

April 15, 1964

Andrew Goodman's
Copy

TO: All Members of the National Lawyers Guild.

FROM: Ernest Goodman, President.

SUBJECT: Mississippi, and the Guild's Committee for Legal Assistance in the South.

Dear Guild Member:

The "Committee for Legal Assistance in the South" is the new name for what was formerly CASL. George Crockett and Ben Smith are Co-Chairmen of the Committee and George Downing and Len Holt are Co-Secretaries.

Crockett, Smith and Downing recently returned from a conference at Jackson, Mississippi where they were participants in what is, perhaps, the most exciting and promising development in the whole civil rights struggle in the South today: the proposed "Mississippi Project" to be sponsored and conducted in Mississippi this summer by the Mississippi Council of Federated Organizations (COFO).

What is COFO?

In 1963, the Student Non-Violent Coordinating Committee (SNCC) in Mississippi joined with CORE, the Southern Christian Leadership Conference (SCLC), the NAACP and several other voter and civil groups in that state to form a statewide civil rights organization. Since then COFO has continued under the leadership of Aaron Henry as President and Robert Moses (of SNCC) as Program Director.

What is The Mississippi Project?

This summer, SNCC, in cooperation with COFO, is launching a massive Peace Corps-type operation for the disenfranchised citizens of Mississippi. One Thousand (1,000) college students, teachers, technicians, nurses, artists and legal advisors from all sections of the country are pledging themselves to come to Mississippi to staff a wide range of programs that include voter registration freedom schools, operation of community centers and special projects.

How Will The Project Operate?

The Freedom Schools and Community Centers will operate essentially the same as the Peace Corps operates abroad--a combination of adult education, arts and crafts, work-while-you-learn projects, health and recreation centers and political science seminars.

Voter Registration will be conducted by workers deployed in teams of four (4) in every county, with larger concentrations of roughly 100 in the major urban centers. These workers will assist in developing local leadership and organization. They will encourage as many Negroes as possible to attempt to register on the county books and will assist in a campaign, launched in February, to register over 400,000 Negroes on "Freedom" registration books. The "Freedom" registration campaign, now in progress, involves establishing local registrants in every precinct in Mississippi with registration books resembling as much as possible the official books of the state. The "Freedom" registration books will serve as the basis for challenging the official books of the state and the validity of "official" elections this fall. Finally, voter registration workers will assist in the summer campaigns of Freedom candidates who are running for Congress against the present incumbents.

The Problem for Lawyers.

A problem of major concern to the delegates at the COFO meeting was how to assure maximum legal protection and assistance for the workers in such a campaign in a state that has only three (3) attorneys (all Negroes) who will accept the defense of civil rights cases, and where court-assigned attorneys refuse to raise constitutional issues.

Mississippi officials are preparing for all-out resistance. According to Newsweek (2/24/64), the Mayor of the capitol city of Jackson boasts of a "riot-trained police force" which is "twice as big as any city our size"; the acquisition of two "detention compounds" for "demonstration POWs; and a specially built "13,000 pound armored battle-wagon" ... "abristle with shotguns, tear-gas guns and a sub-machine gun." In addition, the New York Times (4/7/64) reports pending state bills authorizing municipalities to restrict the movements of citizens in the interest of "public safety;" and making it a felony to threaten or coerce another from lawfully carrying on business, or to print or circulate any matter encouraging economic boycotts.

The problem of litigating these restrictions on freedom and defending those who insist upon their freedoms is further complicated by the fact that, while the state courts are open to out-of-state lawyers without the necessity of formal motion and admission, the right of out-of-state attorneys to handle such cases can be challenged by any two (2) local attorneys at any time. The local Federal Court rule requires formal motion and at least one Federal Judge in the past has required that a local attorney physically accompany any out-of-state attorney appearing in his Court. Two (2) proceedings sponsored by the Guild already are pending in which it is sought to have this local Federal Rule declared inapplicable in all instances where the inability to obtain local counsel is shown.

The Guild's Concern As A Bar Association.

The Guild is not a civil rights organization. It is a national bar association of attorneys, professionally and personally committed for the past twenty-seven years to the defense of the civil rights and liberties for all people.

The distinction is important because it explains why the Guild itself cannot become an integral part of a lay defense organization or association of such organizations. Our concern in the Mississippi Project is to attempt to redress the lack of available lawyers in Mississippi ready, willing, and able to handle civil rights cases. And we would hope that our example might bring an increasing awareness of their professional obligation to members of the Mississippi bar, which would permit us to reduce and eventually withdraw our commitment. Unfortunately, no indication of such a development has yet taken place.

The Guild's Program For Mississippi.

The Proposal: It is proposed that the Guild and its members make available the maximum legal assistance possible to those participating in the Mississippi Project.

It is further proposed that such assistance be coordinated through a field office to be established in Mississippi, with a full-time integrated staff, consisting of two (2) attorneys, two (2) law students and a secretary. The function of this staff is

- A. to handle, on an emergency basis, all request for immediate assistance until such time as particular Guild attorney can be assigned.
- B. to set up immediately a register of Guild attorneys who will accept full responsibility for particular cases assigned to them; and
- C. to keep a progress docket of all Guild cases and render such on-the-scene assistance to assigned attorneys as possible.

