get Covington out pending appeal.

It is felt that chances for reversal on appeal are excellent,

because of the failure to give the defense a hearing on the alleged jury discrimination.

However, under North Carolina law, the defendant must remain in the county jail while his appeal is pending, and his sentence does not begin to run until the appeal is decided or dropped.

Covington will be eligible for parole after 1/4 of the 7 year minimum (31 months), and it seems preferable that he serve his time if he cannot make bail pending appeal. This is a decision which should be made within the next week.

An appeal would be very important. It is the only way to break out of the arbitrary power of the local authorities and trial judge and prosecutor. The real story of a trial in the Monroe courtroom does not appear in this summary; it can only be experienced.

The working partnership between the judge and the prosecutor is complete, and their hostility overt, as is that of the jury. The local "law enforcement" authorities loiter everywhere. Mean, petty harassment is constant. The underdog is kept constantly aware of where the power lies. An act of setting a high appeal bond is a barely disguised taunt: We know there are errors on the trial, but what are you going to do about it? Let your client rot in his solitary dungeon in the county jail where we run things?

It will be difficult, but more such challenges must be taken up before things will get better for the people in Monroe. Each little victory is very significant; each little loss is a set-back. The issue is justice, and justice has small chance at the level of the court-house in Union County. Every case which can go up a little higher lifts justice a little higher out of the dust of Union County.

Summary prepared by Hal Witt, who, with Richard J. Scupi, was counsel for Jay Van Covington.

1726 Columbia Road, N. W.
Washington, D. C.
May 15, 1962

LETTER FROM MERRION LEITSON, FOLLOWING APPEARANCE IN FEDERAL

DISTRICT COURT ON BEHALF OF SAM MITCHELL IN JUNE, 1962

I spent thirty-one hours in the city of Greensboro, North Carolina, and it turned out to be a most rewarding and gratifying experience to me. In view of the fact that Sam Mitchell received a seven month extension of time to raise the fine, I am sure that he feels the same.

I went to North Carolina thinking that I was going to represent a feeble lawyer who couldn't understand the simple language of the Internal Revenue Code that requires a person to file a tax return on time. I found instead that Sam Mitchell is truly a lawyer's lawyer, whose biggest fault is that he can't refuse to handle cases where the clients can't afford to pay a fee. The result is that his yearly income ranges from \$2,200.00 to \$2,500.00. Every Negro lawyer in North Carolina goes to Sam Mitchell when he has a problem and we all know that lawyers are the worst paying clients. There were about twenty Negro lawyers present at his hearing and they pledged \$1,100 toward his fine.

My expenses were \$102.00 for transportation and \$33.00 for food and lodging. I hardly have the heart to submit a bill for this because I certainly gained far more than that in satisfaction of having gone to North Carolina.

Sincerely,

MERRION LEITSON
Flint, Michigan

REPORT ON THE
CONFERENCE WITH THE AMERICAN BAR
ASSOCIATION - COMMITTEE ON CIVIL
RIGHTS—MAY 26, 1962

Following the 1962 Detroit Convention of the Guild and the creation of the Special Committee to Assist Southern Lawyers, President Dreyfus addressed a communication to the American Bar Association in which he called attention to the difficult problems faced by clients in the South who seek legal representation, and by lawyers in the South who undertake to handle their civil rights cases relating to racial segregation. His letter indicated the nature of the program adopted by the Guild to aid in the solution of this problem and called upon the American Bar Association to accept its responsibility for similar assistance.

On the morning of May 26th at the Mayflower Hotel in Washington, the Co-chairman of our Committee, Attorney Crockett, and the Co-secretary, Attorney Smith, met with Attorney Alfred W. Schweppe and the following members of the American Bar Association's Committee on the Bill of Rights:

Narschel H. Friday of Little Rock, Arkansas
Joseph F. Johnston of Birmingham, Alabama
Rush H. Lumbaugh of Cape Girardeau, Missouri
Rouben Oppenheimer of Baltimore, Maryland

Our reception was a cordial one. Our presentation was divided into two parts with Attorney Smith discussing the nature and extent of the problems confronting both clients and attorneys in Southern civil rights cases. He relied in large measure upon his own experiences and those of other lawyers in the South with whom he had been associated. Attorney Crockett discussed the program devised by the Guild to assist Southern lawyers, the mechanics involved in the operation of the program and several of the instances in which the program had proved beneficial.

Both Attorney Smith and Crockett then addressed themselves to the questions raised by the members of the American Bar Committee. These questions, for the most part, sought specific suggestions or contributions which could be made by the American Bar Association.

The members of the American Bar Committee seemed to agree that the primary task faced by their organization would be that of interesting and gaining the leadership of their affiliated Bar Associations in the

Southern states. The Chairman of the Committee stated that at its Boston Convention in 1953 the American Bar Association had adopted a broad resolution calling upon the members of the Bar to provide legal assistance for defendants in so-called "unpopular cases". While the immediate purpose of the resolution related to pending Smith Act prosecutions, the Committee was of the view that the resolution was sufficiently broad to encompass the present day situation in the South. This was the closest to any approximation of what the Committee was likely to do. Hence, we came away with the impression that the Committee's report would possibly recommend some extension of the 1953 resolution to cover current problems and would call upon Southern bar associations to adopt similar resolutions to be implemented by the personal urging of leading members of the bar in Southern states.

It was pointed out by the Chairman that any report or record made by the Committee could not be made public until after the same had been considered and passed on by the Board of Directors of the American Bar Association and presented to the Association's Convention at San Francisco in August.

Respectfully submitted

GEO. W. CROCKETT, JR.
BENJAMIN SMITH

I arrived in Birmingham on April 13, 1962. I met Bruce Wiltzer, associate of Ben Smith, at New Orleans. When we arrived in Birmingham we went to the St. Paul Methodist Church for a meeting.

We were greeted at the steps of the church by photographers from the Birmingham Police Department and by many parked police cars, each containing a large fierce-looking police dog. I felt like 150 pounds of Mr. Boss dog food at that point. The church was surrounded by many police officers and motorcycle policemen as well as the photographers. Once inside the church Bruce and I deposited our luggage and were led to seats near the front of the church. The meeting was already in progress. The most memorable speech was made by Bishop C. Eubank Tucker who spoke in thunderous tones about the fight for integration and freedom in the South. The meeting was closed by Rev. J. C. Wilson, who, in his final prayer, asked that God keep his hands around each of us as we walked through the streets of Birmingham on the way to our homes and our lodgings.

