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Report

Vol. 10, No. 6 Nov./Dec. 1982

A Southern Poverty Law Center publication

*Keeping watch on
organized hate groups*



KLANWATCH

**Intelligence
Report**



Martha Simmons

Preaching Klan Unity

"Reverend Bob" Miles of Michigan sums up the character of the new Klan confederation. Wearing a Klan robe with an Aryan Nations patch, and

speaking as a minister of the Mountain Church, the convicted firebomber of school buses promises to smite those who stand in opposition to the philosophy of white supremacy.

Inside —

Klan-backed candidates lose elections
Anti-Klan lawsuits continuing
Klan, Nazi incidents reported nationwide

Klan groups form racist confederation

"The biggest step towards Klan unity in fifty years," Klan leader Don Black calls the Confederation of Klans, a coalition of white-supremacist organizations formed on Labor Day at Stone Mountain, Ga.

Black's rhetoric is an overstatement, since the Confederation does not include the two Klan organizations with the most members at this time. However, the Confederation does bring together a coalition of racists who see themselves as revolutionaries who intend to change the United States and then the world.

The Confederation includes Black's organization, the Knights of the KKK, based in Tusculloosa, Ala.; the National Knights, led by James Venable of Stone Mountain; the New Order Knights, led by Edward Fields of Marietta, Ga.; the Carolina Knights, led by Glenn Miller of Benson, N.C.; the Alabama White Knights, led by Roger Handley of Warrior, Ala.; the Knights of the White Camelia, led by Gene Fisher and James Stanfield of Houston, Texas, and the Canadian Klan led by Ann Farmer of Vancouver.

Other racist groups closely associated with the Klan leaders in the Confederation are the National Association for the Advancement of White People, led by David Duke of Metairie, La., and the Idaho-based Aryan Nations, led by Richard Butler.

Don Black has been chosen to lead the new Confederation, at least until his imminent departure for federal prison. Black claims that 80 percent of active KKK members have been brought into the Confederation, but KLANWATCH believes 30 percent is a more accurate estimate. That would put membership in the coalition at about 2,500. If assorted groups like the Nazis, Christian Patriots Defense League, Aryan Nations, NAAWP, State's Rights and Kingdom Identity units are added, the total could reach 4,000.

Notably missing from the Confederation are the two Klan organizations believed to be the largest today. These are the Invisible Empire, Knights of the Ku Klux Klan, led by Bill Wilkinson of Denham Springs, La., and the United Klans of America, led by Robert Shelton of Tuscaloosa, Ala.

Wilkinson does not get along with most of the participants in the Confederation, and Shelton, who led the largest and most violent faction of the KKK during the 1960s, keeps a low profile today.

The Confederation was formed at Stone Mountain for two reasons. First, the site is symbolically important to the Klan since it was there in 1915 that the Klan was reorganized for the first time since Reconstruction. Second, the aging James Venable has been having a Labor Day Klan event on Stone Mountain for years. Venable has no followers to speak of, but he is regarded within the Klan as an "elder statesman" of sorts.

He thus represents a symbolic figure about which the other Klan factions — often at odds with one another — can unite. Venable was named Imperial Emperor of the Confederation, an honorary title akin to chairman of the board.

The true leaders of the Confederation are a group of men with extensive records of racist and religious bigotry. Several have violent criminal records as well.

- Fields is an Atlanta chiropractor who has been associated for years with J.B. Stoner, an Atlanta ex-lawyer who has been convicted of church bombings in Alabama during the sixties. Fields edits the *Thunderbolt*, the viciously racist and anti-Semitic newspaper of the National States' Rights Party.

- Robert Miles, who proclaimed on Labor Day that the Confederation would "unite to smash our enemies," is a minister in the so-called Mountain Church, which teaches that Jesus was not a Jew and that Jews are children of Satan. Miles served a prison sentence for firebombing school buses.

- Dale Reusch is a Klan journeyman from Ohio who won the 1976 West Virginia vice-presidential primary. He has said "Take your battle stations . . . without guns, the government controls the people! With guns, the people control the government!"

- Tom Robb is an Identity Movement minister from Arkansas. The Identity Movement teaches that white, Northern European people are the true people of Israel and that God's love is for whites only. Robb is also Grand Chaplain of the Klan Confederation.

- Glenn Miller, from Angier, N.C., is the Grand Dragon of the Carolina Knights of the KKK. This group is one of the most military oriented Klans. It also has strong ties to East Coast Nazi organizations. Miller habitually dresses in camouflage uniforms.

- Don Black was convicted and given a three-year prison sentence on federal charges connected with the Klan and Nazi plot in April 1981 to take over the government of Dominica, a tiny mostly black nation in the Caribbean. He is currently free on appeal.

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Klan seeks symbolism, publicity in D.C.

When Don Black's Knights of the KKK and eight other Klan groups met over Labor Day weekend to form a Klan Confederation (see adjacent article), a euphoric Black announced that the Klan would march in Washington, D.C., on Nov. 6.

However, disorganization within the Klan as well as a solid local anti-Klan front prompted the Klan Confederation to cancel its planned march. Then the march was rescheduled for Nov. 27. Meanwhile, militant anti-Klan groups and some outraged Washington blacks were vowing that the Klan would not be allowed to march even if the proper permits were given.

On November 27, the Klan again cancelled their march plans, when only 40 Klansmen showed up in Washington. After the cancellation about 3,000 anti-Klan demonstrators clashed with police. 38 persons were arrested and several were injured. Deputy Chief John Connor of the Metro D.C. police said that if the march had proceeded, "there would have been a major confrontation. There would have been a lot of people hurt, including a lot of police officers."

The Klan sought two things from such an event: symbolism and publicity. At its peak historical strength, the Klan marched 40,000 strong down Pennsylvania Avenue in 1925. Though 400 robed Kluxers would have been a good turnout this time, Black would have liked to dramatize the new Klan "unity" achieved by the Confederation with a similar march in the nation's capital.

Klan sources had told KLANWATCH that as long as they had adequate police protection to protect them from

From Page 2

- Sam Bowers was a leader of the White Knights of Mississippi during the 1960s and was convicted on federal charges connected with the murders of the three civil rights workers ambushed by the Klan in Philadelphia, Miss., in 1964.

- Will Folsie of Florida, K.A. Badynski of Illinois and Ann Farmer of Canada are relatively insignificant Klan leaders who made the council by virtue of their rank, and to assure that they would bring their members into the Confederation.

Perhaps the true significance of this Confederation is that for the first time no attempt is being made to hide the Klan-Nazi connection.

Black has been an admirer of Hitler since he was a teenager and his group of racist commandos carried a Nazi flag (entered as evidence at his trial) to raise over the island of Dominica. Edward Fields, perhaps the true mastermind behind the Klan Confederation, chose the Hitleresque "New Order" as the name for his Klan. David Duke paraded in a Nazi storm trooper uniform a decade ago at Tulane University in New Orleans.

While the Klan has long been both anti-Semitic and anti-black, the new rhetoric appearing in Klan publications is chilling in its call for a "final solution." The new Klan Confederation basically consists of those groups which make no attempt to disguise their Nazi orientation.

real harm, the Klan leaders hoped to be attacked. This would have given them a windfall of publicity, letting them argue that the Klansmen are innocent victims being denied their constitutional rights to freedom of assembly and speech. As it turned out, however, the Klan could find only a handful of members willing to risk becoming martyrs for their cause.