The Register of Guild Attorneys: Services of Guild attorneys would be solicited and utilized on the following bases:

1. General Guild Attorneys are those attorneys who agree to come and stay in Mississippi for an extended period of a week or more. Such an attorney would be assigned to a particular community, county or district for the duration of the stay. He would be expected to handle, on an emergency basis, all cases referred to him in that community or district. This includes arraignments, preliminary hearings, releases on bail, summary trials in magistrate's courts and appeals and trials de novo in County Court. It also includes habeas corpus and removal proceedings. COFO would provide him with subsistence and the facilities for working. His legal services would be rendered gratuitously and the Guild would pay for his transportation to and from his Mississippi location. When the tour of duty of a General Guild Attorney is about up, another would be on hand to step immediately into his place.

2. Special Guild Attorneys are those attorneys who accept an assigned Mississippi case or cases for preparation in their own offices and who come to Mississippi for the single purpose of trying or presenting argument in the particular case assigned to him. In such instances the "work-up" of the case or group of cases will have been handled (as outlined above) by a General Guild Attorney or the staff attorneys on the scene. The Special Guild Attorney would be expected to try such cases on appeal and to follow the case to its ultimate conclusion (including higher appeals). He also might be called upon to prepare briefs and argue removal proceedings or juvenile court proceedings. His services also would be volunteered and the Guild would assume responsibility for his travel and other expenses incident to his assignment.

Attorney's Registration and Commitment Form.

1. It is believed that we can achieve and maintain a fair territorial coverage if we can provide a total of sixty (60) "lawyer-weeks" (one lawyer for one week) of service for our General Guild Attorneys. This presupposes one (1) fulltime General Guild Attorney in each of the five (5) Congressional Districts in Mississippi for each of the twelve (12) weeks of the Project, or five (5) attorneys for each week from June 2, to August 31. In addition, of course, we shall need as many Special Guild Attorneys as we can obtain.

2. It is imperative that registrations of volunteer attorneys begin now. I am enclosing the Committee's Commitment Form and ask that you execute it and return it as promptly as possible. In addition to indicating whether or not you or someone from your office will be able to go to the South (Mississippi), please specify with as much certainty as possible the dates and total period of time you or someone from your office can stay in Mississippi.

3. Each Guild member who registers will be used to the extent that our finances will permit; and he will be informed, as far in advance as possible, of the place where he is wanted and the time when he is expected.

4. If you cannot come to Mississippi for a week or more, please indicate your willingness to work on any of the other aspects of the Guild's Mississippi program.

General Observations

1. The Guild's function in Mississippi is to bring clients and attorneys together -- to "guarantee" a competent attorney for any civil rights defendant who request an attorney.

2. The Guild will interest itself in a person's defense only upon request by the person or a representative of the person. In such cases, the function of the Guild will be limited to assigning counsel and providing for counsel's travel expenses where the client or the attorney is unable to do so.

3. Each attorney assigned by the Guild is required to obtain a written retainer from his client appointing the attorney as attorney-in-fact (as well as at law) to do what in his judgment is necessary to the client's defense. This applies also in those instances where either of the staff attorneys mentioned above undertake to represent any person with respect to any aspect of his defense.

4. It is not the Guild's function to itself handle or be responsible for the handling or even the direction of any defense case. The Guild is not a Civil Rights defense organization. Once the attorney is recommended by us and is accepted and engaged by the client, the relationship of attorney and client is established and it is the attorney's case.

5. The full support of the Guild is pledged to the assistance and to the defense of any attorney who accepts a case at the request of the Guild.

Initiation of Program: We propose to initiate the Guild's Mississippi program by conducting our third conference for civil rights attorneys in or near Jackson, Mississippi, on June 5 - 7, 1964. In addition to our usual work-shop discussions, the conference would explore in detail the legal needs of the Mississippi Program and the implementation of the Guild's proposals to meet these needs.

Budget: The proposed budget for this program is estimated at \$15,000.00; the larger part of which represents the allocation for travel to and from Mississippi. This budget can be reduced to the extent that attorneys or their offices pay for their travel or the travel is provided by the local chapter of the Guild.

Mr. Crockett - with the approval of his firm - will spend the entire twelve (12) weeks at the Mississippi field office. We desperately need an additional volunteer attorney whose circumstances will permit a similar commitment "for the duration."

The two (2) law students and the secretary in the field office would be paid a subsistence of \$50.00 per week. Rent, phone, office supplies, office rent, auto expense, travel and miscellaneous expenses should be kept to \$1,000.00 per month. We should anticipate travel expense averaging \$150.00 round trip for sixty (60) attorneys to come to Mississippi. And the expenses for the initiating conference could be kept at about \$800.00. Thus, we have the following minimum proposed budget for three (3) months:

Field Office Staff Salaries	\$1,800.00
Field Office Operating Expenses	3,000.00
Initiating Conference	800.00
Round Trip Travel for 60 Attorneys	9,000.00
Miscellaneous Expenses	400.00
Total	\$15,000.00

(The above budget does not include expenses for Special Guild Lawyers or for costs and expenses on appeals)

Conclusion.

The realization of the Guild's objective in Mississippi will require the personal commitment of every Guild member. All of us cannot go to Mississippi; but we can help make it possible for others to go. We can do this by immediately sending a substantial increase in our current tax-exempt dues payment to the Guild, specially earmarked for this project.