

Dian & Claude Arnold,  
Rt. 1, Box 297  
Fairhope, Al 36532  
January 27, 1986

Dear Friends:

After a trial lasting two full weeks in the Circuit Court of Baldwin County, Alabama, Judge J. Richmond Pearson (of Chatom, Al., 36518), presiding (the Baldwin County Circuit Judges had "recused" themselves, presumably because the case was "too hot to handle"-- politically speaking, of course) the Judge did not want to rule on the case and in fact went to rather extraordinary lengths in efforts to avoid doing so; he felt that the case should have been "Settled". I feel that the enclosed decree indicates that he still didn't want to rule, since our attorney had repeatedly told him that we would appeal if he declared the Fairhope Single Tax Corp. to be a "Charitable Corporation". Since this was his first "Conclusion of Law", (as well as for a number of other reasons), we have appealed to the Alabama Supreme Court.

After the first week of trial the Judge dismissed the jury, stating that the questions to be decided by the trial were questions of law upon which the jury couldn't make decisions, anyway. He then proceeded to try to persuade the parties to "settle", and the corporation's officers did agree to many of the things, in a proposed settlement, that the judge asked for: however, the plaintiffs were quite unyielding in their demands, and the trial continued. Again he attempted to induce a settlement, to no avail; and the trial continued to its end. Thereafter, the judge again, after the conclusion of the taking of testimony, communicated to both parties certain terms upon which he felt that a settlement should be reached: again, the officers of the corporation considered the Judge's request, agreed to a majority of the terms suggested and only in minor ways (but important) altered those terms not wholly embraced), accepting all of the proposed terms that they felt would not adversely affect the operation of the corporation. This time the plaintiffs refused to consider any settlement at all, and the enclosed "Decree" is the result.

At the St. Louis conference statements were made to the effect that "We cannot afford to lose Fairhope", and the question was asked "What can we do to help?" Now! What can you do? I don't know; but the enclosed information will, I hope, cause you to have some ideas. As usual, the information and rumors "going 'round" are full of misinformation, and the papers have badly mis-represented the decree. Our attorney, Norborne Stone, (P. O. Box 120, Bay Minette, Al. 36507) has stated that he thinks that the Alabama Supreme Court will accept amicus curiae briefs, and that he expects the court to permit oral argument. He has stated that he would welcome help such as that that was advanced in the instance of the MELVILLE SURT, in the 1930's. At that time interested attorneys from Memphis, Philadelphia, and even a law partner of Justice Louis Brandeis joined in defense of the Fairhope Colony: very successfully. Any attempt at legal assistance would need to be initiated soon, say by the end of March.

Charles Ingersoll, our present President, plans to attend to conference in Vancouver: one of his hope will be to enlist aid, there. Mr. Stone as suggested that it may be that all briefs will have to be filed as early as August. He anticipates that it will take from 6 to 10 weeks for the Court Reporter to complete the Transcript; when it is completed and delivered, Mr. Stone, will have 28 days in which to prepare his brief, the plaintiffs' attorney will then have 21 days in which to compile his response, and Stone then another 14 days in which to compile his rebuttal.

I realize that this is a lot of information to consume at one time, and will make an attempt at keeping you up to date as anything new develops. Today is the last day for filing nomination petitions for office or amendments to the constitution, with Election Day being Thursday, Feb. 6th. I do not anticipate any changes in office, nor any amendments to the constitution, in this election.

Am listing the names of everyone to whom this letter and enclosures are being sent; if you think of anyone else needing copies, please feel free to make copies and forward them to anyone who might be of help or particularly interested. Letters to the "Editor", and to the Judge, and to State legislators, could also be of some help, perhaps: letters from Georgist friends of Fairhope had a tremendous effect on our state legislature in 1975 when these same "Plaintiffs" tried to persuade the legislature to dissolve the corporation.

I feel sure that I have omitted important information and have probably failed to send this letter and enclosures to the very one to whom it most particularly have been sent, but can only hope that someone will call my attention to my omission and that no one will take offense at being left out. With six children to care for and educate and a husband always at work, what I have here done is the best that I was led to do, for "The Cause", under the circumstances.

Always with best wishes for the success of every effort to advance the causes of Georgism, I Am,

Sincerely yours,

Clarence E. Dean

Copies to:

Floyd Morrow,  
Walt Rybeck,  
Harry Pollard,  
Stanley Rubenstein,  
Steven B. Cord,  
Stan Frederiksen,  
Mike Curtis,  
Robert Clancy,  
Charles Byrne,  
Nadine Stoner

Bob, Please you have some addresses I wanted addresses, Thanks it is a big help