

MEMORANDUM

TO: Dr. George Wiley January 28, 1965

FROM: Carl Rachlin

RE: Legal Department (Report for NAC meeting February 6, 1965)

I. Program

A. During the last few months we have been involved in:

(a) U.S. Supreme Court - Cox v. Louisiana, argued early in October. The case was decided in our favor on all counts on January 18, 1965.

(b) Brown v. Louisiana - new case being prepared for the U. S. Supreme Court.

(c) Work on the CORE Legal Conference. This is being paid for by SEDF, but all time and preparation are being done in our department.

(d) Brewery matters and related employment problems, involving much correspondence and time spent in negotiations.

(e) Preparation of a long memorandum entitled "A Hard Look at the Civil Rights Law" discussing what the law does not do. This will go out shortly.

(f) Trailways matter - legal advice and supervision as well as negotiations in Washington with Federal agencies, coordination with CORE Northeast Regional Office, Philadelphia CORE chapter, attorneys.

(g) Cooperation with LCDC (Lawyers Constitutional Defense Committee), helping to keep it going for summer use particularly and in connection with this.

(h) Preparing Dennis v. Johnson, an important Mississippi case challenging the constitutionality of many Mississippi laws.

(i) Negotiations with President's Committee for Civil Rights under Law

(j) Completing memorandum on Rent Strikes sent to all chapters.

(k) Developing further our now substantial network of lawyers all over the United States. This means

(l) giving assistance to Tucson attorney in Civil Rights Law case

(m) Supervising Milwaukee case

(n) Same in Tulsa - sending volunteer, close CORE associate Marvin Karpatkin to Tulsa to work there on important court case.

(o) Similar in Omaha, Camden, Chicago

(p) Supervising the case in Trenton involving most of our NE Regional office as well as assisting them there in their ongoing activities with regard to Urban Renewal.

(q) We are still optimistic (less so) for an adjudication on segregated school bonds. We are still pushing this with the attorneys-general of the States of Massachusetts, New Jersey and New York.

(r) Work on a library desegregation case in Louisiana and a school case in Miss.

(s) There are several cases at the appeal stage here in New York;

(t) 3 important sit-in cases in the N.Y. Court of Appeals

(u) Very important so-called "loitering" case of Chris Sprowel to be appealed.

B. (a) As General Counsel of CORE, I deal with various internal legal matters, corporate and tax problems. These we handle, although shorthanded, as they develop. There is heavy involvement on the telephone. In large part these are local matters, some crackpot, some irrelevant, but all meaning much too much time. Because the National office is in New York, and because the Legal Department is supposed to be a repository of vast and diverse information, all sorts of inquiries are sent our way, many unnecessary, but all time-consuming. We also have fairly heavy correspondence to deal with all over the U.S. on Civil Rights matters, etc. Needless to say, our work involves coordination with the activities of Chapters and Regional Offices, and, often, participation in CORE workshops.

We were instrumental in the creation of CORE Metropolitan Legal Defense Fund, which we are in the process of setting up as a tax-exempt corporation. This group should start to be active in both fund-raising and in processing certain types of incoming calls and correspondence (e.g. police brutality) in the New York metropolitan area, thus relieving the National office of dealing with NY cases, at least at the preliminary stage.

(b) Other activities include university relations:

(i) participation in civil rights activities of universities such as helping conduct graduate seminar on civil rights for Columbia University Law School next semester.

(ii) Sit on Board as CORE Counsel of New York University Law School Hays Civil Liberties Center.

(iii) Stimulate law schools on the other hand to engage in long-range civil rights activities on our behalf such as University of Michigan and Boston College Law Schools whom we have asked to prepare a report on a new approach to landlord-tenant relations.

(iv) Maintaining close relations with and sit on Board of the Law Student Civil Rights Research Council for assistance in research problems and entree to students in many law schools in the U.S. such as Columbia, Pennsylvania, Howard, Harvard, Chicago, California, etc.

(c) Furthermore, I supervise 3 students (SEDF scholarship students) as part of their continuing legal education. They help us and it is my view that we play an important role in their legal education and their future in the civil rights field.

(d) In recent months I made trips to New Orleans (Pierson v. Ray), Washington (to argue Cox), Cleveland and Chicago (chapter problems). Of course trips to Washington were also made on other CORE business.

(e) I must attend conferences and meetings of such organizations as American Jewish Congress (member of board of their Committee of Law and Social Action), American Civil Liberties Union, LCDC (as member of the board), Workers Defense League (member of the board), Law Students Civil Rights Research Council (Advisor). After twenty-five years as an attorney I have finally become a member of the American Bar Association ... and hope

to serve on a new committee that is being set up in the realm of constitutional law. I hope to reach many more attorneys in this way and interest them in working for CORE.

(f) Occasionally cooperation with attorneys in preparing civil rights cases other than CORE cases.

(g) Maintain a constant correspondence with numerous government agencies such as

(i) Defense Department - We have several matters pending before them and successfully handled others.

