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Report

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A publication of the Southern Poverty Law Center

Youth cleared after 7 years

Imprisoned in Louisiana at 15 and sentenced to death at 16 for a rape he didn't commit, Johnny Ross has finally won freedom. Incredibly, evidence which would have cleared him at trial was never admitted, and only after six years of legal appeals by the Southern Poverty Law Center was Ross able to be reunited with his family.

In the photo at the bottom of the page, Ross stands on the steps of the Louisiana Supreme Court with SPLC staff attorney Ira Burnim; his mother, Mrs. Mary Ross, left, and his aunt, Mrs. Leona Deling.

For more details on the Ross case, see page 2.

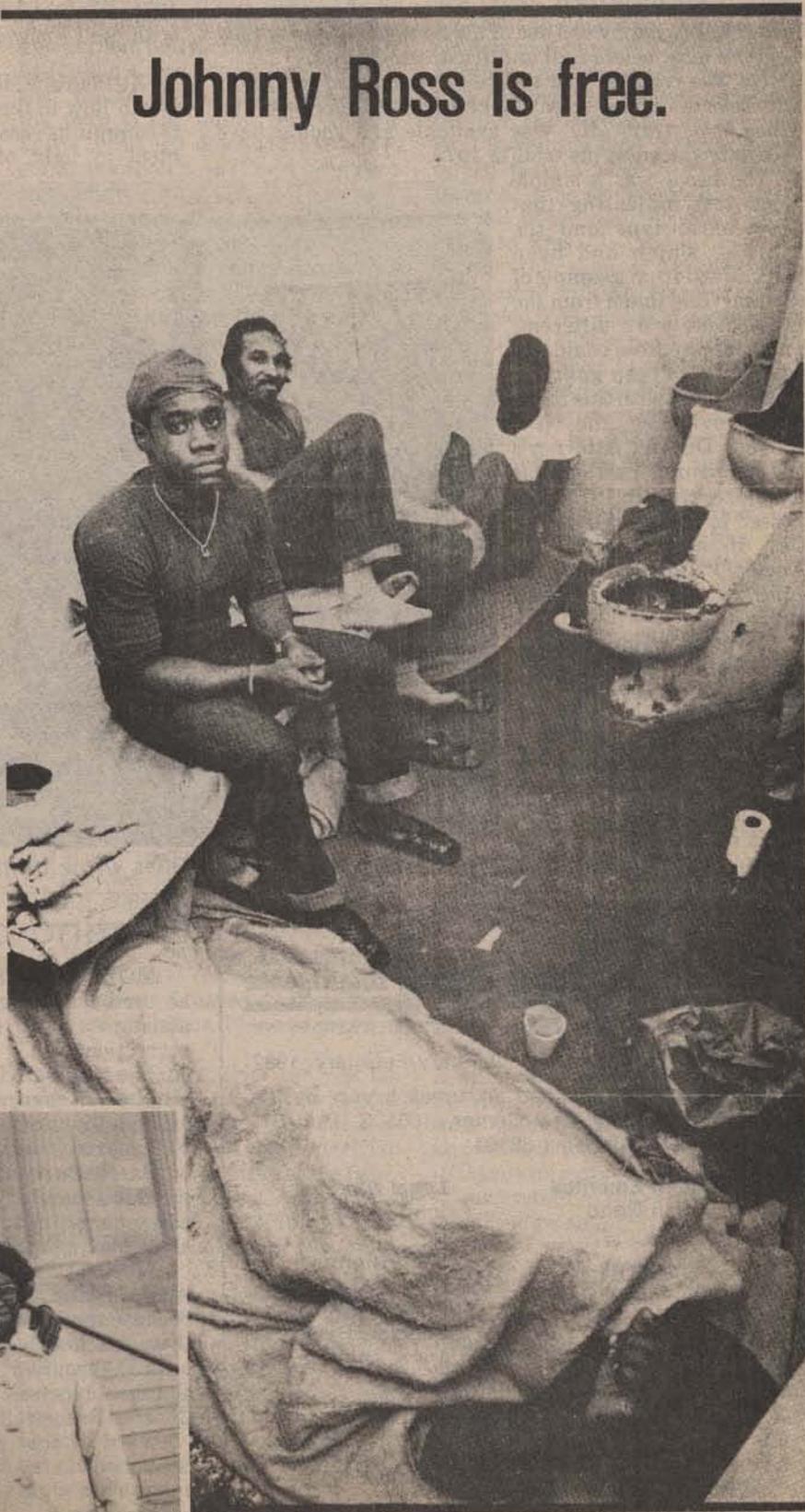
Publications merge

This issue is the first in the combined format of the *Poverty Law Report* and the *KLANWATCH Intelligence Report*.

The *Poverty Law Report* has been published continuously since 1972 by the Southern Poverty Law Center to discuss ongoing litigation brought by SPLC attorneys on behalf of minorities and poor people.

The *Intelligence Report* began in March 1981 to disseminate information collected by the Center's KLANWATCH project about the activities of hate groups, particularly the KKK.

Johnny Ross is free.



Once youngest on Death Row

Johnny Ross proven innocent, set free

NEW ORLEANS — Johnny Ross is free, cleared at last of the rape charge that nearly led to his execution, and bringing to a happy end one of the Southern Poverty Law Center's most celebrated and frustrating cases.

He was released just before Christmas, after Center attorneys developed scientific proof of his innocence, evidence that, tragically, was available and should have been introduced at his trial in 1975.

The proof was a simple blood test indicating that Ross' blood type and the rapist's, which had been determined from a sample of seminal fluid taken from the rape scene, were different. Thus Johnny Ross could not possibly have been guilty.

Presented with this irrefutable evidence, the New Orleans District Attorney's Office, which had sought Ross' execution in 1975, now agreed to his release, and on Dec. 15 he walked out of Angola Prison and into the embrace of his mother and aunt.

It was the culmination of more than five years of work by SPLC attorneys and was the ultimate vindication for Ross, who all along had vigorously maintained his innocence.

"Please believe that I didn't do this neither did I have any thing to do with it."

Ross wrote to the Center in a desperate plea for help in 1975. "Only if I had someone to hold my hand and walk with me I know I will make it."

At the time, Ross was 16 and the youngest person on Death Row in the country, and the Center was preparing to commit its resources to the fight against capital punishment in light of anticipated legal developments that



"Please help me," Johnny Ross wrote from his jail cell.

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Beating prompts firing

MONTGOMERY — Four Alabama prison officials accused of beating an inmate, including a warden and an assistant warden, have been fired by the commissioner of corrections.

The four were found guilty by a disciplinary board of a number of charges connected with the incident, which came to light after a guard reported the beating to the FBI, a local prisoners rights organization, and the SPLC.

Particularly damaging was the testimony of the warden's secretary, who said that as many as 70 inmates had emerged from the assistant warden's office in 1981 alone looking as if they had been beaten or abused.

SPLC attorneys receive numerous complaints each year of beatings. Most of these are unprovable, however, because the incidents are covered up by the time word of them reaches the Center.

An exception is staff attorney Ira Burnim's suit against 11 prison guards who beat Death Row inmate Charles Bracewell senseless in May 1980.

Word of that attack reached the Center the day it happened via the director of the Alabama Prison Project, a prisoners' rights group, enabling a timely investigation of the assault.

would bring back the death penalty.

Center attorneys accepted Ross' case, convinced after only a preliminary investigation that he had not received a fair trial. But before their appeal of his death sentence was ruled on in the Louisiana courts, the U.S. Supreme Court, in another case, struck down the capital punishment statute under which he had been sentenced. That law provided for the death penalty in rape cases even if, as in Ross' case, the victim had not been killed.

Despite being out from under the death sentence, Ross continued to be housed in his tiny Death Row cell and denied the privileges of prisoners in the general population for the best part of a year, until the Louisiana Supreme Court ordered him resentenced in mid-1977 to 20 years in prison. SPLC Legal Director John Carroll appealed the new sentence.

It was not until early 1980, however, that things began to happen in the case, as Carroll moved the Ross appeal into the federal court system, filing a habeas corpus petition in the United States District Court in New Orleans.

Carroll sought and was granted permission to conduct "discovery" in the case in an effort to find out the answers to a number of basic questions about Ross' arrest and prosecution.

The '75 trial had been so brief — it had taken less than a day, though Ross' life was at stake — that even such basic facts as how Ross had come to be considered by the police to be a suspect in the rape did not come out during testimony.