I could not help but be impressed by the fact that for these people, citizens of the United States though they were, a simple walk through the streets of their own home town was fraught with danger and fear of harm or death. I had never attended a service in a Negro church before and was struck with the beauty and with the great faith exhibited. During the last prayer mentioned above, a woman with a magnificent voice began singing, "Oh Captain Help Us Weather the Storm" and the combination of the prayer that God watch over us as we walked through the streets and her voice singing moved me more than I thought was possible. Before leaving the church I had the great pleasure of meeting Rev. Fred L. Shuttlesworth. He smiled when we shook hands and said that he was always happy to have lawyers in attendance. In fact the more lawyers that he had around him, the happier and safer he felt.

Bruce introduced me to several of the students in the restaurant at the motel. Among them were Charles McDew and Bob Zellner, both of whom were members of the Student Non-Violent Co-ordinating Committee and both had been charged with criminal anarchy in Eaton Rouge, Louisiana, and both were out on bail. I shared my room on Friday night with one of the field secretaries of the Student Non-Violent Co-ordinating Committee, Tom Murray. Tom seemed to sleep, I kept Tom up for several hours talking about the struggle for integration in the South. Tom acts as a very energetic speaker

The workshops of the conference began at about 9:00 the following morning with a short address by Rev. Shuttleworth. Later I attended a workshop which dealt with implementing court decisions favorable to integration. The workshop was attended by students from many areas in the South. Attorney Len Holt of Norfolk, Virginia, led the discussion and Bruce and I gave a hand whenever possible.

A discussion was had concerning the National Lawyers Guild Committee to assist Southern lawyers and its function. An explanation was made that the Committee could only assist attorneys who requested such aid. Where it was impossible for a group of people in a Southern community to obtain the services of a lawyer, it was suggested that the Committee might aid in finding an attorney. Mr. Holt led a good discussion around the whole question of omnibus lawsuits which were described as class actions by a group of Negroes to compel the City, County or State authorities to integrate all the facilities within a certain city or county.

I was apprehensive throughout the afternoon workshop held in the auditorium. This was the first integrated meeting held in Birmingham since 1938, and delegates stated that it would be a miracle if there was no violence or policed harassment of the participants.

At the conclusion of the conference we all rose and sang "We Shall Overcome". We all joined hands and next to me stood Rev. Pfiiffer, a tall, sturdy, handsome man who had recently shared a jail cell with Rev. Shuttleworth. Rev. Pfiiffer took my left hand in his right hand and we sang I became aware of the fact that my hand had been all but swallowed up by Rev. Pfiiffer's and that the grip was warm and strong and full of life. I could almost feel a small part of his strength and faith flowing from his hand into mine.

That night Bruce and I hosted an open house in our room. This was one of the highlights of the conference for me because it gave me a chance to meet, drink with, sing with and talk to many of the students and younger people at the conference. Some of the friendships which started that night will, I am certain, grow even though many miles now separate us.

On April 27 and 28 I attended a conference which was sponsored

by the Student Non-Violent Co-ordinating Committee in Atlanta, Georgia.

This conference was held so that the student protest groups in all parts of the country could meet, share their ideas and experiences and plan future campaigns for integration. Upon arriving at the conference meeting place, I was told that three of the members of S.N.C.C., including James Foreman, one of the leaders of the group, had been arrested that afternoon in downtown Atlanta. Before the first meeting was over, however, these three people were released on bail. The conference was held in the Inter-Denominational Theological Center, a group of Negro colleges situated on one large campus. The attorneys present were Len Holt of Norfolk, Virginia, and Victor Rabinowitz of New York City.

As soon as this first meeting ended, the three of us went to our accommodations in the same building for a meeting with a group of young men from Lebanon, Tennessee. They wanted information on how to go about filing an Omnibus suit. Len Holt chaired this informal meeting and for several hours we discussed the content of an Omnibus suit, who should be named as plaintiffs and defendants, etc.

The three of us were again directly involved in the conference proceedings after lunch the following day at a meeting on the subject of "How to secure your legal rights." Len Holt first gave a short and moving speech concerning the method of obtaining legal rights in the South. The meeting was then opened to questions from the floor. About 250 persons were in the meeting and the questions came thick and fast. These students are in the front line of the struggle against segregation in the South and they had all experienced some form of abuse, jailing and denial of their legal rights.

We discussed the possibility of assault and battery cases against policemen and private citizens who molested members of peaceful picket lines and sit-ins. We answered questions as to the content and meaning of the Bill of Rights and the Fourteenth Amendment to the United States Constitution, the concept of the supremacy of the United States Constitution and the meaning of some of the Federal Civil Rights Acts. Discussion was also held concerning the need to find evidence of some sort of state action in order to bring suits in the Federal Courts, how to determine the true legal nature of corporations, the nature and make-up of the FCC in relation to public utilities,

by radio and TV stations as to grocery stores and movie houses being open to the general public, while in actuality they are closed to Negroes.

We had a long and very fruitful discussion led by Vic Rabinowitz related to the case of Hague v. CIO and the whole question of deprivation of First Amendment Constitutional Liberties. Vic discussed the matter of ordinances which purport to disallow any picketing, assembly, and outlaw virtually all activities of integration organizations. Vic pointed out that the labor movement had successfully passed through similar problems in the 1930's and the audience was happy to find that they had some precedent in their favor.

Later we conducted a legal problems and possibilities workshop with some 25 students in attendance. We were presented with fact situations concerning registering at a motel in Nashville, Tennessee, by two white students who signed one registration card for themselves and another student who was not present at the time of registration. When the third student, a Negro, showed up to claim his room, the manager refused to admit him and then locked out the two white students after returning their baggage. The clerk had told the two white students that they could sign one card for all three of them, but it turned out that under Tennessee law each registrant in a motel must sign his own card, or so the police told the three students.