To some extent, Black had his publicity stolen on Nov. 6 when his rival, Bill Wilkinson of the Invisible Empire, upstaged Black by scheduling his own march and rally on Nov. 6 in Montgomery County, Md., where Wilkinson's Klan has been active.

Even though the Confederation march was cancelled, Black was still set to appear on several Washington area talk shows; however, he was forced to share the spotlight with Wilkinson, whose oily glibness Black cannot match.

Barely containing their animosity towards one another, Black and Wilkinson appeared together on a local talk show opposite KLANWATCH'S Randall Williams, columnist Carl Rowan of the *Washington Post*, and Nashville *Tennessean* reporter and Klan infiltrator Jerry Thompson.

The day before, Black and his national Klan chaplain, Tom Robb of Arkansas — who advocates the execution of all homosexuals — had appeared on another talk show, this time opposite KLANWATCH'S Julian Bond and the Rev. Ernest Gibson of the Washington Council of Churches.

Both of these talk shows demonstrated that the Klan's media-wise leaders rely on denial and deception to take their case to the public. Both Wilkinson and Black attempt to position the Klan as a political group for white people; both consistently — and loudly — deny that the Klan is a violent organization based on policies of hatred.

Though Wilkinson horned in on Black's publicity, his Nov. 6 rally and march in Rockville, MD., didn't go exactly as he had planned it. The event was billed as a "support the police" rally, but local law officers made it clear they didn't need or want support from the KKK.

Rockville authorities gave Wilkinson a permit to hold his rally in a public park, but once the 26 Klansmen who attended were inside, the police completely sealed off the area, letting in no curiosity seekers or sympathizers. Instead of a public rally, Wilkinson found himself at a local Klan meeting.

Some 350 police in full riot gear were present to prevent any trouble; there was none. A caravan of persons representing the International Committee Against Racism and the Progressive Labor Party, both of which have tangled with Wilkinson on several occasions, did show up. But police kept the anti-Klan protesters at the park's gates, where they marched, waved flags and chanted slogans. The Klansmen inside the park were not even visible to the public.

As the events of this month clearly show, despite a conservative national administration, which does not view racism and racial violence as high priority problems, the residents of the Washington D.C. area feel very strongly that the Klan is not welcome in their community.

Voters reject Klan-backed candidates

The recent elections concluded the most active political year for the Ku Klux Klan in two decades. However, of those candidates for public office who are either Klan members or closely connected with the Klan, almost all lost in the primaries and the rest lost in the general election.

In most cases the defeats were crushing, as in Kentucky, where a Klansman received only 340 votes to the winner's 19,994 in the race for U.S. Congress in the second district. These results indicate that even in a conservative political climate the public overwhelmingly rejects the beliefs of the Klan.

The one Klan-connected winner was in California, where Gloria Packan won a seat on the Democratic Central Committee for the 80th District; fewer candidates ran in that race than there were available seats and Packan won by default.

Here are the results in the various races:

- Joe Garner, a frequent speaker at Klan rallies and who is identified in Klan publications as a Klan leader, won the Republican nomination for sheriff in Montgomery, Ala. His opponent ran an almost nonexistent campaign, and Garner won 491 to 377. Following the primary, Garner's Klan connections were revealed in the local media and he was handily defeated in the general election by incumbent Mac Sim Butler. Garner received 13.8 percent of the votes, some of which can be attributed to straight-ticket Republican voting.

- In Colbert County, Ala., Klan chaplain James Stone received 7 percent of the vote in the primary for sheriff.

- In North Carolina, where Grand Dragon Glenn Miller claims he will run "hundreds" of Klan candidates in 1984, none of his choices were elected in 1982. John Gooding of Kinston was the only "Kandidate" to win a primary; he was unopposed for the Republican nomination for the state House, but attracted little support in the general election. For U.S. Congress, in the third district Leroy Gibson received 7,820 votes to the winner's 56,456,

and in the fifth district Warren Brooks was ignored, getting 335 votes to 47,816. Grand Dragon Miller lost his bid for the state senate but did receive 26 percent of the vote in his home county, Johnston.

- In Pennsylvania, Warren Smith lost for the state House in the 126th district. He received 372 votes to 1,685.

- California, which may be home to more extremists of every stripe than any other state, had by far the most Klansmen and Klan sympathizers running for public office. However, merely to run does not indicate broad support. In the most notable race, Klan leader Tom Metzger received 76,502 votes for the Democratic nomination for the U.S. Senate (to Jerry Brown's 1,392,660). While this was less than 7 percent, it should be noted that Metzger was running on an openly racist platform. In Fresno, Loren Lowdermilk lost, 2,925 to 53,500, his bid for the sheriff's office. Richard Morgan of Fresno, who was listed in the May/June *Intelligence Report* as a candidate for the State Senate, did not run after all.

California Grand Dragon George Pepper lost in his bid to be elected mayor of Fontana, 130 votes to 1,674. Except for Packan, as noted above, all Klan candidates for the various Democratic Central Committees in California lost, including Metzger in the 74th district, John Nilsen and Donald Musgrove in the 78th, and Winston Burbage in the 79th.

Two candidates who are not Klan members but have had at least some Klan connection were elected:

- In Marshall County, Ala., incumbent sheriff Rex Smalley, who made a welcoming speech at a Klan rally several years ago, survived a general election challenge by only 142 votes.

- In San Antonio, Texas, Sam Millsap, who had stated on a local talk show that he would welcome an endorsement from the Klan, a statement he later repudiated, was elected District Attorney.

Klan, Nazi Incidents

Lime Rock, Conn. (July 30) — A cross was burned on the lawn of a black family in what State Police called a neighborhood prank.

North East, Pa. (July 27) — A cross was burned at the summer home of an Erie school official in late July. Officials were at a loss to explain the motivation for the burning. The school official, who is white, had apparently not been involved in any racial issues.