Carroll took depositions, interviewed witnesses and pored over hundreds of pages of court documents related to the case, and soon the extent of the injustice inflicted on Johnny Ross — the unfairness of his trial — became apparent.

Ross, who is black, was arrested for the rape of a young white woman who was a federal law enforcement officer. The attack happened one night in St. Bernard Parish, adjacent to New Orleans, and was carried out by two young black men who abducted the woman, drove her in her own car into New Orleans, raped her at gunpoint, and returned her to the site of the abduction.

St. Bernard Parish police, who had staked out the area after an eyewitness reported the kidnapping, moved in to capture the suspects, but the abductors managed to drive off before being apprehended and a

high-speed chase and gun battle all the way back to New Orleans ensued. Ultimately, the men escaped.

After viewing photographs of suspects, the victim made a positive identification of a young man named Earl Lewis, and so the police set out to arrest him. They said he pointed a gun at them and he fled and that they had to shoot, and Lewis died of a gunshot wound in the head. Curiously, the path of the bullet that entered Lewis' head led downward in a peculiar trajectory, as if he'd been shot from above.

When the officers questioned Lewis' relatives, so the police account goes, they named Johnny Ross as his accomplice, and so late one night, a week after the rape, the police broke into Ross' house in a New Orleans slum and arrested him after first mistakenly trying to take his brother.

Ross was taken to the police station and after several hours he confessed, but only, he says, because he was beaten.

Similar cause for skepticism surrounded the victim's identification of Ross as the rapist, another crucial piece of evidence at trial. During a pretrial lineup, the victim failed to pick out Ross as her assailant, but a brief conference with the police followed, whereupon she was shown a photographic array of suspects. Of the men she had just viewed in the live lineup, only Ross was also displayed in the photographic spread, and afterward she put the finger on him. Her trial testimony was based on this identification.

One last piece of evidence used against Ross at trial was a thumbprint, identified as his, that allegedly was taken off a window of the victim's car. But there is reason to think that the fingerprint, based on its appearance, may actually have been a "plant."

So Ross went to trial and was his only witness. His attorney, who had met with him just once, failed to contact persons Ross said could vouch for his whereabouts the night of the rape, and after only a few minutes of deliberation, the jury found him guilty. He subsequently was sentenced to death.

Carroll looked at the case and felt there were solid grounds for appeal: the confession, taken from a juvenile without the benefit of the advice of a lawyer or some independent adult; the victim's identification, which seemed to have been suggested; and the effectiveness of Ross' legal representation.

But there were still things to be

found out, and Carroll, joined now by staff attorney Ira Burnim, hired Gary Eldredge, a local private investigator, to complete the investigation for the habeas corpus petition.

Eldredge read the trial transcript and began tracking down alibi witnesses, interviewing investigating officers and pursuing other leads. In reading the transcript, he noticed that the prosecutor had introduced, through the testimony of a criminalist, the rapist's blood type, as determined from a semen sample taken from the rape scene, but the prosecutor had never tied this piece of evidence to Ross.

For the sake of thoroughness, Eldredge decided to check it out and contacted Ross to see if he knew his blood type. The rapist's was the "B" group. Ross didn't know his, but told Eldredge he had donated blood a number of times since he'd been imprisoned. So Eldredge contacted the blood bank that served the prison.

Each of the numerous times Ross had donated, his blood had been typed, and each time it had come up "O+." But these were the results of testing by technicians, not physicians, so after informing Carroll of his findings, Eldredge arranged for a prominent university doctor to test Ross, and his tests produced exactly the same results.

A check of official records revealed Earl Lewis' blood type was "A", which meant that the deceased youth, shot down by the police, was not the rapist, either.

Carroll and Burnim now had hard proof exonerating not only Johnny Ross, but Earl Lewis, as well, and Burnim took the evidence to the district attorney's office. Soon thereafter, Ross was released. He is now living with his sister in Denver.

"Johnny's exoneration and release is an occasion for great happiness," Carroll said, "but it is also a time for sober reflection on the innocent men and women who have been executed in this country and on the inadequacy of our system to make such life-and-death judgments."

Klan arrest

Jackson, Miss. (Nov. 26, 1981)
Charlie and Cynthia Barnett were arrested and charged with grand larceny in the theft of a horse from a local farm. Charlie Barnett was arrested earlier on May 12, 1981, along with three others in connection with a shootout during a Ku Klux Klan/Nazi cookout held at his home.

To aid black judge Center sues under Voting Rights Act

Rufus Huffman is the first black probate judge of one of the poorest counties in Alabama, predominantly black Bullock County.

For more than two decades, the salaries of the probate judge's staff have been paid by the county, and the judge's salary has come from fees collected from the issuance of licenses.

That system, though illegal (state law says the staff salaries also must be paid from fees), was unquestioned while white men held the probate judge's job. But the practice was ordered stopped late in 1981 by an Alabama Circuit Court Judge.

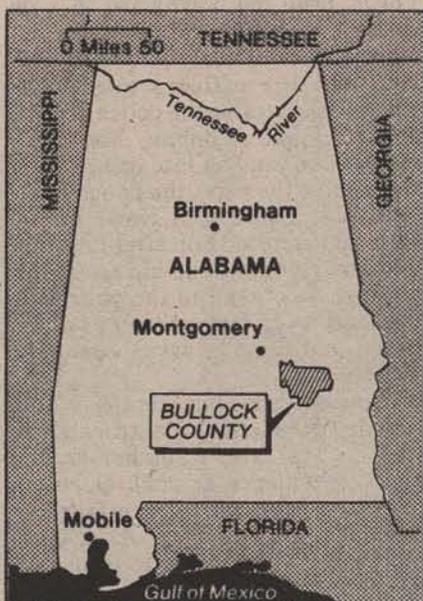
The circuit court's ruling meant that Judge Huffman, if he were to fulfill the responsibilities of his office, would have to pay his office staff out of his own pocket, because tiny Bullock County (population 10,500) generates only \$13,000 in fees each year.

Prior to the circuit court rulings, the probate staff salaries had been paid each month by the County Commission. As probate judge, Huffman is the chairman of that commission.

Faced with this problem, Judge Huffman asked for help from the Southern Poverty Law Center, which

advised him in effect to sue himself. Using a rarely tested provision of the Voting Rights Act of 1965, SPLC attorneys drafted a complaint for Judge Huffman which asked a federal court to set aside the circuit court ruling.

U.S. Dist. Judge Truman Hobbs



The New York Times

of Montgomery granted Huffman's request for a preliminary injunction which stopped the Bullock County Commission from cutting off the pay of his staff.

The action by Hobbs is considered a strong endorsement of the practical effect of the Voting Rights Act and a good example of the need for extension of the Act.

Morris Dees, SPLC chief trial counsel, said, "The significance of this lawsuit at this time is that the old methods of trying to intimidate a black person not to vote just don't exist any more, and new, subtle forms of discrimination are being resorted to."

Dees said that if Hobbs had not given his opinion that any change in the method of paying the salaries should have been submitted to the Justice Department, it is likely that Huffman would have had to give up his job as probate judge.

"Judge Huffman couldn't afford to pay out of his pocket to be probate judge," Dees said. "He would have been out of office not because he was voted out, but because he was treated differently than his white predecessors."

Rule 25 convictions overturned; inmate freed

Rule 25, the Alabama prison regulation that made disciplinary infractions of guards and wardens personal whims, has been abolished by a lawsuit brought by the SPLC, but the process of undoing the wrongs inflicted under it seems to have just begun.

The rule which was vague and prohibited no specific behavior, was the prison system's "catch-all" for disciplinary violations not covered under other regulations. But it was too often used by guards and wardens to punish inmates they didn't like or were "out to get," in the absence of any real infraction.

The rule, which was vague and whose name the lawsuit was filed, was punished severely for writing a letter to the governor criticizing prison conditions and the actions of a certain guard. An inmate in the state women's prison was disciplined under Rule 25 for having wrinkles in her bedspread.

Told by a federal judge to settle the case, the Department of Corrections agreed out of court to discon-

tinue use of the rule and restore inmates sentenced under it to their previous status.

Because the suit is a class-action, like most Center litigation, many prisoners besides Arthur will benefit from the settlement. Already the convictions of a number of inmates sentenced under Rule 25 have been overturned, and those who had lost "good time" have had it restored. ("Good time" is "time off for good behavior," a method of rewarding good conduct.)

But some convictions have been upheld by the review board appointed to study each Rule 25 case, and staff attorney Ira Burnim, who is handling the suit, may have to contest these.