Then the questions came thick and fast. Can they sue the owner of the motel? Can they sue the clerk for fraud? Can they sue the City of Nashville because the city police intervened? Can they sue the AAA for listing a motel which discriminated? On and on went the questions. Multiply this by 100 and you have a fairly clear picture of the magnitude of the problems raised and the burden on the three attorneys to wrestle with this mass of questions, digest the facts as best they could, and come up with workable and understandable answers.

After dinner another workshop was conducted until late in the evening, again concerning the legal problems of these students and suggested solutions to these problems.

Submitted by,

IRVING ROSENFELD
Los Angeles, California

SUMMARY OF ADDITIONAL MATTERS REFERRED TO
COMMITTEE. INVOLVING ASSISTANCE TO SOUTHERN LAWYERS

SEBIS v. WIGAN

Habeas Corpus proceedings attacking conviction, in Alabama, for rape and resulting death sentence. Briefs filed. Appeal argued. Fourth Circuit held jury selection system violated Fourteenth Amendment. Writ granted.

VIRGINIA v. ALLEN

Appeal, testing constitutionality of State Statute requiring payment of fees, etc., before permitting appeal from misdemeanor conviction. Brief in preparation.

LARCHMERE, VIRGINIA OMNIBUS INTERVENTION SUIT

Complaint in Federal Court to enjoin segregation in public schools, public buildings and other public facilities.

Appeal to Fourth Circuit of dismissal of portion of complaint. Principal issue is whether Fourteenth Amendment prohibits State from maintaining segregated courtrooms. Brief filed. Argument pending.

CARROLL, VIRGINIA OMNIBUS INTERVENTION SUIT

Complaint in Federal Court to enjoin segregation in public schools, employment, buildings and facilities. Brief in preparation. Argument on motions to dismiss pending.

IN RE MARMON

Extradition proceedings in Ohio against one of the defendants in Monroe, North Carolina kidnaping case. Brief in preparation.

VIRGINIA CONTEMPT CONVICTIONS

Appeal from summary contempt convictions of attorneys Len Holt and Edward Dawley arising out of legal representation in lawsuits involving sit-ins. Petition for Writ of Error prepared and filed.

STATUTES WHICH PERMIT OR COMPEL SEGREGATION

Preparation of memorandum of law as to methods of judicially attacking such statutes in a single proceeding.

USE OF "BREACH OF PEACE" STATUTES AGAINST OPPONENTS OF SEGREGATION

Preparation of memorandum of law as to methods of defending against "breach of peace" statutes when used by authorities to harass persons opposing segregation.

REAPPORTIONMENT OF UNITED STATES CONGRESS

Preparation of memorandum of law concerning power of court to require reapportionment of Congress under the provisions of Section 2 of the 14th Amendment.

VOTING STATUTES

Preparation of memorandum of law concerning validity of state statutes prohibiting "plunker" voting.

NATIONAL LAWYERS GUILD
PROJECT FOR AID TO SOUTHERN LAWYERS

COMMITMENT FORM

I commit myself to devote a minimum of 40 hours of legal work during the ensuing year to aid the Guild's Committee for Assistance to Southern Lawyers in the following activities:

()

RESEARCH

_____ LEGAL

_____ SOCIOLOGICAL

_____ BRIEFS

_____ TRIAL

_____ APPELLATE

()

TRIAL WORK

_____ GO TO THE SOUTH

_____ MYSELF

_____ SOMEONE FROM MY OFFICE

()

PLEADINGS

_____ PREPARATION

()

PRACTICE AND PROCEDURE WORKSHOPS

_____ HELP IN PREPARATION AND PARTICIPATION

NAME _____

ADDRESS _____

TELE. NO. _____

I suggest you contact the following to help in this project:

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

(See reverse side)

ASSISTANCE TO SOUTHERN LAWYERS

The "Massive" resistance of the Southern States to the Fourteenth Amendment has taken the form, among others, of harassing criminal prosecution of Negroes and their white supporters. Thousands of such prosecutions have taken place already and have resulted in convictions, fines and jail sentences.

Most of these prosecutions have been so devised as to make it appear that violations of the ordinary criminal laws were involved, such as disturbing the peace, loitering, trespass, etc. The task of defense in these cases constitutes an enormous financial burden upon the persons charged, principally because difficult constitutional issues must frequently be raised. The efforts to achieve integration in accordance with the Supreme law of the land also takes the form of affirmative suits in the South to compel integration and to restrain segregation.

The need for lawyers to carry out these tasks is obvious. Despite this need, in many communities it is impossible for persons charged with these offenses to obtain a lawyer, and many lawyers who have undertaken the burden of assuming the defense or participating in legal battles to end discrimination and segregation have suffered harassment, loss of practice and social ostracism.

Except for a courageous and dedicated few lawyers, the Bar has generally defaulted on what Ernest Argell has correctly called the "responsibility to make effective in practice the fundamental right of all persons, regardless of color or economic status, to competent, fearless legal representation."

This responsibility cannot remain solely on the shoulders of the few brave advocates who have thus far, assumed the burden. The task is for the entire American Bar, which must enlist the services of all lawyers in the South, and must educate the Bar and the public to support individual attorneys who recognize this high professional duty.

The National Lawyers Guild, therefore proposes:

1. That the National Lawyers Guild establish a Special Committee charged with the following responsibilities:
 - (a) To canvass the members of the Guild for the purpose of compiling a list of lawyers who will contribute their time, skill or financial assistance when called upon;
 - (b) To inform Southern lawyers who are engaged in the legal struggle against segregation, of the availability of such assistance;
 - (c) To undertake other activities such as information services, brief banks, handbooks, conferences, as may effectuate the objective of providing adequate assistance in such cases.
2. That the National Lawyers Guild pledge itself to the immediate establishment of a Special Fund for the above purposes.
3. That the Guild cooperate with other organizations in avoiding duplication of work.
4. That other national bar associations be urged to take similar action and that the Guild offer its cooperation to such associations toward this end.