(ii) F.B.I. - while this is difficult and delicate, it is also often very useful - such as at Jonesboro where it was their help that was important.

(iii) Justice Department - ditto

(iv) Post Office

(v) Civil Rights Commission

C. Program for the next few months.

Under this heading I will outline the relationship of the legal work to program and our plans for activities in the next few months. Needless to say, activities outlined under A. and B. will continue to be part of our every-day work. The anticipated expenses related to these activities will be listed under the section entitled "Future expenses.")

It is in the areas relating to program that we have our greatest frustrations. Most of these come about because we do not have lawyers in the field at important centers to take the legal steps necessary to promote civil rights in an affirmative manner; (for that matter, as in Northern Florida, we do not always have a lawyer to defend people arrested.) Northern Florida and Southern Georgia is a particular area where we could use this assistance -- SEDF has appropriated this money and I have been interviewing people for this vacancy.

Louisiana is fairly well covered. Mississippi for some time has needed a lawyer with our philosophy. Obviously, it is important that CORE take as much charge legally as is possible. Some of our internal problems might disappear. In the event of any major program undertakings in Miss., one man will not be anywhere near sufficient. And we are currently faced with the question of Henry Aronson's resignation from CORE. However, our close ties with LCDC are proving a great advantage. They have just hired a full time lawyer for Mississippi, Alvin Bronstein, who will work in close cooperation with us. This will not cost CORE anything. Other major activities will require the assistance of LCDC which, of course, is its main function. For example, we are beginning soon an interesting reapportionment case in Mississippi which will be undertaken by LCDC.

With a regularized group of lawyers in key areas I could plan important legal activities instead of merely acting in an ad hoc fashion, and this will be of greater use to the men in the field, task force people, etc. There are lots of things that I have in mind for such purposes, one of which a big action, in advance, to step off the Plaquemines Parish program, if it develops as discussed.

Presumably, if we can get our bills paid in Louisiana, there are lots of legal problems to be developed, including a very interesting case of admission to Louisiana Tech which is rapidly progressing, and other school, employment and public facility matters, as well as certain injunctive type cases to protect our workers in the field. In Northern Florida we can try with one man, together with additional help from other sources. I have a statewide school case in mind for Louisiana, Florida and South Carolina. So far as Mississippi is concerned, it is a little more difficult, mainly because of the gross number of things to be tried. In South Carolina we have the difficulty of having no lawyer of whom we can be certain. A year ago we prepared a complaint in New York in a school board case which never got off the ground because NAACP put pressure on the plaintiffs to withdraw. The role of our lawyer in this has never been clear.

We must not neglect South Carolina where I would like to have a man as soon as our program gets going, or establish such local assistance as will cover us.

Problems do develop in areas where there are no lawyers, and if travel money were a little more available, I have competent men here to send to places such as Tulsa, etc. who have gone previously.

Hopefully we are getting New York problems under control. We need to do this in San Francisco, where there are lawyers but, because of the money, I have not been able to go there and try to see if it can be put in order and what money would be needed to keep it on an even keel. I tried with a volunteer, Wester Sweet, of San Jose, but this did not work out. Also, this is essential in New Jersey, where there are lots of volunteers, but not enough coordination because the man who has been handling it is a volunteer. New Jersey illustrates the difficulty of relying too much on volunteers for trial work. In a recent Trenton matter two lawyers absolutely promised to be available and then were not. All one can do is bite one's nails since the men were volunteers.

II. Staff

(a) In the office itself there are only myself and a secretary. We have the part-time help of three law students on scholarships from SEDF. We have developed a mailing list of over 900 persons, of whom approximately 700 are attorneys all over the country able in one way or another to work for CORE. Almost all of these are volunteers.

(b) Our leading volunteers are:

- (1) Marvin Karpatkin, in New York, who helps me with national affairs, such as the Cox defamation case, Tulsa injunction case, etc.
- (2) George Schiffer, for New York affairs, who works very hard (e.g. all the World's Fair cases). SEDF gives him a substantial sum for the use of his office, telephone, equipment, etc. and also for the assistance of Jules Zalon, a young lawyer.

(c) Our leading attorneys on retainer are:

- (1) Messrs Collins, Douglas, and Elie, who receive \$400 per month plus expenses. This may go higher at the rate of \$10.00 per hour when their work gets out of hand. As it is, they have not received their retainers or been reimbursed for expenses for the last 6 months of 1964.
- (2) Floyd McKissick in North Carolina who receives \$250 per month.
- (3) We have other lawyers in Louisiana with a fixed rate (\$10-per hour) but only for time actually spent. This is very reasonable and will help us in Louisiana for the future,

III Budget

Since the beginning of September the outstanding bills of the Legal Department have consistently stood at around \$20,000. This does not include office or travel expenses for myself, which National CORE assumes. While we have managed to pay off a few bills, new ones have come in to bring it back to that amount. We have tried to keep our expenses at the absolute minimum, but even so, we have had to incur certain new expenses. Our department has been a serious victim of CORE's financial plight in recent months. Numerous volunteer attorneys have paid large sums out of their own pocket with the understanding that National CORE would reimburse them, and after six months (some longer) many are still waiting. Court stenographers who have prepared records for important cases have not been paid, and the effect of this is that many people who previously worked for us with enthusiasm are at the point where they are less than enthusiastic. We have done our best to plead their indulgence for the sake of the movement but we are in danger of losing their good will. Court stenographers have gotten to the point where they demand payment in advance. In the case of bail bondsmen...especially in the South...this presents a serious problem. This state of affairs is seriously hampering effectiveness on the legal front.