To Julius Spencer, one of those unjustly convicted under Rule 25, the *Arthur* suit has special significance: he's a free man because of it, after more than two years good time he had lost was restored and credited to his sentence. He had "defamed" a warden.

Moultrie appeal argued in 4th Circuit

RICHMOND, Va. — The U.S. Fourth Circuit Court of Appeals heard oral argument here in December on the appeal of Clemmie Moultrie's murder conviction. SPLC attorney Dennis Balske urged the court to grant Moultrie a new trial because of racially biased jury selection procedures in Beaufort, S.C., where he was tried in 1978.

Moultrie, a 65-year-old black

man, was convicted of killing a white law officer whom he thought had been sent by his landlord to evict him from his house.

Moultrie was distraught because he had been deceived into thinking his monthly rent had been going toward the purchase of the house, and the landlord had already begun razing the structure while Moultrie was still in it.

Judge reverses jury in interracial beating

BIRMINGHAM — In a highly unusual move, a federal judge hearing a civil damages suit has overturned a jury's verdict in a civil rights case. The jury had acquitted an assailant of an interracial couple, but the judge has now held him liable for monetary damages.

U.S. Dist. Judge Sam Pointer, who presided over the trial last fall of a lawsuit filed by the Center on the couple's behalf, reversed the jury's verdict releasing Jimmy Dan Kilgore from liability for an unprovoked assault on Danny and Sharon Adams and their infant daughter in February 1980.

The Adamses were traveling through north Alabama when they were run off the road and attacked by four white men. Danny Adams suffered a head gash requiring 24 stitches after being hit by a brick, but neither Mrs. Adams, nor their 18-month old daughter Crystal, was physically injured.

The case had all the appearances of a 1960's-style nightriding incident and, as often happened in the South in that era, no state charges were ever filed. But after an FBI investigation, federal criminal charges of conspiracy to violate the couple's civil

rights were brought against the four by the U.S. Attorney for northern Alabama, and all either pleaded guilty or were convicted and sentenced to short prison terms.

Subsequently, the Center sued the four for damages in order to try to recover some of the medical and other expenses the Adamses incurred as a result of the assault. The suit was also an effort to punish the defendants and deter similar racist incidents.

The case was tried in September, with three of the four defendants defaulting. Only Kilgore, strongly suggested by the evidence as the ring-leader in the attack, hired an attorney and put up a defense, and the all-white jury acquitted him after a three-day trial.

Although only the jurors know precisely why they acquitted Kilgore, it was noted that he is a successful businessman and much wealthier than his co-defendants, all of whom testified against him. Kilgore was also the only defendant to put forward a vigorous defense, during which he denied participating in the attack, while his co-defendants offered somewhat contradictory testimony about the actual attack.

It is conceivable that the jurors

gave Kilgore's testimony more weight than they gave the testimony of his co-defendants. For their part, the Adamses were unable to positively state which of the four men in the quick, brutal attack had thrown which rock or which had been the clear leader of the assault.

But Kilgore did admit participating in the rock-and-brick throwing incident in which Danny Adams was injured, and on that basis Pointer reversed the jury's decision, holding that this admission was sufficient evidence of guilt.

While Kilgore was initially acquitted the jury did find the other defendants liable and assessed against them \$3000 in compensatory damages, though granting no punitive damages.

Judge Pointer's ruling does not lessen their liability, but means only that attorney Stephen Ellmann, who is handling the case for the SPLC, will be free to try to collect damages from any of the four. Since Kilgore is the only one with assets, the judge's ruling, if it holds up on appeal, means that the Adamses may be compensated in some small way for their ordeal, and, perhaps more importantly, that other racist violence may be deterred.



LAW CENTER BEGINS SECOND DECADE — This is the staff of the Southern Poverty Law Center, which recently concluded its 10th year of legal service. Early SPLC cases focused on denial of equal services and voting rights to blacks in the South. Over the years the Law Center's work has expanded to include help for black and white workers victimized by occupational health hazards, to women

denied fair employment, to the development of death penalty defense techniques, to the procurement of better treatment and facilities for mentally retarded and handicapped persons, and many other areas. The common theme in all the Center's cases has been a concern for the rights of the poor and powerless. The SPLC's work is supported entirely by private contributions.

SPLC wins ruling on S.C. 'brown lung' suit

Legal maneuvering has produced two important developments recently in the occupational health litigation brought by the Southern Poverty Law Center on behalf of workers in textile mills.

These workers are subject to getting brown lung disease if they inhale cotton fiber dust over an extended period. The textile industry has known about the disease for more than 30 years, but has never adequately warned or protected its employees and even now tries to deny or delay the payment of workers compensation insurance to disabled workers.

The first significant development was the ruling on Dec. 23, 1981, by U.S. Dist. Judge G. Ross Anderson of Greenville, S.C., which allows SPLC attorneys to proceed with discovery of evidence which might lead to "certifying a class" of brown lung victims.

The defendants in the litigation, Burlington Industries and other textile corporations and their insurance companies, had filed motions objecting to that action, but Judge Anderson denied the motions.

Center attorneys now have the opportunity to expand the case from a damages action on behalf of one plaintiff (a millworker named David Burdette) to a class action on behalf of all textile workers who contracted the disease and were defrauded out of workers compensation insurance.

As this publication was being prepared, hearings on the discovery and class certification were expected to be scheduled soon.

The defendants in the lawsuit want to restrict the number of workers on whom they furnish medical files to the Center's attorneys. But the plaintiffs are arguing that they should be given the medical files on at least all workers whose breathing capacity is below 60 percent of normal.

Brown lung affects its victims by diminishing the lungs' capacity to deliver oxygen to the body; in some stages of the disease, affected mill workers may find their breathing abilities improving over the weekend, but when they return to work at the start of the next week, they get what is commonly called the "Mon-

day morning tightness." In its advanced stages, brown lung victims must have breathing assistance from respirators, and such simple functions as walking to the mailbox can become almost impossible.

Certification of the class of all affected victims would greatly increase the likelihood that those workers who already have brown lung would be compensated for their loss of health, and that the industry would take effective steps to protect potential future victims.

The second major development is the appointment of Judge Anderson to handle the litigation. This is considered significant because the judge he replaced on the case, P. Weston Houck, had as a private attorney represented Burlington Industries and Liberty Mutual Insurance Company (Burlington's insurance carrier) for 20 years. He had also defended Liberty Mutual in numerous workers compensation insurance cases and in at least one brown lung case.

James Smith, 'a company man,' 1923-1982

James Smith of Opelika worked in the spinning room for West Point Pepperell for 42 years before retiring in 1980.

He was "a real company man," the kind of fellow who "was glad to get a job and get off the farm," and who took his job so seriously that "he was always real proud to make production" even when new production schedules meant he had to do more in less time to earn the same amount of money.

He was such a good employee that supervisors appointed him to the company safety committee, where he served for several years. In that time, Smith said, the committee never talked about dust inside the plant or about brown lung disease.

When Smith started having breathing trouble himself, he went to a West Point Pepperell "lung specialist," who said his trouble was probably due to his pack-a-day smoking habit.

In fact, Smith had only 30 to 40 percent of his breathing capacity left. But he kept working as long as he could. He was given a filter-type mask to wear, but it required him to

breathe hard to get air, and his lungs couldn't take the strain.

Then he was given an air-powered mask, but he was too weak by then to carry its 30-pound weight and do his work, too. So he got a transfer to the finishing room, but his lungs were sensitive by this point and the chemical vapors made him sick.

James Smith quit his job. Eventually, other workers active in the Brown Lung Association convinced him to go to Yale University for an examination by a doctor who was studying brown lung disease.

On his first airplane trip, an excited Smith went to Yale, where he learned that his breathing problems were in fact caused by *byssinosis* (the medical term for brown lung), and not by smoking.

Smith was declared disabled to work and began receiving Social Security disability payment. Even Smith's wife became involved in Brown Lung Association work.

Still, Smith was reluctant to take legal action against West Point Pepperell. He told co-workers he felt he had been "treated real fair by the company."

After Smith's claim was filed, SPLC attorneys learned from company records that his breathing capacity had diminished from 80 percent of normal to 30 percent between 1973-78, years when Smith was supposed to have been monitored under the company's medical surveillance program but was not.

With one day left before the statute of limitations expired on the filing of a workers compensation claim, Brown Lung Association members finally talked Smith into making a claim.

Smith died in early January, his claim for compensation for the industrial disease which has robbed him of up to 70 percent of his breathing capacity still being fought by his employer of 42 years.

He was 59.