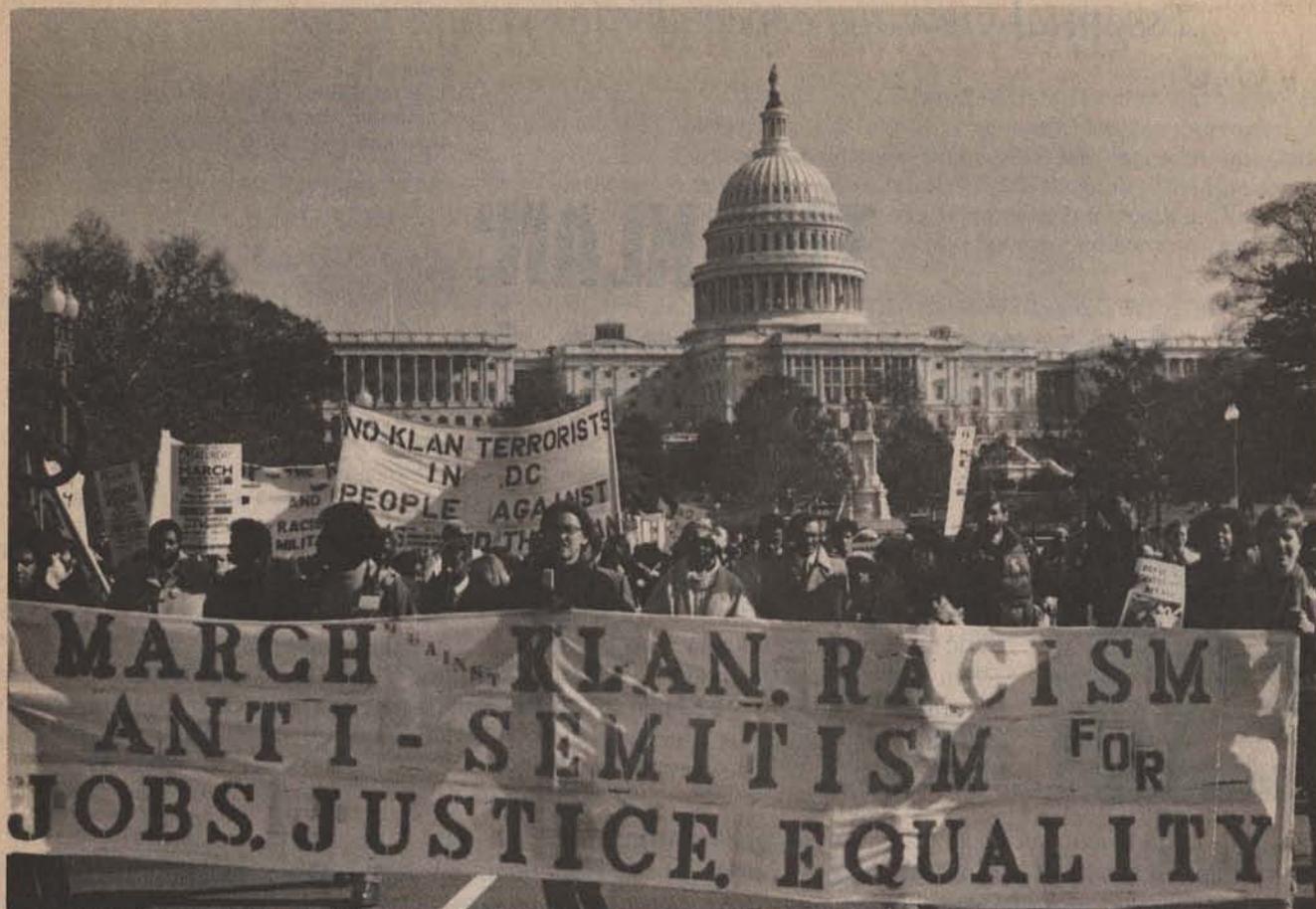
Cambridge, Mass. (Aug. 6) — The U.S. Justice Department will conduct an investigation to try to determine who painted the initials "KKK" on the lockers of five minority police officers here. The police department's internal affairs unit had earlier investigated the incident but had made little progress.

New Orleans, La. (Aug. 24) — The conviction of Klan leader Don Black for plotting to overthrow the government of Dominica was upheld by the 5th U.S. Circuit Court of Appeals. The court ruled that introduction into evidence of Klan and Nazi flags

seized from the conspirators and testimony that the conspirators planned to set up a cocaine refining operation on the island was not prejudicial error. It was also held that it was not error for the co-conspirators to testify as to their guilty pleas in the case. Black remains free on bond pending appeal to the U.S. Supreme Court. He faces a three-year prison term, but says he will continue to lead the Klan from jail if necessary.

Wyoming, Mich. (Aug. 19) — A local woman who filed civil rights charges against her landlord, city councilman Wilbur Martin, has received a letter from the KKK, postmarked Grand Rapids, warning her to get out of town. Addressed to "Nigger Lover," and signed by the KKK, the note has left the woman in fear for herself and her two children. The state police and the FBI have both decided that there is no basis for an investigation.

Phoenix, Ariz. (Sept. 8) — Klan leader Paul William Driggers has been sentenced to four and one-half years in prison on a conviction of conspiring to take children from California illegally. Driggers had conspired with Frank L. Stickleton of Glendale to remove Stickleton's children from California pursuant to a custody dispute. Stickleton was earlier tried and convicted in absentia and a warrant was issued for his arrest.



John Furman

Protest

Some 3,000 people marched Nov. 6 from the U.S. Capitol to the White House to express opposition to the KKK. Three weeks later, a similar demonstration erupted into violence.

Anti-Klan marchers peaceful on Nov. 6

At least three large demonstrations against the Ku Klux Klan occurred in the Washington, D.C., area on Nov. 6. The demonstrations were originally scheduled to protest the Klan's planned march from the Capitol to the White House on that date. That march never happened, though the Klan did rally in nearby Rockville, Md.

Six miles away from the Klan rally, several hundred citizens representing a cross section of the community gathered to show that the Klan was unwelcome in Maryland. The bi-racial group included a number of local ministers.

The largest demonstration of the day consisted of approximately 3,000 people who marched from the Capitol past the White House, to the Ellipse where several hours of singing and speaking followed.

Simultaneously with that activity, another anti-Klan group was having a food distribution to symbolically demonstrate the spirit of fellowship as opposed to the hatred expressed by the Klan.

Klan, Nazi Incidents

Lawrence, N.J. (Aug. 19) — Two youths were placed in the Mercer County Detention Center for spray painting Ku Klux Klan initials, swastikas, and expletives on a private residence on August 7. According to police it was the second time the home had been vandalized.

Toronto, Canada (Aug. 17) — Three ex-Klansmen are being charged with conspiring to murder a former Klan leader, Armand Siksna, who ran in the Toronto Mayor's race in 1980, Alexander McQuirter, and Jean MacGarry are charged with plotting to murder Gary Joseph MacFarlane, a former security director for the Canadian Klan. McQuirter was out on bail on charges of conspiring to overthrow the government of Dominica. He recently resigned his position as Grand Wizard of the Canadian Knights of the KKK. MacFarlane has stated that he will not testify against MacGarry and McQuirter.

Detroit, Mich. (Sept. 9) — A federal grand jury will investigate the July firebombing of a Detroit home which seriously injured a black woman. Evangeline O'Georgia was seriously burned when the home in a predominantly white neighborhood into which she and her family had moved three days earlier was bombed. Detroit city police have tried to investigate but have found most witnesses uncooperative.

"Essential viewing, especially for young people." —

Barbara Van Blake,
Director, Human Rights and
Community Relations Dept.,
American Federation of Teachers.

THE KLAN: A Legacy of Hate in America



This major new documentary strips away the mask of the Ku Klux Klan as never before. It is suitable for showing in schools, churches, synagogues, and community meetings where the intent is to stimulate honest, forthright discussion of a serious issue in American society.

In slightly less than half an hour, the film presents a stunning, concentrated, and accurate overview of the Klan. 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.

James Ertel, Editor-in-Chief of *Encyclopaedia Britannica Yearbooks*, said, "This new film will surely become a classic." Like a classic, it will reward those who see it more than once. The film is so packed with information, and it is presented in such a compelling way, that repeated viewings will almost certainly stimulate new ideas and insights into contemporary racist activity. To enhance the film's educational value even more, it is accompanied by a free discussion guide and 68-page educational manual, *The Ku Klux Klan: A History of Racism and Violence*.

The Klan: A Legacy of Hate in America is available on 16mm film, ½" VHS and Beta video cassettes, and on ¾" video cassettes. The 16mm film is printed on an Estar base for longer life.