CONFERENCE ORGANIZATION

- Attorney Donald Hollowell, Atlanta
General Conference Chairman
- Rev. Wyatt Tee Walker, Atlanta
Co-Chairman in Charge of Conference Facilities
- Attorney Geo. W. Crockett, Jr., and
Prof. Charles W. Quirk, Detroit
Co-Chairmen in Charge of Conference Program
- Attorney Isabell Webster, Atlanta
Conference Secretary

PURPOSE:

The Seminars are open to all interested attorneys. They are planned to achieve two objectives:

FIRST

Make it possible for more attorneys to accept civil rights cases by making their practice in other areas of the law more lucrative. We believe that if the attorney's proficiency in this area is improved his income will be improved and he will be more willing to accept civil rights cases.

SECOND

To provide the attorney with an intensive review of the latest developments in civil rights law, with particular attention to the discovery of new techniques for the protection of civil rights.

Throughout the workshops, the emphasis will be on practice, rather than theory! It is a How-Do-You-Do-It-Conference. All persons attending are invited to bring their practical legal problems in these areas.

HOUSING:

Accommodations (double rooms only) are available at the modern Walthaje Apartments at \$6.50 per person per day including breakfast; or in one of Atlanta's many beautiful homes.

REGISTRATION:

The Registration Fee of Ten Dollars (\$10.00) includes your ticket to the two luncheon sessions, the cocktail party and the closing banquet.

Negligence Seminar

Friday—November 30th—Starting 9:00 A.M.

An all-day negligence seminar and workshop planned to deal with every aspect of negligence practice. Special concern is given to the factor of race and its effects on personal injury cases.

PANELS

I. BUILDING A NEGLIGENCE PRACTICE

Sources of negligence work; office forms and medical records; initial interview, etc.

II. INVESTIGATION AND DISCOVERY TECHNIQUES

Sources of information; theories of liability; basic investigative techniques; pleadings and pre-trial discovery.

III. MEDICAL MANAGEMENT

Securing medical reports; relationship and interview with the doctor; use of medical materials; determining possible future consequences of injury.

IV. EVALUATION AND SETTLEMENT

Settlement before and after starting suit; choice between settlement and trial; preparing case for settlement; methods of determining value of case; use of pre-trial discovery for settlement purposes; negotiations with adjusters and attorneys.

V. THE TRIAL AND THE FACTOR OF RACE

Trial brief and pre-trial motions; voir dire; opening statement; preparation and examination of witness; expert witnesses; closing argument; charges and instructions.

PANEL SPEAKERS

L. DUKE AYNET
Baltimore, Maryland
Specialist in Workmen's Compensation and Negligence Law; regular panel member of both Seminars.

GEN BERNSTEIN
Philadelphia, Pennsylvania
Specialist in negligence and personal injury cases; lecturer and author of numerous books and articles on medico-legal subjects.

MARY McALPIN
Louisville, Kentucky
Specialist in Personal Injury Litigation.

DEAN A. ROSS
Detroit, Michigan
1961-63 President of Michigan NACCA; lecturer of NACCA Seminars and author of recent articles in The Practical Lawyer—"How To Prove Medical Malpractice with Lay Witness."

DAVID SNIDELL
Cleveland, Ohio
Trial lawyer and lecturer on Medico-Legal Trial Tactics and Settlement Procedures. He is author of numerous articles on settlement evaluation techniques.

HERMAN WRIGHT
Houston, Texas
Civil Rights and Admiralty Lawyer; Leading Member of NACCA; Counsel in Several United States Supreme Court victories.

FRIDAY

12:30 P.M.—Luncheon
The Walthaje

Speakers:
Dr. Martin Luther King of Atlanta, Pres., S.C.L.C.
Atty. Robt. P. Ulliard of Nashville, Pres., N.B.A.
Atty. Benjamin Dreyfus of San Francisco, Pres., N.L.G.

8:00 P.M.—Evening Party
Home of Atty. & Mrs. Donald J. Hollowell

SATURDAY

12:30 P.M.—Luncheon
The Walthaje

6:00 P.M.—Conference Banquet
Bulter Street YMCA

Speaker:
Hon. Wade H. McCree, Jr., Judge, U.S. District Court for Eastern District of Michigan

Special Activities

CONFERENCE ORGANIZATION

- THEODORE F. CRAWLEY
President, Cook County Bar Association
- PEARL M. HART
President, National Lawyers Guild, Chicago Chapter
- FRANK A. ANGLIN, JR.,
CHAUNCEY ESKRIDGE
*Conference Coordinators
Cook County Bar Association*
- CHARLES R. MARKELS
HERBERT H. FISHER
*Conference Coordinators
National Lawyers Guild, Chicago Chapter*

Detach and mail to: CIVIL RIGHTS CONFERENCE,
Suite 2022, 33 North LaSalle Street, Chicago, Illinois

CONFERENCE REGISTRATION

I enclose a check for \$..... for the following:

- Conference and Luncheon \$6.50
- Conference only \$3.00
- Luncheon only \$3.50

Name

Address

Telephone

Announcing . . .

A CONFERENCE ON SOUTHERN CIVIL RIGHTS LITIGATION and the NORTHERN LAWYER

Sponsored by

NATIONAL LAWYERS GUILD
CHICAGO CHAPTER

COOK COUNTY BAR ASSOCIATION

LAWYERS' OBLIGATIONS *The Oath of Admission to the Bar*

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of my State;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any cause or proceed-
ing which shall appear to me to be unjust nor any
defense except such as I believe to be founded in
law and under the law of the land;

I will employ for the purpose of securing
the cause entitled to my aid, only persons well
known to me and known and re-
spected by the public as persons of good
character and high moral standing.

as false statement of fact or law.

I will maintain the confidences and secrets re-
sposed in me by my clients and will not
disclose them to any person without their
express consent, except as may be required
by the law of the land.

I will abstain from all office as arbitrator and
advice as fact finder in any case or mat-
ter of a legal nature, unless requested by the
party in interest.

I will never reject from any client, on ac-
count of race, color, or religion, and will
not, in the course of my professional duty,
procure, or delay any cause for mere
profit.

So help me God.