Doctors position

The World Medical Association, the international body of physicians, has condemned the participation of doctors in executions as unethical in a resolution adopted at its worldwide assembly late last year.



ELLMANN

Ellmann teaches class at Harvard

SPLC attorney Stephen J. Ellmann spent January teaching constitutional issues in death penalty litigation at the Harvard Law School.

For Ellmann, the appointment as a visiting professor was almost a return home; both his undergraduate and law degrees are from Harvard.

For the SPLC, his temporary professorship reflected the increased emphasis Center staff members are now giving toward teaching death penalty litigation skills to other attorneys (and law students) as opposed to direct handling of cases.

The Center's Death Penalty Defense Project began in 1976, when the Supreme Court decisions of that year cleared the way for the resumption of executions in the United States.

Through selected cases over the next five years, Center attorneys developed and refined defense strategies and techniques for death penalty trials. These ideas were shared with other attorneys in seminars, law review articles and publications.

SPLC Death Penalty Defense publications currently available include *Motions for Capital Cases* (\$9), *Voir Dire for the Capital Case* (\$3.75), *Trial of the Penalty Phase* (\$7), and law review articles, "New Strategies for the Defense of Capital Cases" by Dennis Balske and "Speaking the Truth: Voir Dire in the Capital Case" by John Carroll.

For more information, or to order any of these publications, write to the Southern Poverty Law Center, P.O. 2087, Montgomery, AL, 36101.

Appeals court favors SPLC; Earl Charles to get new trial

ATLANTA — A federal appeals court has ordered a retrial of Earl Charles' \$7.2 million lawsuit charging Savannah, Ga., police officials with intentional misconduct that almost led to the young black man's execution in the electric chair.

The U.S. Fifth Circuit Court of Appeals ruled in January that the judge hearing the lawsuit erred by denying Charles' Southern Poverty Law Center attorneys the right to take a "deposition," or sworn out-of-court testimony, of a witness who could not be present at the trial.

As a result, staff attorney Dennis Balske, who represents Charles for the Center, was not able to put the testimony of one of his key witnesses before the jury when the case went to trial in April 1980.

The trial judge ruled that the deposition could not be taken because the formal period of "discovery," the time allowed for investigating the facts of a case, had already expired. But the appeals court, in granting the new trial, upheld the distinction Balske made when he originally asked permission to take the deposition: that it did not fall under the provisions of the discovery rule because it was to be taken only as a substitute for live testimony, not for investigative purposes. Federal court rules

permit such depositions within a reasonable period before trial.

Charles was tried, convicted, and sentenced to death in 1975 for the robbery-murders of a white Savannah furniture store owner and his son. At the time of the killings he was pumping gas at a Tampa, Fla., service station, but through the use of suggestive identification procedures, he was identified by eyewitnesses as the killer. He was released in 1978 after new evidence supporting his alibi was discovered.

A key prosecution witness at the murder trial in 1975 was James Nixon, a parole violator, who testified that, while the two were in jail, Charles admitted the Savannah murders. But during an interview in a Florida prison with SPLC attorney John Carroll in 1979, Nixon said he gave that testimony in exchange for a promise of freedom — never fulfilled — from a Savannah police detective.

It was Nixon's testimony, implicating the Savannah police in blatant misconduct, that Balske had asked to take through deposition. And on the basis of the trial judge's refusal to allow it, the Fifth Circuit has given Earl Charles a new trial. The first trial ended in verdicts acquitting the officers of any wrongdoing.

Patterson appeal denied

ATLANTA — Roy Lee Patterson's request for a new trial, turned down by a federal district judge in Macon, Ga., in December, has been brought here to the new Eleventh Circuit Court of Appeals by his Southern Poverty Law Center attorneys.

The district court's denial of Patterson's petition for a writ of habeas corpus cleared the way for appeal to the Eleventh Circuit and, if necessary, on to the U.S. Supreme Court, the next step in the appellate process.

Meanwhile Patterson, a former Marine Corps Sergeant convicted of killing two Georgia law officers in 1975, has been transferred, at his request, to a prison closer to his family in Albany, Ga. His new address is: Thomas County Correctional Institute, Rt. 1, Box 302, Thomasville, Ga. 31932. SPLC Legal Director John

Carroll visited him there recently.

Patterson, who is black, shot the white lawmen in a scuffle at the Cordele, Ga., police station following the arrest of his brother, Joe, for having a faulty light on his car.

The arresting officer, whose reputation for abusing blacks was well-known even to his superiors, tried to prevent Roy Patterson from leaving the station in search of a lawyer for his brother. As Patterson headed for the door, the officer grabbed him, slapped a handcuff on his wrist, and drew his own service revolver, and when Patterson resisted this illegal detention, a fight between the two broke out. In the aftermath, the officer and another lawman who came to his aide lay dead.

Patterson is now serving two life sentences.

Educational Resources

on racism in general and the Ku Klux Klan in particular

1. This magazine, **The Ku Klux Klan: A History of Racism and Violence**, is available in single or bulk quantities for use by teachers and leaders of church or community discussion groups. Single copies are \$1.50 each, which includes postage. Payment must accompany orders for single copies. Mail orders to the address below. Discounts are available for bulk orders but prices cannot be stated here because shipping rates will vary depending on quantity and location. For bulk ordering information, write to Special Report, KLANWATCH Project, P.O. Box 548, Montgomery, AL 36195-5101. Or call 205-264-0286.



2. A major documentary film, "The Klan Today" (pre-release title), will be available from KLANWATCH in the spring of 1982. The half-hour production is suitable for showing in schools, churches, and community meetings where the intent is to stimulate honest, forthright discussion of a serious issue in American society.

The film uses actual footage of Klan rallies, of violent incidents involving the Klan and interviews with victims to present a stunning overview of contemporary racist activity. Historical material, including rare film footage of early 20th Century events, is used to place the KKK in perspective, but the thrust of the film is squarely on the present. The documentary is produced by Guggenheim Productions, award-winning filmmakers based in Washington, D.C.

"The Klan Today" will be available on video cassettes and 16mm film. To schedule this film for showing to a class or other group, write to Educational Film, KLANWATCH Project, P.O. Box 548, Montgomery, AL 36195-5101.



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KLANWATCH[®]

Intelligence Report

Black journeys to Texas, hoping to solidify Klan

Knights of the KKK national leader Don Black has visited Texas twice during the past several months in an attempt to hold together his embattled Klan faction there as well as to assert and consolidate his leadership position as he awaits a ruling on the appeal of his recent criminal conviction. Black was one of nine Klansmen and Nazis sentenced to jail for plotting to overthrow the government of the Caribbean island of Dominica.

Black led a small group of about 30 persons in a rally in the Arlington/Dallas area in mid-October. Klan "press officers" armed with automatic weapons were present as usual. Later, Black received a vote of confidence in a secret meeting with Texas Klansmen.

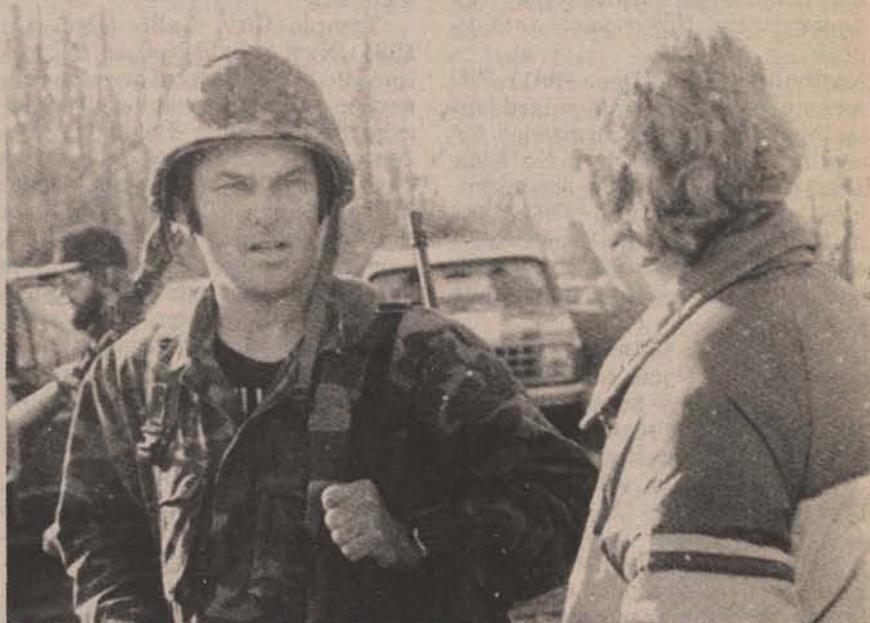
He returned in early December to meet with Klansmen in the Houston area and to lead a Klan rally at the same site in Santa Fe where two previous Klan rallies aimed at intimidating local Vietnamese shrimpers were held in February and May of 1981. This "Christmas rally" was also sparsely attended.