Fortunately, SEDF has come to our rescue. I met with Ann Singer of SEDF recently and went over each bill with her. Most of these bills are in an area whereby they could be picked up by SEDF. The only question is their finances. Not more than \$5,000 or so would remain for National CORE to pay if they picked up all that they can pick up.

Future expenses

(a) Retainers for Collins, Douglas & Elie and for Floyd McKissick, as of January 1, 1965, are being paid by SEDF.

(b) SEDF has established the following annual budget for CORE Legal activities:

\$20,000	- Louisiana
14,400	- Mississippi
14,400	- Northern Florida
3,600	- North Carolina
3,000	- Legal Conference
<u>12,000</u>	- <u>Northern projects</u>
<u>\$67,400</u>	<u>Total</u>

This includes the above mentioned retainers, and covers the expenses of George Schiffer in New York and one attorney's salary in his office.

(c) Office expenses at CORE National Office:

(1) Telephone - about \$125. a month

(2) No additional employees at this time, but special clerical assistance is needed from time to time, at an estimated \$300 - \$500 through May. This could be reduced by the use of competent volunteers if available. Additional help on work involving the Conference will come out of the SEDF grant for this purpose.

(d) Travel expenses:

(1) I hope to hire a lawyer for Northern Florida shortly and should spend a little time there helping him get started and planning.

some major efforts. Two trips.

(2) Two to three trips to Mississippi.

(3) Two to Louisiana.

To some extent some of these can be combined. But our plans for active legal programs in these areas necessitate this.

(4) I should go to South Carolina and lay the groundwork for setting up a group of lawyers to work with us in our forthcoming campaign. Two trips.

(5) One trip to Oklahoma and Texas

(6) One trip to West Coast. This latter is important particularly in light of the Chet Duncan situation and to show our interest in their problems, etc.

(7) One or two trips to Chicago.

These last three could also be combined if carefully planned.

(8) Three to four trips to Washington, D.C.

(9) One trip to Boston early in February to make a speech at Boston College Law School.

(10) One trip to Syracuse (housing rehabilitation matter)

Total travel expenses are estimated at approximately \$1,500.00.

Perhaps this figure can be reduced if it can be planned carefully.

(e) Other expenses:

(1) Based on previous experience, and assuming active national programs, we will need for bail bonds.....\$3-4,000.

(2) Appellate work is hard to estimate, e.g. we have just received a request from Charles Oldham on the Jefferson Bank case, handled in large part from St. Louis, but with some assistance from us. This appeal would cost at least \$5,000.00.

Any case that goes to the U.S. Supreme Court will cost us several thousand dollars. We can expect a couple of these per year. Currently we are awaiting word on our petition for a writ of certiorari in Callender v. Florida and Brown v. Louisiana. In large part these should be met by SEDF.

(3) We will have some printing bills, but they should not come to more than \$1,000 unless, of course, cases not previously born rear up.

(4) We hope to have two lawyers plus clerical assistance for the South soon, but SEDF will pay this.

(5) Legal Department news letter - important service - no budget as yet.

(6) Special memoranda from time to time (including soon-to-go-out memorandum entitled "A Hard Look at the Civil Rights Act.") - \$500-1,000.

(7) Legal texts and journals* - \$200-250. We still hope to get U.S. Supreme Court Reports as a gift.

*This does not include important matters such as United States Supreme Court Reports, etc., and arrangements should be made for General Counsel to join the City Bar Association for its library and to be on its active Civil Rights Committee.

Thus, in addition to the budget for the full year of \$67,400 from SEDF and assuming they will pick up about three-fourths of our outstanding bills, in summary:

Balance of outstanding bills	about \$5,000.00
Telephone expenses - 5 months (Jan-May)	625.00
Clerical (emergency)	300 - 500.00
Travel expenses	1,500.00
Bailbonds (rough estimate depends on activity)	3,000- 4,000.00
Appellate work	5,000.00
Printing bills	1,000.00
Newsletter	???
Memoranda (including postage)	500 - 1,000.00
Reference books	200 - 250.00
	<u>\$18,875.00</u>

Obviously, without assistance from SEDF, the use of volunteer attorneys, and close cooperation with LCDC, Law Students CR Research Council, etc., etc. this figure would more likely be in the neighborhood of \$100,000.