SATURDAY, MARCH 2, 1953
THE PICK-CONGRESS
CHICAGO, ILLINOIS

A-CONFERENCE ON SOUTHERN CIVIL RIGHTS LITIGATION AND THE NORTHERN LAWYER

SATURDAY—MARCH 2—12:00 NOON

The Conference is designed to acquaint Northern lawyers with the need for assistance to Southern lawyers engaged in civil rights litigation; to report on current developments and problems in such litigation; to examine relationships between Southern and Northern litigation in this field; to explore new legal approaches and techniques; and to consider what role the Northern lawyer can play. The subjects to be covered are:

FIRST

The Southern Civil Rights Lawyer: economic pressures; ostracism and other community pressures; treatment in court; contempt citations; tax investigations and other harassment.

SECOND

Southern Litigation: university entrance suits; suits involving sit-ins; defending "vagrancy" charges; suits under Federal Civil Rights Acts; omnibus suits; voting rights suits.

THIRD

Concurrent Northern Litigation: hospital suits; school suits; housing suits; suits against real estate boards; use of anti-trust theories; public accommodations suits.

FOURTH

Role of The Northern Lawyer: assistance to Southern lawyers; litigation in the North; how he can do it.

PANEL SPEAKERS

ERNEST GOODMAN

Detroit, Michigan

Prominent labor and civil rights attorney; formerly associate general counsel, International UAW-CIO; attorney in various successful civil rights cases in U.S. Supreme Court. Co-Chairman of Committee To Assist Southern Lawyers, National Lawyers Guild.

WILLIAM B. HIGGS

Jackson, Mississippi

Winner of 1963 Civil Liberties Award of New York Chapter, American Civil Liberties Union; attorney in suits against Mississippi White Citizens Councils. Federal Civil Rights action against officials who arrested "prayer pilgrimage" ministers, suit to enforce Federal Civil Rights Acts in Mississippi; one of James Meredith's attorneys.

DONALD J. HOLLOWELL

Atlanta, Georgia

Graduate Loyola University Law School; attorney in successful University of Georgia desegregation case, and numerous other desegregation cases throughout South; Co-Chairman Civil Rights Committee, National Bar Association.

GEORGE N. LEIGHTON

Chicago, Illinois

Former Assistant Attorney General of Illinois; former President, Chicago Branch of N.A.A.C.P.; attorney in many civil rights suits in both South and North, including jury exclusion and voter disenfranchisement cases in South and anti-trust suit against hospitals in Chicago.

LUNCHEON:

12:00 P.M. Isle of Capri, The Pick-Congress
Speaker: WILLIAM B. HIGGS of Jackson, Miss.

PANEL

1:15 P.M. Pompeian Room, The Pick-Congress

SOUND: CLOCK TICKING; FADE UNDER AND HOLD AFTER 7 SECONDS.

VOICE #1 At this moment millions of Americans live without the protection and security of our laws, institutions and traditions.

VOICE #2 Some are already in prison; their futures weighted with the despair of long, cruel sentences. Others, already condemned, face prison. Still others - in the millions - live in the shadow of relentless persecution, of arrest and conviction, without access or recourse to defense.

VOICE #3 But these Americans are not criminals. They are, in fact, the staunchest supporters of our Constitution. They are the brave, determined men and women and children who, through sit-ins, stand-ins, pray-ins, wade-ins, freedom rides and other peaceful methods of protest, struggle to obtain the rights clearly guaranteed them by that Constitution.

VOICE #2 . . . They are the millions of Negroes who live in the South.

SOUND: CLOCK TICKING OUT; MUSIC UP, UNDER AFTER 7 SECONDS, THEN HOLD.

VOICE #1 On this Law Day, 1963, the National Lawyers' Guild Committee to Assist Southern Lawyers, in cooperation with this station, presents "The Defenseless Millions" - a documentary review of the plight of some ten million Americans who, perhaps unknown to the nation at large, suffer the lack of that most fundamental right in a society that would be free; the right to adequate legal defense.

SOUND: MUSIC OUT

VOICE #4 . . . Are you saying that southern Negroes can't get capable, dedicated, southern lawyers to defend them when they're brought to the courts accused of violating the southern segregation pattern?

VOICE #2 Yes. In case after case, in community after community, it is always the same, shameful story: the southern Negro who refuses to be denied his civil rights either is not able himself to get a lawyer to defend him or --

VOICE #4 Or what?

VOICE #3 Or he becomes the pawn of a court appointed lawyer who will not risk antagonizing the white community by raising issues which conflict directly with the South's Jim Crow pattern.

VOICE #4 So, in effect, he remains without proper, legal defense.

VOICE #1 Yes.

VOICE #4 . . . But wait - there are Negro lawyers in the South!

VOICE #1 There are too few; far too few. For example: in all of Mississippi there are four Negro lawyers -- f o u r.

Why, even if southern Negro lawyers devoted all their efforts, their entire practices, to civil rights cases they could still help only a handful of those arrested and charged.

VOICE #4 . . . It's hard to believe -- I mean the attitude of southern lawyers who refuse to fulfill their duty toward accused persons! . . . Isn't ours a government of laws rather than of men? Why, those who have assassinated our country's Presidents have been defended! People are defended who've committed the most horrible crimes imaginable!

VOICE #2 It may be hard to believe, to accept -- but the facts are beyond dispute. Some southern lawyers refuse to defend Negroes charged with segregation violations. They are, themselves, racists, and supporters of segregation. They put personal prejudice above professional responsibility.

VOICE #3 Others, who may in fact be sympathetic with the struggle of the southern Negroes, will not, as they see it, put their careers, their livelihood, on the line. Rightly or not, they fear that defending Negroes in such cases means virtual expulsion from the white community and an end to their established legal practice.

VOICE #1 . . . Let us give you one illustration of each condition. . . . Over a year ago, a field representative of the Student Nonviolent Coordinating Committee - white person - was arrested for participating in an anti-segregation demonstration in McComb, Mississippi. He knew there are very few Negro lawyers in Mississippi, and those were already swamped with civil rights cases. So he set out to hire a white attorney.

VOICE #1 Between letters and personal calls, he contacted approximately fifty white Mississippi lawyers. Not one would take his case . . . not one.

VOICE #3 Some, as we've already suggested, said flatly that he was due no defense, that he was a "trouble-maker" and deserved the punishment Mississippi justice was likely to dispense. A few offered excuses, apologies, silent sympathy -- but not their services.

VOICE #2 Not much of a batting average for American justice, was it: not a single lawyer in some fifty would defend this young man.