ORDERING INFORMATION

- **100% MONEY-BACK GUARANTEE**

The Klan: A Legacy of Hate in America comes with a 100% money-back guarantee. Return the undamaged film for a full refund if you are dissatisfied in any way.

- **PURCHASES**

Purchase price for the 16mm film is \$250. Purchase price for all video cassette sizes is \$40.

- **RENTALS**

Rental of the 16mm film for one showing is \$100. Films must be returned no later than the day following the scheduled showing via UPS. A full day's rental will be charged for each day of delay. Loss or damage of the film while in your possession obligates you for the cost of the entire print.

Video cassettes are available for purchase only.

- **PREVIEW POLICY**

Only recognized audiovisual directors of libraries or

schools may preview the 16mm film prior to purchase. We must decline preview requests for rental purposes. To purchase a film sent for preview, simply keep it and send a check for \$250 to address below. If a preview film is to be returned, you must do so via UPS within 10 days after receipt. Loss or damage of the film while in your possession obligates you for the cost of the entire print.

- **SHIPPING FILMS**

All returned films should be sent via UPS to the address below. Do not mail.

The Southern Poverty Law Center
KLANWATCH Project
1001 South Hull Street
Montgomery, Alabama 36195

"This documentary . . . will become an integral part of my history courses. I urge every social studies teacher to get it with dispatch."

—Dr. Ray Gavins, Department of History
Duke University

"Dramatic and informative . . . I know of no more graphic way to get a feel of what the Klan is all about."

—Prof. David Chalmers, Department of History
University of Florida

Documentary on KKK wins film awards

"The Klan: A Legacy of Hate in America" has won major awards in each of the two film festivals in which the new documentary has been entered so far.

At the recent Columbus Film Festival for educational films, "The Klan" won the coveted Chris Statuette in the social studies category.

The film has also won the prestigious Golden Eagle award from CINE, the Council on International Non-Theatrical Events. Some 750 to 1,000 new U.S. films are submitted each year to CINE; 50 or fewer are recognized with the Golden Eagle. As a CINE winner, "The Klan: A Legacy of Hate in America" will be promoted as a U.S. entry in numerous foreign film competitions.

The film will also be entered in the documentary category of other film festivals during 1983, including the Academy Awards, the Cannes Film Festival, and Filmfest Berlin, according to Werner Schumann of Guggenheim Productions in Washington, D.C. Schumann directed, edited and co-produced the film, which was made by Guggenheim Productions for KLANWATCH as a major educational resource against the Ku Klux Klan.

The film made its television debut Nov. 2 on WETA, a Washington, D.C. public station. An Arbitron ratings survey showed that "The Klan" achieved a 7 percent share of the market, which is considered unusually good for public television.

WETA followed the broadcast of the film with a live half-hour discussion featuring local citizens commenting on the subject matter of the documentary and the status of Klan and anti-Klan organizing in the Washington area.

"The Klan" will be offered nationwide to other public television stations in February. Station personnel or concerned citizens who would like to coordinate local educational programs with the showing of the film should contact KLANWATCH for more information. Discussion guides and other supplementary educational materials are available.

KLANWATCH director Randall Williams said the documentary film is an accurate, objective examination of the history of the Klan from 1865 to the present day. The film does not preach, but the goals, philosophies, violence and racial and religious hatred of the KKK are clearly revealed.

The film has been well received by historians and educators. Dr. Raymond Gavins, professor of history at Duke University, said: "A chilling but informed portrayal of racial and religious bigotry, this documentary explains how and why the Klan has survived from the end of the Civil War into the contemporary age. It will become an integral part of my history courses. I urge every social studies teacher to get it with dispatch."

Joseph E. Madison, director of the NAACP Voter Education Department, said, "I recommend this film to every American concerned about the continuing problem of racism." And Dr. David Chalmers, historian at the University of Florida, said, "I know of no more graphic way to get a feel of what the Klan is all about."

Ordering information for teachers and community group leaders is found elsewhere in this issue.

Network seeks strong Justice Department action on KKK

Increased attention from the U.S. Justice Department to violence and intimidation by the Ku Klux Klan is the 1983 goal of the National Anti-Klan Network, as set in a coordinating committee meeting Nov. 7 in Washington, D.C. A policy was also enacted concerning the KKK's first amendment rights, and a new NAKN executive committee was elected.

NAKN is a coalition of about 60 religious, labor, education, community and other groups who have joined together to oppose the philosophies and actions of the KKK. Member organizations such as KLANWATCH conduct their own anti-Klan programs but also participate in NAKN's activities.

For the coming year, NAKN members will combine education, litigation, petition drives and other strategies in an attempt to get the Reagan Justice Department to take vigorous action against racist violence and the increasing pattern of racial and religious harassment which is typical of current Klan activities.

With regard to the Klan's first amendment rights, a policy statement was adopted which takes into account the disagreement within the anti-Klan movement as to whether the Ku Klux Klan should have the right to speak, to march, or even to exist.

The NAKN coordinating committee resolved that:

- 1) Each organization within the Network can take its

own position on this matter, and 2) NAKN will not take a position on this issue and out of fairness to its members will not become a part of any coalition which adopts a hard-line position on either side of this issue.

As a broad-based coalition, NAKN took a position which would allow unity within the anti-racist movement. KLANWATCH agrees with this policy, although KLANWATCH's position is that the Klan can be better combated by education, monitoring, prosecution and litigation than by denying Klansmen their civil rights.

Twenty-two member representatives and individuals were elected to NAKN's executive committee. These include: Center for Constitutional Rights, Inter-religious Foundation for Community Organization, Southern Christian Leadership Conference, Southern Organizing Committee, C.T. Vivian, Lyn Wells, National Anti-Racist Organizing Committee, Klanwatch, National Organization of Women, Council of Southern Mountains, Center for Community Change, Teresa Brown, Jim True, Ken Lawrence, National Council of Churches, Clergy and Laity Concerned, United Methodist Women, Dimples Armstrong, Mac Jones (Georgia Counter-Klan and National Baptist Convention), United Furniture Workers, Greensboro Justice Fund, and one seat to be filled by a representative of student organizations.



Klan leader Bill Wilkinson denies that his Invisible Empire — or any modern Klan group — uses violence. Yet on May 26, 1979, members of his Klan used bats, axe handles and clubs to break through

Evidence Photo

police lines in Decatur, Ala., to attack a peaceful black protest march. A lawsuit is now in progress concerning that incident.

Evidence builds in anti-Klan lawsuits

Evidence is now being collected for trial on two important lawsuits against the Ku Klux Klan in Alabama. One seeks an injunction and money damages from Klan members who attacked peaceful black demonstrators in Decatur, Ala., in 1979, and the other seeks to stop paramilitary training by the Klan in Alabama.

Both lawsuits are being brought for KLANWATCH by the legal staff of the Southern Poverty Law Center.

The first case, *People's Association of Decatur v. the Invisible Empire*, has been stalled for almost two years. However, at a recent hearing in Birmingham, Ala., important new evidence was submitted of a conspiracy by the Klan to "stop blacks from marching" in a peaceful protest. Four blacks, five police and two Klansmen were injured in the confrontation which resulted.

The case is being heard in federal court, and Judge E.B. Haltom, Jr. has indicated that he will deny a motion by the Klan's attorneys to dismiss the lawsuit. The judge also ordered the defendants to begin complying with plaintiffs' request for documents and answers to numerous written questions.