Black later went on a shrimp boat ride in an apparent attempt to solidify his Klan's alliance with local American shrimpers.

On Dec. 11, shortly after Black left the area, boats belonging to Jody Collins, a defendant in the Vietnamese fishermen's suit, and his brother John were burned, and an attic fire occurred at the home of their brother David, a defendant in the same suit. Investigators suspect arson, saying the fires are similar to fires last January that burned two Vietnamese boats in Kemah and Seabrook.

The Knights of the KKK, the largest active Klan group in Texas, has been centered in the Houston area for the past several years while under the leadership of Grand Dragon

(Continued on page 10)



LAWSUIT SEEKS END TO KLAN MILITARY — The man in this photo looks like a U.S. soldier ready for battle, but the black t-shirt visible in the open neck of his camouflage uniform bears the emblem of the Ku Klux Klan of Texas. The Texas Klan has one of the most organized paramilitary operations in the nation, and a KLANWATCH lawsuit now pending in Houston seeks to enjoin such activity.

Update on Klan litigation

Several important anti-Klan lawsuits are currently before the nation's courts and will likely come to trial during 1982. Updates on some of these cases follow:

• **Vietnamese Fishermen's Association v. the Knights of the Ku Klux Klan.** This lawsuit, filed by the Southern Poverty Law Center on behalf of immigrant Vietnamese shrimp fishermen last spring, won permanent injunctions against the KKK. The ongoing lawsuit also seeks to end paramilitary operations by the Klan in Texas. Briefs supporting the plaintiffs have been filed by the Texas attorney general and by the Anti-Defamation League. For a more detailed discussion of this case, see the separate update on Texas Klan activities.

• **Fannie Crumsey, et al., v. the Justice Knights of the KKK.** This Chattanooga, Tenn., case arose in

1980 when five black women were shot (none fatally) by alleged members of a Klan splinter group. In an earlier criminal trial, three defendants were acquitted and a fourth was sentenced to 30 days in jail.

The civil trial against the same defendants was scheduled for late December but was postponed; a new trial date has been set for February. This case is handled by the Center for Constitutional Rights in New York City.

• **Peoples Association of Decatur v. the Invisible Empire Knights of the Ku Klux Klan.** This 1979 case was brought on behalf of the black citizens of Decatur, Ala., by the Southern Poverty Law Center following a months-long period of harassment, beatings and other forms of intimidation by Klan members in that city.

(Continued on page 12)

Klan, Nazi incidents from around the nation

Martinez, Calif. (Jan. 14) Klan leader Michael Mendonsa was found guilty on charges that he participated in a shooting spree that riddled a local black housing project with gunfire. Mendonsa and his cohorts earlier were warned by the presiding judge to stay away from witnesses in the case, who had complained about being harassed. Sentencing was underway as this report went to press.

Nashville, Tenn. (Dec. 1981) Fifteen students at a racially mixed junior high school were suspended for signing their names to a Ku Klux Klan sign-up sheet that was circulated around the school. The school principal said that the sheet would cause disruptions at the school, which has a 50-50 black-white student population.

Raleigh, NC. (Jan. 3) A group of about 20 Klansmen, some of them masked, marched to the capitol to protest the imprisonment of Lawrence Little, of the Rights for White People organization, who is serving a life sentence for the 1973 bombing of a black newspaper in Wilmington. Among those attending the rally for Little, who has become a cause celebre among Klan groups, was David Mathews, one of six defendants in the 1979 slayings of anti-Klan protesters in Greensboro.

Elmira, NY (Jan. 1982) Ku Klux Klan member Joseph Curle continues to serve on the affirmative action committee of the state prison here after being elected by his fellow

employees last fall. Officials say they have no plans to remove him.

Philadelphia, PA (Nov. 1981) The University of Pennsylvania has ordered its Kappa Sigma fraternity to disband because of a continuing pattern of personal threats and physical assaults and instances of racial and anti-Semitic harassment by its members.

Temple City, Calif. (Dec. 11, 1981) Nazi Donald Neilsen, 24, was convicted on charges of arson in connection with a fire that heavily damaged Temple Beth David last December. He was to be sentenced on January 15. His cohort, Nazi leader Michael Canale, 33, pleaded guilty to the same charges and was given a four year sentence. This incident was but the most serious in a series of acts in and around Temple City that included the painting of swastikas on synagogues and Jewish homes and the breaking of synagogue windows by a group that left behind Nazi calling cards.

Phoenix, Ariz. (Dec. 15, 1981) Klansman Tracy Carman was found guilty of conspiracy to commit custodial interference in connection with a Klan plot to travel to California as hired mercenaries to kidnap the children of a local Klan sympathizer and carry them here. Klansman Barry Snoeberger has already pleaded guilty to the charges; Klan leader Paul Driggers and sympathizer Frank Sickleton awaited trial at the beginning of the year, when Snoeberger and Carman will be sent-

enced. Driggers also faces possible punitive action by the U.S. Parole Commission for violation of his parole.

Atlanta, Ga. (Dec. 18, 1981) — A federal appeals court here held a hearing to decide whether or not former Klansman and FBI informant Gary Thomas Rowe can be prosecuted on charges of slaying civil rights marcher Viola Liuzzo after the historic Selma-to-Montgomery voting rights march in 1965. In exchange for immunity after that shooting, Rowe testified against three Klansmen who were acquitted of Mrs. Liuzzo's murder but were eventually convicted on charges of violating her civil rights; they were sentenced to 10-year jail terms. But the Klansmen now claim that Rowe actually committed the killing and lied during his testimony, and on that basis a Lowndes County, Ala., grand jury has indicted Rowe on first degree murder charges. Rowe, who was given a new identity by the FBI after his testimony and now reportedly lives in Savannah, Ga., is being represented by the federal government in this case.

Toronto Ont., Canada (Dec. 15, 1981) Charges of possession of cocaine for the purpose of trafficking were dropped against Canadian Knights of the KKK leader Alexander McQuirter, but he still faces charges of possession of a restricted weapon. McQuirter allegedly had a 12-gauge shotgun, a 38-caliber snub-nose revolver and three rifles in his

Texas

(Continued from page 9)

Louis Beam, who was convicted last year of holding paramilitary exercises illegally on federal grasslands near Dallas and was sentenced to one year of probation and given a six-month suspended sentence.

Beam is also currently under a permanent injunction issued by a federal district court judge in Houston barring him from harassing and intimidating Vietnamese shrimpers on the Texas Gulf Coast.

Beam's 19-year-old wife, Kara, was recently granted a divorce and custody of their 2-year-old child; Beam is reported to be in Montana, with the child, attempting to start a log cabin kit company after living for a period at the headquarters of the Aryan Nations, a neo-Nazi group

based in Idaho.

In his absence, a new state Klan leader has been elected in Texas, and Dallas-area Klansmen have reportedly gained more influence within the Knights state organization.

Meanwhile, U.S. Dist. Judge Gabrielle McDonald, who in May issued the injunction against Beam, the Klan and a group of radical American fishermen, has received all legal briefs and documents pertaining to the remaining issue in the lawsuit filed by the Vietnamese fishermen.

That issue is the request by the Vietnamese Fisherman's Association, backed by the state of Texas and the Anti-Defamation League of B'nai B'rith, that the Texas Klan be enjoined from operating its military organization, the Texas Emergency Reserve (TER). The plaintiffs have requested oral argument before the court on this question.

And in Anahuac, Texas, Camp Puller has reopened and is once again offering training. Sworn testimony in depositions in the Vietnamese fishermen's suit suggested that large numbers of Klan members trained there last year. Klan leader Neill Payne, former lieutenant to Beam and also a self-styled minister in a white-supremacist church, is known to still train there.

Finally, on Nov. 8, 10 white Houston police officers chanting "nigger, nigger, nigger" stormed a hotel in a black neighborhood, kicked open doors and beat a variety of male and female residents for no known reason. The men reportedly arrived at the hotel in a pickup truck bearing Confederate and skull-and-crossbone flags. The officers have been relieved of duty while the incident is being investigated. No connection between the Klan and this incident is known at this time.

possession when he was arrested on November 26.