VOICE #1 . . . And there was the case of Jayvan Covington. This 19-year old Negro youth was active in the civil rights struggle in the Monroe, North Carolina area. When he was charged with a felony offense he couldn't find a single attorney anywhere in that area who would defend him!

VOICE #3 The National Lawyers Guild came to his defense. Two volunteer, Northern lawyers travelled to North Carolina and took his case . . . Jayvan Covington was found guilty by an all white jury and sentenced to 7 - 10 years. His attorneys appealed. Their grounds -- that fact that Negroes in this area have always been systematically excluded from service on juries. This racial discrimination in jury selection, said Covington's attorneys made the impartial application of justice impossible. The North Carolina Supreme Court upheld the appeal and reversed the conviction. Jayvan Covington was released on bail to await fair trial.

. . . But what would have been his fate, where would he be today, if lawyers had not been dispatched to defend him -- lawyers able and willing to challenge one of the very premises of Jim Crow jurisprudence.

VOICE #2

And this still another factor to consider and remember: Southern civil rights cases are long and difficult. Defense Lawyers are forced to appeal every conviction from one court to the next to obtain justice. Only an able, energetic lawyer can succeed. And yet it is this kind of legal defense which is not available to southern Negroes.

VOICE #4

. . . I know what you've told me is true, but - well, I still find it - incredible! After all, the lawyer in American life is more than an individual! His is an honored profession, he is an officer of the court! Without him, without his full participation, our laws, everywhere, become meaningless! . . . Of what use are the rights of freedom of speech, press, religion, assembly, all the rest, if some Americans can't get a lawyer to defend them when they exercise those rights?

VOICE #1

That, indeed, is the question. And, as the time passes, more and more members of the American Bar must concern themselves with it.

VOICE #3

It may shock you to know that many lawyers, reflective of the public at large, are not yet themselves even aware that this problem of the defenseless millions exists!

VOICE #2

But others do know it and they, along with such organizations as the Southern Christian Leadership Conference, the American Civil Liberties Union and the National Association for the Advancement of Colored People, are dedicated to alleviating and eventually fully disposing of the problem.

VOICE #1

The National Lawyers Guild Committee to Assist Southern Lawyers was organized in February, 1962. Here is its two-fold purpose:

VOICE #3

To help, even if in a small, limited way, to fill the gap, left by the failure of the white, southern lawyers to accept Negro clients charged with breaking Jim Crow.

VOICE #2 And to rouse the American Bar as a whole, everywhere - to bring the full weight and prestige of the profession down upon the conscience and practices of the southern membership, so that they will fulfill their duties and responsibilities to the now defenseless millions.

VOICE #1 The Committee, with just pride, can say that its contributions, though necessarily limited in number, have been impressive. Many northern attorneys have answered the Committee's call for volunteers and without fee of any kind, have served in noteworthy civil rights cases. The Jayvan Covington case we mentioned earlier was one.

VOICE #4 Wait . . . That's fine; that's all to the good. But where are the others?

VOICE #3 The Others?

VOICE #4 The other men and institutions of national reputation who should be speaking out, urging - yes, demanding access to justice for the defenseless millions:

VOICE #3 Let us tell you about three. There are more, there will be more still; but let us tell you about three.

VOICE #1 At the very height of the Mississippi segregation dispute; in September, 1962 Attorney General Robert Kennedy, speaking by phone relay to a distinguished audience in San Francisco, said: . . . lawyers have a continuing responsibility to uphold the fundamentals of justice from which the law cannot depart. He continued: One of my great disappointments in our efforts to deal with the situation in Mississippi has been the absence of any expression, of support from the many distinguished lawyers of that state. I realize in that situation that to defend the principles of respect for the law would be unpopular and would require great courage. I also understand that many of them may not agree with the 1954 Supreme Court school desegregation decision. But whether they agree or not, they still have their obligations as lawyers -- and they have remained silent . . . Protecting rights, Mr. Kennedy concluded, sometimes forces a lawyer to rise above the interest of his pocketbook.

VOICE #2

Commenting on Mr. Kennedy's remarks, the St. Louis Post-Dispatch, one of our country's finest newspapers, editorialized -- A lawyer as an officer of the court should uphold decisions whether or not he thinks them unsound. Otherwise, lawyers would support anarchy and not law.

VOICE #3

And, finally, let me tell you what Eugene Rostow, Dean of the Yale University Law School, feels about this problem: He has said -- " ... the organized bar itself, as the body primarily charged with the duty of enforcing our code of professional ethics, has an ultimate responsibility to see to it that no man's rights be lost for want of a qualified lawyer to present them. Any lesser rule for our profession could make due process of law a mockery... In the national effort to overcome this menace to the rule of law, the organized Bar should play a far more active and decisive role..."

VOICE #1

... and, as we say, there will be in the days to come still other honorable voices raised with yours and ours.

VOICE #4

But where is the one voice that can be denied, the voice that for more than one hundred and seventy five years has always been heard in the defense of the oppressed -- the voice of the American people? Can it be that we don't care? That we cannot feel, cannot appreciate what it is to be left to stand before a Judge or jury without hope of defense? Can't we, each of us, see ourselves as Negroes -- in that picture? -- And that we are in the dock, really, only because of the color of our skin and our insistence on equality before the law? ... I am not a lawyer; I can't speak in legal terms. But I am an American, and I ask myself -- where is our national conscience, our spirit of decency, of fair play, of respect for each human being?

VOICE #2

These are questions each of us - particularly those of us who are lawyers - must face up to on this Law Day, 1963. Each lawyer must recall and reconsider the concluding paragraph of the oath he swore on admission to the Bar.

VOICE #3

(ECHO CHANTER) . . . I will never reject, from any considerations personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for hate or malice . . . So help me God.

VOICE #1

. . . Yes, this Law Day, 1963, must be a day of recognition and rededication for the American Bar; a recognition of professional delinquency toward the southern Negro and rededication to long-standing professional principles.

VOICE #2

The American Bar has, for years, spoken of the need for world peace through law: it has organized committees and published outstanding material in pursuit of that worthy goal. But it must say now, today, that law and impartial application of law must be made to serve the domestic peace as well. Until and unless the American Bar, all of the lawyers of our country, fulfill this commitment and responsibility the words "liberty and justice for all" will have no meaning for southern Negroes.