The case is considered especially important because of the size of the award sought — \$43 million — and because the Alabama Klansmen involved were among the most active and the most numerous in the nation in 1979 and 1980. Their level of activity has diminished since the filing of the lawsuit.

Some of the same defendants in the above lawsuit are also involved in *Reed v. Ku Klux Klan*, which seeks a permanent injunction against Klan paramilitary training, especially that connected with the well-publicized "Camp MyLai" in north Alabama.

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Jimmy Ellis

Klan commando Bill Riccio, who trained at "Camp My Lai," the KKK "boot camp" near Cullman, Ala., is now in federal prison for parole violation.

Lawsuits

From Page 8

It was here in 1980 that newspaper and television cameramen filmed heavily armed Klan "soldiers" and quoted Klan "special forces" leaders saying they were training "to kill niggers and Jews in the coming race war."

Depositions have been taken from Roger Handley, leader of the Alabama White Knights, the group that formed after a split from Bill Wilkinson's Invisible Empire in January 1982, and Terry Tucker, "Special Forces Commander-in-Chief."

This case is being heard in Jefferson County Circuit Court in Birmingham, Ala. The judge on that case has now granted a plaintiffs' motion to add several new defendants, including Bill Wilkinson. Even though Handley and Tucker have split from Wilkinson, their paramilitary group was a part of Wilkinson's Klan until the split occurred.

If this lawsuit is successful, it would be the second time KLANWATCH has won an injunction against a Klan paramilitary operation. In June, a federal judge in Houston, Texas, ruled that paramilitary training by the Klan in that state was illegal.

The Texas ruling was made on the basis of a state law which says that no military training can be conducted except by the state or the federal governments. Alabama is one of 24 states with similar laws, so the Alabama lawsuit was filed within a few days of the Texas ruling.

Klan, Nazi Incidents

Unlontown, Pa. (Nov. 1) — Grand Dragon Roger Dale Sapp of the White Knights of the KKK faces trial next month on charges of intimidating witnesses, making terroristic threats, and criminal conspiracy. Sapp allegedly made threats against and harassed a family that filed charges against other KKK members in connection with a cross-burning incident on July 17. Sapp has proclaimed his innocence. "We are not out for harassment and as far as I know my pistol permit is legal . . . there was nothing for anyone to be alarmed about."

Birmingham, Ala. (Oct. 20) — KKK member Jerry Kurt Sharp has pled guilty in federal court here of using the mails for intimidation. Sharp sent a "running nigger" target to an interracial couple. The targets bear a gross caricature of a black male and are sold through many Klan publications and at Klan rallies. Sharp received 3 years probation and a \$1000 fine.

Fort Lauderdale, Fla. (Nov. 9) — Police arrested two high-living brothers here last week and seized three Mach 10 machine guns, nine revolvers, a .357 magnum, over \$72,000 in cash and a Ku Klux Klan officer's robe and hood. The brothers, Arthur Lou Kosa, 36, and Larry G. Kosa, 31, had allegedly made a deal to buy over 40 pounds of cocaine from undercover narcotics agents. The Ku Klux Klan regalia was a surprise to police, however. At this time it is not clear which KKK faction the brothers are connected with.

Gowanda, N.Y. (Oct. 13) — Klansmen recently burned a 15-foot cross here as part of a protest against the conversion of a local psychiatric hospital into a prison. The move, according to the Klan, will bring black prisoners and prison employees into the rural community, which is about 40 miles south of Buffalo.

Oxford, Miss. (Oct. 24) — A crowd of about 100 booed and jeered approximately 30 Klansmen who marched here in support of the use by the University of Mississippi of the Confederate flag. The demonstration was sparked by the refusal of a black Ole Miss cheerleader to carry the Confederate flag at football games. Many blacks view the flag as a symbol of racism. Many white Southerners, however, view it as a symbol of Southern pride. University students and faculty on both sides of the issue said they resented the Ku Klux Klan injecting itself into the controversy.

Houston, Texas (Oct. 16) — The trial of a Klansman on weapons charges ended in a hung jury. Jerry Don Hartless of LaPorte was charged with pointing a home-made cannon at the Baytown Ice House and lighting the fuse. He had earlier been thrown out of the Ice House where he was drinking. A worried customer dashed out of the Ice House and doused the fuse with a can of Lone Star beer. Defense attorneys argued that the cannon was harmless and shot only newspaper wads. The state showed the jury a film of Houston police test-firing the cannon.

Erie, Pa. (Oct. 1) — KKK member George Perry and his sister, Sandra Lou, have been charged in connection with two shooting incidents in the Erie area. They were charged with firing shots into an Eastside home and into the First Good Samaritan AME Zion Church. Perry's bond has been set at \$150,000.

Jackson, Miss. (Oct. 1) — Klansman Larry L. Walker was sentenced to 10 years for shooting into the black-owned newspaper, *The Jackson Advocate*. Fellow Klansman Kenneth Painter faces a similar penalty for the same incident. One witness, a prostitute who was soliciting near the newspaper offices, testified that she saw two white men she later identified as Walker and Painter fire guns into the office. Walker took the stand while wearing a Nazi swastika ring, which allowed the prosecution to establish a racial-hatred motive for the shooting.

Edinburgh, Ind. (Sept. 23) — Black Jobs Corps Center employee Frank McGrone has been the target of three incidents of violence which may be linked to the Ku Klux Klan. On Sept. 2 his car was burned; on Sept. 4 his home was burned; and on Sept. 20 he was kidnapped by two white men who bound, beat and robbed him, then branded "KKK" on his forehead with a red-hot wire. McGrone would not speculate on a motive for the attacks, but did say that they could be connected with an old lawsuit he filed.

Albany, N.Y. (Sept. 25) — A sticker warning "the Ku Klux Klan is watching you" was placed on the door of the Sisters of the Good Shepherd Convent here. A calling card from the Invisible Empire KKK was also found under the door. No motive has been established for the harassment and police have no suspects.

Pittsburgh, Pa. (Oct. 6) — Former Pennsylvania Klan leader John McCall of McCandless has been convicted of burning his own home for the insurance money. McCall, who had earlier claimed that the December, 1981, fire was anti-Klan harassment, was ordered imprisoned to await sentencing. He could get up to ten years.

Oroville, Calif. (Oct. 25) — Local Nazi leader Red Warthan has been arrested for the execution-style slaying of a 17-year-old high school student here. The student, Robert Eugene Hoover, had been missing for several weeks when his body was discovered in a rural area west of Oroville. He had been shot eight times in the head. Hoover had earlier given local police information in connection with the distribution of Nazi literature in a local high school. He had also been on a camping trip with Warthan several weeks prior to the murder. Arrested with Warthan were two juveniles aged 14 and 17.

Klan, Nazi Incidents

College Park, Md. (Sept. 4) — The chancellor of the University of Maryland has proposed the formation of a committee to study the prevalence of anti-semitism among students here. This followed an incident in which the letters "KKK" were scrawled on the door of the Jewish student newspaper. The incident is thought to be linked with an August incident in which a student was convicted of shooting a Jewish student with a BB gun while shouting "Sieg Heil." Campus authorities had been criticized for only expelling the assailant, Roger L. Frisby, from campus housing.