Richmond, Calif. (Feb. 15) Klan leader Terry Butler, arrested in late November and charged with kidnaping, robbery, rape and false imprisonment as a result of a complaint filed by a former girlfriend, goes to trial Feb. 15 on the robbery and false imprisonment charges. The other two charges were dropped. After that, he will face trial March 1 on drugs and weapons charges stemming from an arrest in April 1981.

Providence, RI. (Dec. 12, 1981) Four persons, including a Klansman and a local Nazi leader, were indicted on charges of spraypainting a swastika on a local Jewish Community Center. Charged were Charles "Bill" Sickles, head of the Adamic Knights and currently in prison in New York on firearms charges; Patrick Labbe, the Nazi leader; his wife, Linda Labbe; and Vincent P. Johnson. Sickles and Johnson were also charged in August 1979 with possession of illegal weapons; Labbe pleaded guilty last July to a charge of interstate delivery of a firearm. He has not been sentenced on that charge.

Pittsburgh, PA. (Dec. 16, 1981) Klansman John McCall claims he

was shot in the arm by a black man who knocked on his door around midnight and screamed "you will die," but local law enforcement officials believe that McCall may have shot himself to convince local police to give him a gun permit. The local police chief has refused McCall's requests thus far. Local police have reports that McCall has several guns and that he has fired guns from his vehicle; 5 complaints have been issued in the last month either by McCall or against him. Three cars have been burned in his yard, and he was recently arrested by police after almost colliding with a sheriff's car and was charged with reckless driving and disorderly conduct.

Fort Madison, Iowa (Dec. 1981) A black former inmate of the Iowa state prison here says that his life was threatened by the Klan because his white wife visited him in prison. He further alleged that prison guards who were Klansmen recruited inmates to join the Klan, and produced Klan application forms given to him by white inmates who had been solicited to join. Another inmate has testified in Federal Court to similar incidents.

Bethel, Maine (Nov. 19, 1981)

Five to 10 persons wearing Klan hoods marched near the Gould Academy on Halloween night, yelled racial slurs and burned a cross. No arrests have been made.

Yuma, Ariz. (Dec. 17, 1981) Knights of the KKK member Buford Brown waived extradition and was returned to San Bernardino, Calif., to face charges of arson, assault with a deadly weapon and making terroristic threats in connection with two cross burnings there on the porches of both black and white families. Brown, who claims to hold a Klan leadership position, is also wanted in Clarksville, Tenn. for probation violation.

Windham, Conn. (Dec. 1, 1981) Local KKK leader Leon Edwards, upset with town attorneys and local zoning officials who bested him in a zoning dispute, has issued citizen's arrest warrants for the officials and the judge who ruled against him.

Meriden, Conn. (Dec. 3, 1981) Invisible Empire Klansman Joseph Hurd is contesting his early November firing from his job as a supervisor in the state prison system. Hurd was fired for displaying Klan materials in his office and propounding Klan

(Continued on page 14)



GUNS SEIZED FROM KLAN, NAZIS — Klan leaders speak of a "new" Klan and try to convince the public that their organization is like a civic club. The truth is that modern racists are as violence-prone as ever, as demonstrated by the cache of weapons, ammunition and other

items captured when federal agents blocked an attempted invasion by Klansmen and Nazis of the tiny, mostly black island of Dominica last spring. The man in this picture is an agent of the Bureau of Alcohol, Tobacco and Firearms.

Brian Berteaux

Litigation update

(Continued from page 8)

The lawsuit asks for \$1 million in damages from Klan leader Bill Wilkinson, his Klan organization, and a number of Invisible Empire officers and members. There was little action in the case during late 1981, but motions for discovery are before the court and SPLC attorneys expect to begin taking depositions of defendants soon.

Meanwhile, the case is having a serious impact outside of court on Wilkinson's Klan, which at the time the lawsuit was filed was considered the fastest growing and most dangerous KKK group in the nation. Violent incidents by members of the Invisible Empire have declined sharply since Wilkinson sent a "secret bulletin" to his lieutenants telling them to keep their members out of trouble because the legal bills were mounting faster than they could be paid.

• **James Waller, et al., v. Bernard Butkovich, et al.** This civil suit arose from the murders of five anti-Klan demonstrators in Greensboro, N.C., on Nov. 3, 1979 — murders which were filmed by television crews and shown on national television but for which six defendants were acquitted in a state criminal prosecution.

The civil case seeks damages from various individuals and/or government agencies allegedly involved in the murders. The original complaint in the case has now been amended and a coalition of attorneys are working on behalf of the plaintiffs.

Among the relief sought is prosecution of the alleged murderers under federal civil rights statutes; such prosecution has been recommended by the former U.S. Attorney for the district where the murders took place, but the only response from the Justice Department has been to seek interviews with surviving members of the Communist Workers Party, of which the murder victims were members.

Recently, both the Greensboro, N.C., City Council and the Greensboro human relations commission have passed resolutions calling for a federal investigation and appropriate action. An independent report released by the Institute for Southern Studies in November also raised serious questions about the complicity of police and/or federal agents with the Klan and Nazi members who fired the fatal shots.

However, the lawsuit sat for more than a year without a judge assigned

to hear it. When plaintiffs' attorneys, in an effort to get the case moving, gave notice of deposition of a known Nazi who owned several of the murder weapons, both the Justice Department and the City of Greensboro filed objections.

Hearings were expected during late January or early February in this case, but a trial date is probably far in the future.

• **John McCollum v. The City of Carbon Hill, Alabama, et al.** This case was decided in late 1981 and \$15,000 in actual damages and

\$1,000 in punitive damages were awarded to the plaintiff, a black man who was shot by Klansmen following a Klan rally in Carbon Hill in 1979.

McCollum had originally sued the City of Carbon Hill and several of its officials and police, as well as the Ku Klux Klan of Alabama and its members. All of the defendants were dismissed except Roger Patmon, a Klan "security" official who allegedly fired the shots which hit McCollum in the face and head.

The damages awarded to McCollum were assessed against Patmon.

Setting the record straight

Erroneous reporting gives Scouts undue bad name

True or False: Boy Scouts have been trained in guerrilla activities at Texas KKK camps.

A news article to that effect appeared in Houston newspapers in late 1980 and was unfortunately picked up by newspapers and magazines, including the **KLANWATCH Intelligence Report**, across the nation.

But the story is false, according to Boy Scouts of America officials, who give this account of the widely publicized incident:

An acknowledged Klansman, Joe Bogart, was the leader of a Civil Air Patrol unit and was dismissed by the CAP for giving his cadets paramilitary training at Camp Puller (one of three KKK training sites identified in Texas by **KLANWATCH** investigators). Bogart then applied for a charter to form an Explorer post with the Boy Scouts, meanwhile continuing to give the youths in his former CAP unit training in such matters as strangulation and the use of explosives.

When Houston scouting officials learned of Bogart's connection to the Klan, the application for an Explorer post was rejected. But the local newspapers had already printed stories about the guerrilla training being given the youths and identified them as Boy Scouts. That error was republished many times over the next year.

The Boy Scouts of America actually have an excellent record of opposition to the Klan and to racism in general.

A Connecticut Scoutmaster who revealed his Klan membership in mid-1981 was promptly expelled by Scouting officials, who immediately circulated the following policy:

"The purposes of the Ku Klux Klan are completely inconsistent with those of the Boy Scouts of America, and, therefore, any person who acknowledges membership in the Ku Klux Klan cannot become or remain a leader or member of the Boy Scouts of America."

Scouting officials note that Cub Scout packs, Boy Scout troops and Explorer posts are frequently sponsored by units of the armed services and their reserve components and by legitimate law enforcement and public safety agencies.

However, Boy Scout policies do not "permit or condone the training of Boy Scouts and Explorers in the use of military weapons, hand-to-hand combat, or any form of guerrilla warfare weapons, hand-to-hand combat, or any form of guerilla warfare activities. Leaders and unit members who are acknowledged members of the KKK or other extremist organizations which advocate and teach the use of violent paramilitary tactics are undesirable as members of the Boy Scouts of America, and their organizations may not qualify as sponsors of units.

Wilkinson 'Klan van' out of control

With his organization cracking at the seams, with creditors at his doorstep and under attack by a wide variety of civil rights groups, Invisible Empire Klan leader Bill Wilkinson went on the offensive with a heavily-publicized weeklong tour in California in late November 1981.

Reports reaching KLANWATCH indicate that the financial condition of Wilkinson's Klan is steadily worsening, with a larger than usual number of members quitting, even in what have traditionally been some of Wilkinson's largest and most active klaverns in the Deep South. Wilkinson published a two-month edition of his newspaper, *The Klansman* (Nov.-Dec.), for the first time in recent memory.