MUSIC

FADE UNDER AND HOLD AFTER 5 SECONDS

VOICE #3

As a feature of Law Day, 1963, the National Lawyers Guild Committee to Assist Southern Lawyers, in cooperation with this station, has presented "The Defenseless Millions" - a documentary review of the plight of some ten million Americans who, perhaps unknown to the nation at large, suffer the lack of that most fundamental right in a society that would be free: the right to adequate, legal defense.

MUSIC

UP TO CLOSE.

THE GUILD LAWYER

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December 1962

NATIONAL LAWYERS GUILD, NATIONAL BAR ASSOCIATION, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE HOLD HISTORIC INTEGRATED LAWYERS CONFERENCE ON CIVIL RIGHTS, NEGLIGENCE LAW

Over 60 Lawyers Attend Two-Day Atlanta Meeting

In a great advance in support of civil rights in the South, an historic lawyers conference was held on November 30th and December 1st at Atlanta's Waldorf Hotel.

The conference was sponsored by the National Lawyers Guild's Committee to Assist Southern Lawyers, The National Bar Association's Civil Rights Committee in cooperation with the Southern Christian Leadership Conference.

Over sixty lawyers travelled from every southern state and from California, Michigan, Pennsylvania, New York, Illinois, Ohio and New Jersey to participate in the integrated meeting.

The Friday panels on negligence law set the tone for the conference. A capacity-filled room of lawyers sat with great attentiveness throughout the day's workshops, and long after the formal sessions ended continued to quiz the panelists. Negligence experts Dean Robb and Harry Philo of Detroit were busy until 3 A. M. Sunday morning working in their rooms with numerous lawyers on legal problems.

The negligence panels were designed to make it possible for more attorneys to accept civil rights cases by making their practice more lucrative in other areas of the law. The social and economic sanctions facing the lawyer who handles racially controversial litigation have not made it practical to handle civil rights cases.

The negligence panels, chaired by Dean Robb of Detroit, covered five primary areas. The subject of "Building a Negligence Prac-

tice" was treated by I. Duke Arnet of Baltimore, Maryland, a specialist in workmen's compensation and negligence law; Harry McAlpin of Louisville, Kentucky, a specialist in personal injury litigation and Herman Wright of Houston, Texas, a civil rights and admiralty lawyer and counsel in several significant victories in the United States Supreme Court. After the formal presentation, questions, answers and cross-discussion among the assembled lawyers was encouraged as time allowed. The practice of encouraging the fullest possible discussion was carried out throughout the workshop seminars. The assembled lawyers were particularly attentive to suggestions on new sources of negligence practice as well as questions about office forms, medical materials, the initial interview. The subject of "Investigation and Discovery Techniques" was handled by Dean Robb of Detroit, 1961-62 President of Michigan NACCA, and Harry Philo of Detroit, specialist in personal injury litigation. Topics covered in this section included sources of information, theories of liability, basic investigative techniques and pleadings and pre-trial discovery. Ben Bernstein of Philadelphia, a lecturer and author of numerous books on medico-legal subjects, led the seminar on "Medical Management." Mr. Bernstein utilized a series of slides for the purpose of illustrating his presentation. On the question of "Evaluation and Settlement" the expert in charge was David Sindell of Cleveland, a trial lawyer and lecturer on Medico-Legal Trial Techniques and Settle-

ment Procedures. The panel on the "Trial and the Factor of Race" was led by I. Duke Arnet and Harry McAlpin.

Although the five panels were spaced out over the entire day, it was clear from the many questions and desire for discussion that any one of the subjects could have retained the interest of the lawyers for a much longer period of time.

Friday's luncheon, the first of four special conference events, gave the lawyers an opportunity to hear representatives of the sponsoring organizations of the conference. Luncheon toastmaster George W. Crockett, Jr. of Detroit, Co-Chairman of the Guild's Committee to Assist Southern Lawyers, introduced Benjamin Dreyfus of San Francisco, President of the National Lawyers Guild, Euclid Taylor of Chicago, past President of the National Bar Association, and Reverend Wyatt T. Walker of Atlanta, Executive Director of the Southern Christian Leadership Conference, each of whom described his organization's work, particularly in the area of civil rights. The group also heard Donald Hollowell, General Conference Chairman and prominent Atlanta attorney, and Ann Ginger of Berkeley, California, Editor of the Guild's Handbook for Civil Liberties and Rights Lawyers.

After a full day of intense and exciting activities, the conference attendants relaxed and socialized at parties at the homes of Donald Hollowell and State Senator Leroy Johnson, the first Negro to be elected to the Georgia legislature in over half a century.

The full first day and the warm hospitality of the Hollowells and the Johnsons only served to increase the enthusiasm for Saturday's civil rights seminars. The morning session, chaired by Ernest Goodman of Detroit, dealt with "Criminal Prosecution and Constitutional Rights" and was divided into two sub-areas. The first session raised such problems as preserving the Federal question; constitutionality of the indictment; exclusion of Negroes from juries; bias and prejudice in the judicial system; and change of venue. Panelists for the session were William Hall of Atlanta, Donald Hollowell of Atlanta, and Fred D. Gray of Montgomery.

The second morning session concentrated on Federal Habeas Corpus proceedings: testing the constitutional validity of arrests and detention; reviewing the state court convictions; and exhaustion of state post-conviction remedies. The civil rights experts were Benjamin Smith of New Orleans, Charles Conkey of Montgomery, and Morton Davis of Newark, the latter two lawyers fresh from victory in the *Scals* case.

Saturday was also highlighted by a luncheon presided over by Atlanta attorney Isabell Webster and addressed by Reverend Dr. Martin Luther King, Jr., President of the Southern Christian Leadership Conference and noted civil rights leader. Dr. King stated that the two keys to achieving integration were litigation and powerful, non-violent, direct action, each of which supplements the other. The internationally famed civil rights leader stated that, "... rights on paper are given lifeblood when people begin to act." He praised the role of the lawyers who, often at personal and economic sacrifice, are playing such an important role in the struggle for integration in the south. While warning against the dangerous development of "token integration, a new form of segregation", Dr. King stated that the shape of the world today does not allow for an anemic democracy. He spoke of the inescapable network of mutuality saying that, "what affects one directly, affects all indirectly, injustice anywhere affects all." While noting that such legal doctrines as interposition and nullification are still heard in legislative halls, he claimed that significant progress has been made in the quest for complete equality. His speech was received with a standing ovation.