Providence, R.I. (Sept. 2) — Charles W. "Bill" Sickles, founder of a Providence chapter of the Ku Klux Klan, has been convicted of malicious destruction of property for painting a swastika on a Jewish community center here, in celebration of Hitler's birthday. Sickles is presently serving a five-year-term for selling guns to federal undercover agents. The incident followed a party by the Adamic Knights of the KKK on April 20, 1979, to celebrate the birth date of Adolf Hitler. One witness said that a cake was served, with red and white frosting and a swastika made of black licorice.

Waycross, Ga. (Sept. 10) — A former "Great Titan" of the Klan was acquitted of charges that he mailed threatening letters to three families. Clyde Wayne Royals wept in the arms of his attorney upon hearing the verdict, and swore he would never be a member of the Klan again. He was accused of mailing threatening letters on Klan stationery to two white men who rented property to racially mixed families, and of writing a third letter to a man urging him to disown his own daughter because of her "dark brown complexion." Royals denied writing the letters.

Duluth, Minn. (Sept. 2) — A cross was burned in front of the apartment of a black man here and the windows of his car were smashed following televising of the movie "Freedom Road" starring Muhammed Ali. The movie showed how blacks were harassed for owning property in the South after the Civil War. No arrests were made, but police suspect a group of young white motorcyclists who harassed the man as he moved into his apartment.

Roslyn, Pa. (Oct. 1) — Five young men were arrested here in connection with two firebombings directed at blacks here in 1981. Abington Police arrested Frano Bucci, Eugene Pasioka, Robert Hower, Francis Bottone and Stephen Gulden. The special investigating grand jury found that the two incidents were "for the purpose of forcing blacks residing in the Roslyn area to depart and to deter blacks from moving into the neighborhood in the future." Prior to throwing the firebombs the men made Ku Klux Klan robes and hoods from sheets and pillowcases and prepared themselves psychologically to "drive the niggers out of Roslyn," according to grand jury testimony. The five men are charged with attempted murder, assault, causing a catastrophe, possessing incendiary devices, possessing instruments of crime, possessing prohibited offensive weapons, conspiracy, arson, criminal mischief and intimidation of witnesses.

Texas City, Texas (Oct. 23) — Five local persons were arrested for violations of a Texas City handbill ordinance, as they handed out leaflets urging "White Christians to arm themselves... prepare for the upcoming riots." The leaflets, printed on the stationery of the White Camelia Knights of the KKK, began, "It is inevitable that there is going to be a race war in Texas City." Also

seized in the arrests were a quantity of illegal drugs, weapons and ammunition. Charged were Sandra Gayle Thatcher, 27, of San Leon; Dwayne E. Hood, 21, of Bacliff; Robert Alti Howard III, 23, of San Leon; Gloria Kay Wright, 38, of Kemah; and Ronnie Hutto, 39, of Galveston.

Birmingham, Ala. (Sept. 18) — The group MARK (Movement Against Racism and the Klan) libeled the Coors Beer Company when it associated the Coors family with the Ku Klux Klan, a federal judge has ruled. Judge J. Foy Guin, Jr. compared MARK's documentation of Klan connections to American corporations to "McCarthyism with its guilt by association and innuendo." To support its allegations, MARK offered evidence that huge Klan rallies were held in the 1920s at the Castle Rock landmark, which is a Coors symbol. Coors denied that any member of the Coors family or the Coors corporation had ever owned Castle Rock. A federal jury will determine the amount of damages to be awarded to Coors.

New Orleans, La. (Oct. 4) — The U.S. Fifth Circuit Court of Appeals has overturned the conviction of Texas Klan leader Louis Beam for conducting illegal paramilitary training on the LBJ National Grasslands in Wise County, Texas. The court agreed with the Klan leader's attorneys that the law which prohibited public gatherings in the public park without permission was unconstitutional. Beam is currently a fugitive on other charges of allegedly kidnapping his children from his estranged wife in a custody dispute.

Dade County, Fla. (July 28) — Racially motivated incidents of vandalism have the Dade County, Florida Community Affairs Department concerned that race relations may be worsening. In one case a Cuban man has been harassed by youths driving pickups bedecked with Confederate flags. The youths destroyed his fence, killed his dog, and left a note ordering him to move or be killed. In another case a Jewish landlord had swastikas and racial epithets painted on his apartment building, allegedly because his neighbors thought he would be renting to blacks. Other incidents include a crossburning and the vandalizing of Beth Jacob synagogue on Miami Beach.

Milwaukee, Wis. (Aug. 11) — Members of Don Black's Klan and protesters from the All-Peoples Congress clashed in front of the Tippecanoe Library. At issue was the Klan's right to use the public facility for a Klan conference. A spokesman for the All-Peoples Congress said, "The Klan is a group of murderers and we don't think they have a right to speak or get police protection." Black called the protesters "scum and working for some communist agency." Police separated the two groups and there were no injuries or arrests.

Malden, Mass. (Aug. 12) — Five men were given one year probation and fined \$625 each for painting "KKK" and other racially derogatory words on a predominantly black church here. Convicted were Ronald Wierszchalek, Charles Peck, Peter Klim, Robert Morsett and William McGrath. They denied that their actions were racially motivated.

Buffalo, N.Y. (Oct. 13) — The National Socialist Liberation Front, a neo-Nazi group, has announced that Buffalo will be included in a multi-city organizational tour in late December. Other cities on the tour will include Toronto, Cleveland, Binghamton, N.Y., and Chillicothe, Ohio. Karl Hand, formerly of Buffalo, is the leader of the NSLF.

Erie, Pa. (Oct. 3) — East side resident Rebecca O'Connor was the victim of a burglary and vandalism early in October. Her home was broken into, ransacked and the letters "KKK" written on her kitchen wall. Nothing was taken and no motive for the incident has been established.

poverty law **Report**



This photo was made near the beginning of Alabama's decade-long litigation over mental illness and retardation facilities. But many residents of the state

institutions still spend most of their time just sitting around, receiving little real treatment or training.

Roger Wentowski

Institutional conditions still poor

The rights of the mentally ill and mentally retarded persons and the state's responsibilities toward them will be at stake in a January trial in Montgomery.

A decade ago, in a case of national importance, U.S. Dist. Judge Frank Johnson found that the treatment Alabama gave its mentally retarded or ill was so poor that it did not meet minimum constitutional standards. He ordered the state to give each patient "a realistic opportunity to be cured or to improve his or her mental condition."

Yet Johnson, who over the years earned the nickname "the real Governor" because his rulings so frequently forced Alabama officials to

address their legal responsibilities, was patient. He gave the state time to improve the shockingly substandard conditions of its mental institutions.

When the state still failed to act, Johnson called on the nation's leading experts to issue standards for the state institutions, and he eventually appointed a court monitor to oversee implementation and placed the system into receivership. The standards he set became widely used by other mental health systems throughout the U.S.

In Alabama, however, the state still dragged its feet, even though its attorneys had admitted non-compliance with the standards. Some improvements were made and condi-

tions did improve, but in many important areas the Alabama officials failed to meet the minimum standards.

Problems are still present in staffing, condition of facilities, quality and quantity of actual treatment, protection of basic human rights such as privacy and freedom from harm, and other areas.

Eventually Alabama Gov. Fob James had his attorneys attempt to get rid of the court's intervention altogether by filing motions which would end the receivership established by Judge Johnson.