In addition, Wilkinson and his Klan are still defendants in a major civil suit arising from their attacks on civil rights marchers in Decatur, Ala., in 1979.

In the face of all this, Wilkinson decided to visit the two isolated states outside the South where he has had even modest success in organizing local groups, Connecticut and California.

The Connecticut stop was brief, with only one notable public event, a small rally to protest the firing of Klansman Joseph Hurd from a job as a prison employee, as well as an appearance by Wilkinson in court to explain why he had carried a firearm to a fall rally in Scotland in defiance of a court order banning weapons at the rally.

His California visit was longer, though, and from a public relations standpoint was probably a success for him, although the crowds he attracted were generally very small.

During his visit, he and his local Klan leaders usually attempted—several times successfully—to rent school auditoriums for their rallies. This ploy, when successful, tends to make them appear to be a legitimate political and educational group, especially in the eyes of impressionable students.

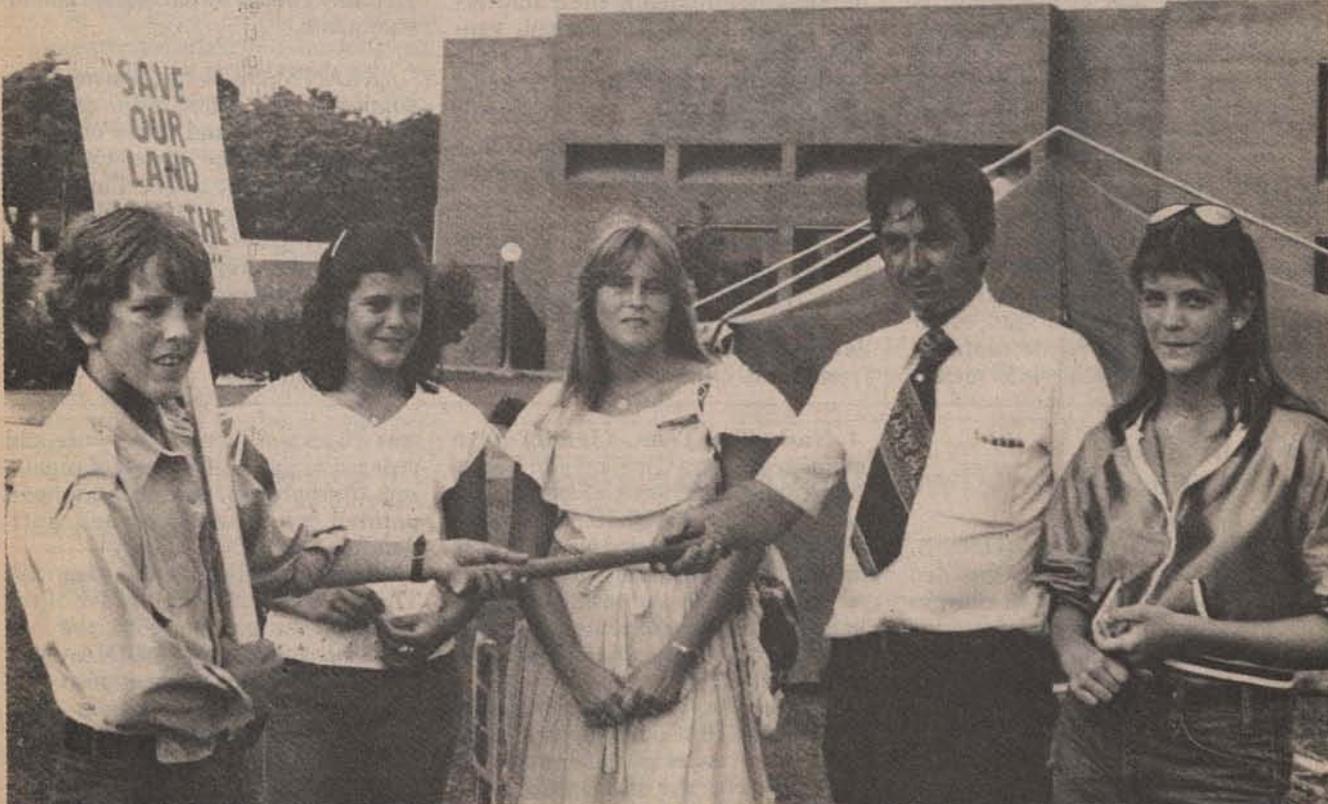
Wilkinson first visited San Jose on Nov. 23, where last summer violence erupted in a confrontation between members of this Klan and a group of militant anti-Klan demonstrators. This time, he limited his appearance to a brief press conference where he announced a renewed drive to recruit

youth to his Klan and then, to prove the point, led a similarly brief recruiting sortie on a corner where school kids were thought to congregate.

After another press conference in Palm Springs on Nov. 25, as well as several successful media appearances and interviews, Wilkinson next showed up at a rally held at the Fontana Junior High School on Nov. 27, where about 15 robed Klansmen, a crowd of 30 onlookers and nearly as many media gathered in the auditorium as another dozen protestors gathered outside. A coalition of groups had attempted to have the meeting banned from the school but their request was denied by a local judge.

Following the meeting, Wilkinson and about 25 supporters rallied on the steps of city hall in Palm Springs until they were drowned out by the voices of about 125 anti-Klan demonstrators separated from them by barricades. The Klan had earlier tried to rent a city meeting center for the rally but refused to pay an insurance bond against possible injuries that

(Continued on page 14)



KLAN YOUTH APPEAL — More than any other Klan leader, Bill Wilkinson has emphasized recruiting kids to the KKK. A mostly-teenage crowd of about 70 persons re-

ceived Wilkinson enthusiastically during a speech last November at a San Andreas, Calif. high school. The youths above were photographed in north Alabama.

650 meet to pray in protest of Klan

(Continued from page 13)

might result at their gathering. The Sunday before, in what was billed as the largest interdenominational prayer session in the city's history, 650 persons showed up at a local church to protest the Klan's recent recruiting efforts, which began about 6 months ago.

The next day, Wilkinson held probably the most successful event of the tour, what was billed as an "educational" event in the auditorium of the San Andreas High School near San Bernardino. About 70 persons — mostly teenagers — received his message "enthusiastically," according to newspaper and television accounts. Just as he had in San Jose and in Fontana, Wilkinson particularly emphasized youth recruiting, and here he found a crowd that was apparently responsive to this theme.

Although it is sometimes difficult to separate cant from reality when discussing Klan youth recruiting, it

is generally true that despite sporadic recruiting efforts of varying intensity, no Klan leaders have very successfully attracted kids from outside of Klan families into the Klan. This is true in spite of the fact that the group seems to be fertile ground for recruiting. As reported in an earlier *Intelligence Report*, nearly on fifth of all students listed in the most recent Who's Who in American High Schools admitted holding racial prejudices, and in a survey released in December in California's own Richmond School District, about a third of all (overwhelmingly white) teachers polled think that racism is a significant problem among their students.

For these reasons alone, Wilkinson's apparent renewed emphasis on youth recruiting here should be monitored very closely.

Wilkinson closed his tour with a rally in San Diego on the evening of the 28th.

It should be expected that he will, for once, hold to his rhetoric and that of his underlings and make more visits to California in the upcoming

year. Although his Klan remains fairly small there — only several hundred members at most — and is concentrated in the southern tip of the state — especially since a series of defections during 1981 — it holds the potential for more dramatic growth than do most other Klans there, if only through its proven record of adept use of the mass media.

Without fail, newspapers in the cities he visited reported unashamedly his rhetoric that he is "just a businessman," that his Klan has klaverns all around the state and that civil rights group have recorded only six incidents of Klan violence over the past five years. One small paper ran an article, announcing the formation of a local Klan chapter, that could have easily been written by a Klan ad man.

Reporting like that will make it tougher than it already is for responsible groups to continue to protest Klan violence and intimidation, and will ensure that Wilkinson and other Klan leaders keep California on their travel itinerary.

Novel idea tried to slow racist attacks

An innovative and potentially very powerful way of attacking the spread of acts of racially-motivated violence and intimidation is being tested now in the Los Angeles, California area.

City Council President Joel Wachs and Councilman Robert Farrell, the NAACP, leaders of area Fair Housing Councils, the City Human Relations Commission, the Inter-Religious Council of Southern California, the Anti-Defamation League and other groups are supporting a fund, established entirely by private contributions, that will pay for information

leading to the arrest and conviction of persons committing the racially-motivated acts of harassment, vandalism and violence that have recently plagued the greater Los Angeles area.