Other luncheon speakers representing the sponsoring organizations of the conference were Robert Lillard of Nashville, Tennessee, President of the National Bar Association;

Wyatt T. Walker, Executive Director of Southern Christian Leadership Conference; and Ernest Goodman, Co-Chairman of the Committee to Assist Southern Lawyers. Mr. Lillard pledged the full support of his organization for the Atlanta conference and co-sponsorship of further conferences of the same type with the same organizations. Mr. Walker welcomed the lawyers on behalf of the Southern Christian Leadership Conference and catalogued the existing unjust laws and need for increased legal activity in the south. The many-faceted program of the National Lawyers Guild in the south was described by Mr. Goodman, who outlined the lawyer-to-lawyer method which the Guild encourages and the law student clerkship program.

The afternoon workshop seminars continued to emphasize new approaches and techniques in civil rights litigation. Under the general subject of "Civil Remedies and Defense Against Injunction Proceedings, Victor Rabinowitz of New York discussed the defenses to an injunction, including the doctrine of "unclean hands." Ann Ginger of Berkeley, Editor of the *Civil Liberties Digest*, discussed the omnibus injunction suit including problems of pleadings and proper parties and the use of discovery procedures. Chairman of the afternoon session, George W. Crockett, Jr. of Detroit, and William Higgs of Jackson explored the applicability and enforcement of the Federal Civil Rights Acts. Mr. Higgs, in response to a question, vividly described the isolation experienced by the southern white lawyer who takes racially controversial cases. Professor of Law Charles Quick of Wayne State University in Detroit completed the afternoon session with a presentation on the implications of *Monroe v. Pape*.

A final special event of the conference was a public banquet at the YMCA in downtown Atlanta. The honored guests of the banquet were State Senator Leroy Johnson and Honorable Charles C. Diggs, Jr., Congressman from Michigan. Congressman Diggs told the integrated 150 guests that the quest for integration is within the American tradition of respect for law and order. The honored guests on the dais, in addition to Congressman Diggs and Senator Johnson, were Ernest Goodman and George W. Crockett, Jr., co-Chairman of the Guild's special Committee to Assist Southern Lawyers; Donald Hollowell, general conference chairman, Benjamin Dreyfus, Guild President and Professor Charles Quick, co-chairman of

the National Bar Association's Civil Rights Committee. Entertainment was provided by the Freedom Singers of the Student Non-Violent Coordinating Committee. The banquet ended with the entire room rising, linking arms and singing with the Freedom Singers.

Among the many outstanding lawyers present at the conference were Jack Young of Jackson; C. B. King of Albany, Georgia and Samuel Mitchell of Raleigh. The excellent organization of the conference can be credited to the general conference chairman, Donald Hollowell; Rev. Wyatt T. Walker, co-chairman in charge of conference facilities; George Crockett, Jr. and Professor Charles Quick, co-chairman in charge of conference program; and Isabell Webster, conference secretary. They were ably assisted by Eleanor Maki of Detroit; Aryay Lenske, Executive Secretary of the National Lawyers Guild and the staff of the Southern Christian Leadership Conference among many others.

Long before the work sessions ended, the question "when is the next conference?" was being discussed. The combination of negligence and civil rights law proved worthwhile; many of the lawyers were armed with the knowledge of how to make their practice more profitable in financial terms and in terms of utilizing law as a vehicle for social progress. The President of the National Bar Association, Robert Lillard pledged his organization's support for another co-sponsored conference and the Guild's special committee is assisting in ascertaining a proper time and place.

**NATIONAL LAWYERS GUILD
COMMITTEE TO ASSIST SOUTHERN LAWYERS**

COMMITTEE OFFICE
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June 26, 1963

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MORTON STAVES
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SAMUEL SUCKOW
New York City
HERMAN WRIGHT
Houston, Texas

At the recent White House meeting of attorneys, you requested that those present notify you of their willingness to serve on a committee to effectuate the program outlined by the President. As one of the participants at that meeting I am writing to offer my services personally and the services of the National Lawyers Guild's Committee to Assist Southern Lawyers.

The Guild's Committee has been engaged for the past eighteen (18) months in publicizing the need for more active participation by the organized bar in the struggle to desegregate the South and to implement the recent Supreme Court decisions outlawing segregation.

To this end we have done the following:

1. Obtained written commitments from more than eighty (80) attorneys in the North of their willingness to donate their services in actual cases;
2. Actively participated in more than twenty-five such cases, by preparing the pleadings, the briefs, actual trial work in court, and handling the case in the appellate courts.
3. Preparation and distribution of a taped "Law Day" program carried by radio in Washington, D.C., Detroit, Philadelphia, St. Louis and several other stations;

Page 2
Mr. Tweed and
Mr. Segal

June 26, 1963

4. Conducted work shop conferences for civil rights attorneys in Atlanta and Chicago;
5. Prepared and published a "Civil Rights Handbook" for Attorneys containing pertinent text materials, citations and forms for use in desegregation and other civil rights cases.
6. Conferred with the American Bar Association's Committee on Bill of Rights, at Hotel Mayflower, Washington, D.C., in May, 1962. Following this conference the Committee reported to A.B.A. Convention in Denver; but it does not appear that any action was taken by the A.B.A. on the Committee's report.

For your information we are enclosing materials relevant to the above activities of the Guild's Committee; and we would welcome an opportunity to confer with you on ways and means of assisting you in implementing the President's proposals.

Very truly yours,

Geo. W. Crockett, Jr.,
Co-Chairman

GWC:llh
Enc.

Mr. Robert Kennedy
Attorney General of the
United States
Department of Justice
Washington, D. C.

Page 2
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Co-Chairman

GWC:ll
Enc.

cc: Mr. Robert Kennedy
Attorney General of the
United States
Department of Justice
Washington, D. C.