That is essentially the issue which will be argued in January. SPLC

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Mental health facilities still not in compliance

From Page 11

attorney Stephen Ellmann said the state's motion is not only premature, but that the federal court needs to take a more active role rather than a lesser one. "The defendants are still very far from compliance and conditions in many respects are very bad," he said.

In early 1981, for example, the court monitors found in a survey that almost a third of the residents of Partlow Retardation Center received an hour or less of habilitation during prime program hours and that the activity most frequently observed was "sitting."

Such lack of supervision is dangerous as well as unproductive. A doctor who toured one of the facilities as an expert witness observed an incident in which the staff did not intervene when one resident hit another, and a second incident in which the staff again failed to intervene while a resident hit his head against a wall.

One expert witness for the state testified that part of the problem is that many of the mental retardation staff apparently do not feel that anything can really be done to help severely retarded residents. This argument was used as a defense by the state in an earlier phase of this litigation and was rejected by Judge Johnson.

But Dr. John McGee, who toured Partlow, testified differently. McGee is a faculty member at the Nebraska Medical Center College of Medicine and works daily with severely and profoundly retarded adults and children who have severe and multiple behavior problems.

He said he and his colleagues "have found time and time again that the technology exists to bring those types of behaviors (such as yelling, kicking, biting, scratching, screaming and clothes-tearing) down to a manageable level, and make the peo-

ple available for developmental learning."

Further testimony revealed troubling cases where residents have been abused by employees yet little or no immediate action was taken. The testimony also indicated an increased risk of disease for residents simply by virtue of their presence in the institution.

Partlow's physical facilities also continue to need major improvements and even fire and safety standards have not been met, according to testimony during recent depositions.

Doctors have repeatedly testified that Partlow residents would benefit from being moved from dormitories into cottages and the state agreed to build or renovate 26 cottages. So far four cottages have been built — with "greatly improved treatment" results for the residents who occupy them. But 600 other Partlow residents have been denied a chance for similar



Wyatt Workers

The Wyatt case, as the mental health litigation is known at the SPLC, consumed months of research. Staff attorney Steve Ellmann, seated, had help from (first row, from left) Angela Thomas, Sheril Hamilton and Betty Cork; (second row) Isaac Joyner, Sharon Crooks and Ira Burnim, and (third row) Jenna Whitehead, Rick Laufer and Chris McGraw. Not pictured are Lillie Tucker and Linda Talley.

Partial victory won in voting rights case

CAMP HILL, ALA. — Black plaintiffs in a voting rights case here have won an important step toward establishing district elections for the Tallapoosa County Commission.

Southern Poverty Law Center attorney Ira Burnim, who with private attorney Ed Still of Birmingham represents the Camp Hill Voters League, said a panel of three federal judges has ruled that the existing election system should have been submitted to the Justice Department for approval under the Voting Rights Act.

Until 1969, Tallapoosa County commissioners, who administer public works, were elected by districts. That system was changed when white business leaders in the county's largest city sued on the grounds that the sparsely populated rural areas had an unfair political advantage over the urban areas.

Since 1970, commissioners have been elected by the county's voters at large but have continued to have the responsibility for the roads and bridges only within that district.

Ironically, the current system has meant that black voters in the predominantly black Camp Hill district have been frustrated in their choice of county commissioners. In fact, Camp Hill voters have not merely been unable to elect a black as county commissioner, but in one recent election they were unable to elect the white that they favored.

Woodson Bradshaw is a white man who served on the Tallapoosa County Commission from 1968 to 1978. He represented District 4, which includes Camp Hill. According to Burnim, Bradshaw gained a reputation for being fair and was popular with the black voters in his district.

During his tenure in office, Bradshaw was frequently at odds with other county officials about the way revenue sharing funds and other resources were distributed in Tallapoosa County. Bradshaw testified that he believed Camp Hill was regularly "discriminated" against and that his district had been shorted some \$140,000 in revenue sharing funds.

Bradshaw's outspokenness put him in direct conflict with Probate Judge Melba P. Barnes. Mrs. Barnes has since died, but Bradshaw testified that she told him in 1978 that "she was going to beat me and them damn niggers in Camp Hill."

Bradshaw was defeated in 1978. Although he got 85 percent of the votes in Camp Hill, he was defeated in the at-large election by voters in other parts of the county.

Tallapoosa County has about 31,000 citizens, of which about 27 percent are black. But only in the Camp Hill district are there enough black voters to influence an election. And the county has generally been unresponsive to black goals, as is indicated by employment and appointment figures.

Margaret Turner, a Harvard Law School student who was a summer intern for the Southern Poverty Law Center, found that the Tallapoosa County Commission employed 117 persons as of June 15, 1982. Of these, 20 were black, and 12 of the blacks were manual laborers. No blacks held supervisory positions, nor does it appear that a black has ever had a

supervisory job with Tallapoosa County.

Also, of 50 appointments made by the county commission to various governing boards, only four blacks were appointed, and three of these were to a local water authority.

Federal judges Frank Johnson, Robert Varner and Truman Hobbs considered the above facts and reviewed the 1969 decision of Judge Virgil Pittman which essentially changed the election system from districts of unequal population to an at-large system.

Attorneys Burnim and Still successfully argued that changes in election law since Pittman's decision now require U.S. Justice Department approval before Tallapoosa County can continue to elect its commissioners under an at-large plan which has the effect of diluting the black vote.

The three-judge panel gave Tallapoosa County until Jan. 8, 1983, to get such approval from the Justice Department. Burnim said it is unlikely that approval will be given, and that a new election system may be forthcoming for Tallapoosa County.

Law center offers educational materials to private attorneys, public defenders

Through seminars and publications, the Southern Poverty Law Center conducts an intensive educational program in the area of death penalty defense.

This program began in 1976, when the Supreme Court cleared the way for the resumption of executions in the United States. SPLC attorneys immediately took on a number of death penalty cases themselves, but they also began developing trial manuals and strategies which would help other lawyers — many of them unfamiliar with the complex issues involved — give competent legal assistance to defendants in capital cases.

Over the past six years, an estimated 5,000 private attorneys and public defenders have heard SPLC attorneys

at various seminars throughout the United States. In the past year, for example, Center attorneys have participated in seminars in Ohio, New Jersey, Hawaii and Texas.

Several thousand trial manuals and other resources published by the SPLC have been distributed to attorneys. Publications currently available include *Motions for Capital Cases* (\$9), *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 L. Carroll.

To order any of these resources, write to Death Penalty Defense, Southern Poverty Law Center, P.O. Box 548, Montgomery, AL 36101.

*A progress report —***Benefits extended in special education case**

The latest report card from Willie Ferguson showed continued vocabulary development and a decrease in behavior problems, according to Southern Poverty Law Center staff attorney Ira Burnim.

Ferguson, 22, is in a special school in Texas where he was placed as the result of legal effort taken by Burnim (see May/June 1982 *Poverty Law Report*). The youth can neither hear nor speak, but he was never given any special education while growing up in Alabama.

When he came to Burnim's attention, he was in and out of the city jail — mostly for taking cars or bicycles for joyrides. Burnim successfully argued that Ferguson couldn't be treated like a regular criminal because there was no way he could understand the charges against him.

Ferguson is capable of learning, but he had never been given the

special attention that a non-hearing person needs to make sense of a hearing world.

The state of Alabama did not even have a suitable school for people like Ferguson, Burnim found. So an agreement was worked out to send the young man to a special educational program in Texas until Alabama could develop its own program.