The Fair Housing Reward Fund has already raised over \$7,000 toward a \$25,000 goal.

At a press conference announcing the establishment of the Fund in early November, a procession of victims of racial and anti-Semitic vandalism described incidents ranging from family homes being painted

with swastikas to entire houses being virtually ruined by paint and random vandalism.

KLANWATCH has conveyed its support of this effort to the organizers of the Fund and urges others in the area to do the same. Contributions may be sent to The Fair Housing Reward Fund, 3819 West 54th St., Los Angeles, CA 90043. We will monitor the progress of the Fund and, if it proves successful, will be preparing materials for use by other communities wishing to establish similar ventures.

KKK indicted

(Continued from page 11)

beliefs to prison inmates.

Chattanooga, Tenn. (Dec. 3, 1981) A federal grand jury indicted KKK'er Rocky Lee Coker on charges that he illegally possessed firearms while a convicted felon. At the time of his arrest in early November, Coker allegedly had in his possession two handguns, a rifle and a 12-gauge shotgun. Coker was convicted in 1979 of aggravated assault, and was also convicted in March of 1981, along with fellow Klansman Larry Owens, on charges of conspiracy and illegal possession of explosives.

Nashville, Tenn. (Jan. 5.) Klan members Gladys Girenti and Bobby Joe Norton, convicted of plotting to bomb a local Jewish temple, were sentenced to 15 years and five years in prison, respectively. A third person convicted in the plot, Nazi William Foutch, awaits sentencing, and faces a maximum of 15 years in prison.

Evansville, Ind. (Jan. 29.) Sentencing was to be Jan. 29, for Phillip Dale Beach, who pleaded guilty on Dec. 18 to charges of mischief in the desecration of 35 to 40 tombstones in a Jewish cemetery here last March. Beach's cohort, Randall Dale Sanders, previously pleaded guilty and

was given a suspended sentence and ordered to pay half the cost of repairing tombstones, which had been painted with swastikas and anti-Semitic slogans.

Palm Springs, Calif. (Jan. 19) Thomas Crist, 28, local leader of the National Association for the Advancement of White People (NAAWP), was to go to trial today on narcotics and stolen property charges. Crist organized an August speech here by NAAWP leader and former Klansman David Duke, which was followed in late November by a recruiting rally by Klan leader Bill Wilkinson. Both events evoked a storm of protest.

Transcript delay holds up appeal in Robinson case

MONTGOMERY — Curtis Robinson, the first black ever convicted of a crime against a robed Ku Klux Klansman, has appealed his conviction through his SPLC lawyers to the Alabama Court of Criminal Appeals, and there it has been ever since his trial in late 1980.

The delay is in the completion of a typed transcript of the trial from which Center attorney Morris Dees and the state's lawyers will write opposing briefs. Oral argument will follow the submission of briefs. Given the current pace of the appeal, however, a decision in the case is not expected before mid-summer.

Robinson was convicted of attempted murder for shooting into a mob of Klansmen charging a group of peaceful civil rights demonstrators on a downtown Decatur, Ala., street in May 1979.

More than 100 Klansmen, armed with a variety of homemade weapons and guns, attacked the group of 60 unarmed black marchers, many of them teenagers. Robinson was standing in the street on the edge of the demonstration when the Klan attacked, and his wife and five children were sitting in the family car beside him.

TV videotape shows some of the Klansmen surrounding the car, beating on the hood and trunk with axe handles and cut tree limbs at the moment Robinson fired. The shot hit one of the onrushing KKKers.

Although it was a clear-cut case of self-defense, Robinson was convicted of attempted murder by an all-white jury.

He was sentenced to five years in prison but that sentence was probated to two years, and so he has remained free and continues to be employed at City Hall as a maintenance engineer.

Klan trial delayed

Talladega, Ala. (Jan. 14) A preliminary hearing scheduled for today was postponed in the case of Charles McCullough, a Sylacauga Klansman charged with first and second degree assault in connection with the knifing of three black men here. The black men suffered lacerations to the face, legs, arms, chest and back; all three reportedly have identified McCullough as their assailant.



LOOKING FOR TROUBLE — Klansmen mill about while waiting to attack blacks in Decatur, Ala., in May 1979. Arrow indicates Klansman, armed with branch, later shot by Curtis Robinson.

Klansman charged with killing wife

Sacramento, Calif. (Nov. 1, 1981) Invincible Empire Klan leader Harvey Hopkins was arrested and charged with murdering his wife with a 12-gauge shotgun. Hopkins, currently in jail, will go to trial this year on first degree murder charges.

Toms River, NJ (Dec. 15, 1981) Dr. James Morrison was arraigned and charged with conspiracy to murder his son and daughter-in-law, James Jr. and Lori Morrison, and released on \$50,000 bail. The elder Morrison allegedly attempted to

hire an undercover state trooper to kill his son after James Jr. had testified against another son, Aaron, in a 1980 case in which the two and a third man, Nazi and Klansman Karl Hand, shot rifles into the home of a local black family. Aaron Morrison and Hand pleaded guilty to charges in that incident. Aaron is a Klansman and has held rallies at the elder Morrison's home. James Morrison and his wife were living in North Dakota when he was indicted on the conspiracy charge.

Appeals court blocks prisoner release

MONTGOMERY — An attempt by a federal district judge to ease overcrowded conditions in Alabama's prisons and jails by releasing more than 300 non-dangerous inmates was blocked in December by an appeals court in Atlanta.

The release was sought by SPLC attorneys and others representing the approximately 5500 inmates serving state court-imposed sentences. Fifteen hundred of that number are being held in county jails across the state because of a lack of space in the prisons. U.S. Dist. Judge Frank M. Johnson Jr. set a limit on the number of prisoners at each state institution in 1976 when he declared Alabama prison conditions unconstitutional and unfit for human habitation.

The mass-release request was made by Center attorneys because of the state's failure to meet a self-imposed deadline of Sept. 1, 1981, for removing all state prisoners from the county jails, where conditions are even worse than in the prisons.

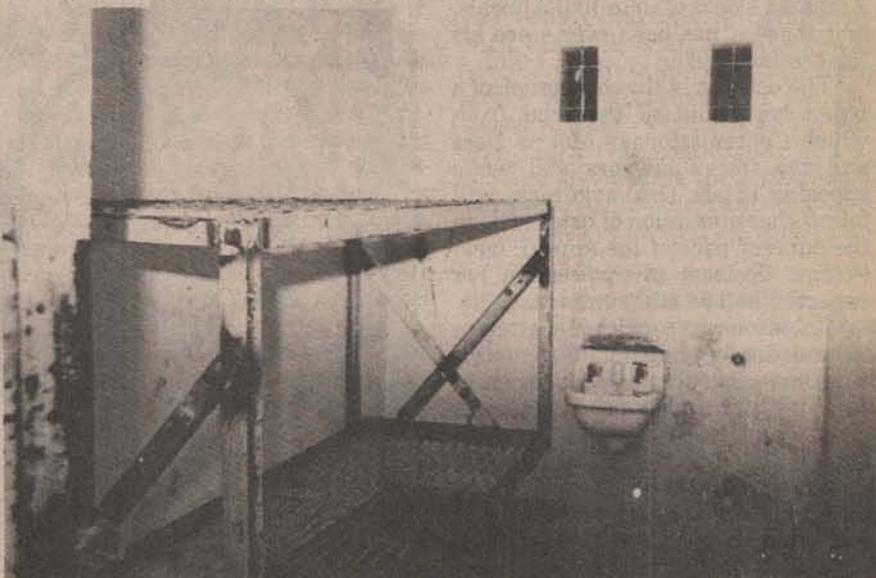
The legal maneuverings are part of the Center's major prison conditions suit, **Pugh v. Hopper**, through which the Alabama prison system was placed under court order in 1976

to improve every facet of prison conditions.

A similar order relating to medical and mental health care has been in effect since 1972, but prison officials have yet to achieve compliance with any provisions of either order, and the judge now hearing the case, U.S. Dist. Judge Robert L. Varner, has begun to take enforcement

action. Prior to the blocked release, he ordered 277 state inmates freed from the prisons last summer.

The stay of Varner's order granted by the Eleventh Circuit Court of Appeals was requested by Alabama Atty. Gen. Charles Graddick and Governor Fob James. 1982 is an election year.



Alabama's jails and prisons have been declared unfit for use.

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