The staff at the Texas facility has praised Ferguson's progress, saying he has been learning sign language and social skills. However, it will take years to replace the education that Ferguson never received while he was growing up.

Because Ferguson's benefits for special education expired when he turned 21, an extension had to be worked out with the state of Alabama. That extension guarantees Ferguson's education will continue at least through 1983.

**Ferguson**

Ira Burnim

By that time, Alabama should have its own program for educating people with handicaps similar to Willie Ferguson's.

*In prison case —***Governor's inaction may lead to contempt**

A federal judge will decide on January 3 whether to hold Alabama Gov. Fob James in contempt of court for failure to do something about the serious overcrowding in Alabama jails and prisons.

Southern states generally lead the nation in rates of imprisonment, and in Alabama as in most other places this has led to overcrowding.

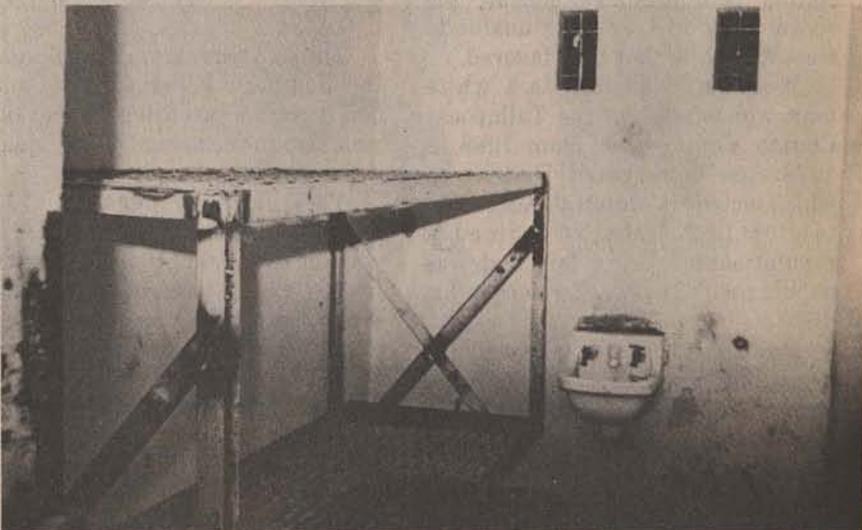
Cramped and otherwise unconstitutional standards caused Alabama prisons to be placed under a court order a decade ago. Some improvements have followed, but the overcrowding persists and has backed up from the prisons into the local and county jails throughout the state.

Despite continued orders from federal judges, Alabama officials have so far failed to correct the overcrowding, to provide adequate mental health care or to sufficiently staff the prisons to prevent violence.

These are the issues that will be addressed in the January 3 hearing, according to SPLC Legal Director

John Carroll. Some 1,800 state prisoners are currently being held in county jails because the state prisons are filled to capacity.

Carroll represents the inmates in the class-action lawsuit. His co-counsel is Ralph Knowles of the National Prison Project.



Cells like this one are anything but the "country club" atmosphere some politicians are fond of associating with jails and prisons. Alabama prison conditions were so poor that a federal judge ruled they violated constitutional standards.



Clemmie Moultrie (r) escaped the death penalty in his 1978 trial but was sentenced to a long prison term. Defense attorney Mike Macloskie and jury selection expert Cathy Bennett participated in the

Randall Williams

trial with SPLC attorneys. Moultrie shot a deputy sheriff during a siege of his home which arose from an eviction dispute.

Appeals ended for elderly S.C. man

All reasonable appeals have apparently been exhausted for Clemmie Moultrie, an elderly black man who was sentenced to prison in 1978 in Beaufort, S.C.

The U.S. Fourth Circuit Court of Appeals recently denied an appeal filed for Moultrie by Southern Poverty Law Center Staff Attorney Dennis Balske. Moultrie 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 sent men to start tearing down the house while Moultrie was still inside it.

Moultrie got his gun and ordered the wrecking crew to leave his property. When a deputy came a short time later to investigate, Moultrie ordered him away, too. Shots were fired — Moultrie said he was acting

in self-defense — and the tiny frame house was soon surrounded by officers.

In the gun battle which followed, Moultrie fatally wounded one lawman.

In the appeal of Moultrie's case, Balske had asked the appeals court to order a new trial because of racial bias in the selection of juries in Beaufort, during the period of the trial. The appeals court rejected this argu-

ment and Balske said the decision will not be appealed further.

Moultrie is an old man and relatively infirm. Though he will eventually be eligible for parole, he has no family to care for him even if he were to be released. Moultrie is serving his prison term at a mental health center in Columbia, S.C.

Hearing set in employment case

A January hearing will determine whether class action status is granted in a lawsuit alleging discriminatory employment practices against two United States Air Force bases.

The lawsuit was filed by SPLC Staff Attorney Dennis Balske on behalf of two black civil service employees. The issue in the case is whether the Air Force's civil service officials have favored white employees over black employees in job

assignments, promotions, etc.

The class action certification hearing was scheduled for November, but has been delayed at the request of the U.S. Attorney in Montgomery, where the two Air Force bases are located.

The U.S. Attorney has requested that the Justice Department itself represent the Air Force in the case, and the delay is to give the new government lawyers time to familiarize themselves with the case.

Mental health

From Page 12

improvement simply because the state has failed to meet its commitment to a building program.

Even simple needs like rails on a wheelchair ramp at the Warrior Center were not provided until a resident had a wheelchair-related accident and the court monitor looked into the situation. Partlow officials also refused to cooperate with a maintenance department assessment survey because it might "uncover some things that the court would not be pleased with seeing," according to testimony.

Such glaring deficiencies in the state's delivery of adequate mental health services were routinely uncovered by Ellmann and the attorneys and paralegals who worked with him on the case. These included attorneys Ira Burnim of the SPLC, Bill Mills of Birmingham and Jack Drake and Brenda See of Tuscaloosa, and paralegals Jenna Whitehead, Isaac Joyner, Chris McGraw, Betty Cork, Rick Laufer and Mike Vahala, all of the SPLC.

There are solutions to many of these problems, said Ellmann, but Alabama officials have not taken them.

In the early years of this litigation,

the U.S. Justice Department took an active role on behalf of the patients and residents of the Alabama mental illness and retardation facilities. Recently, however, the Justice Department has taken a limited role.

Though its four expert witnesses identified very serious problems in

areas they looked at, the Justice Department is negotiating toward a settlement which would leave only the plaintiffs to continue the litigation.

Ellmann described this as consistent with the Department of Justice's recent drawing back from its commitment to a variety of constitutional rights.

Honors, appointments for SPLC staff

Several members of the Southern Poverty Law Center staff are now or have recently served in community and/or professional leadership positions.

John Carroll, the SPLC legal director, is currently serving as a consultant to the National Center for State Courts Task Force on Proportionality Review of Death Sentences. Carroll is an expert on the trial of capital cases. The task force will develop guidelines to assist state courts in deciding whether the imposition of a death penalty in a particular case is consistent with penalties imposed in similar cases throughout the country.

Carroll also serves as the president of the board of the directors for the Legal Services Corporation of Alabama.

Dennis Balske, a staff attorney, is president of the Alabama Criminal Defense Lawyers Association. He also serves on the Chief Justice's

(Alabama) Committee on Indigent Defense. As a member of that committee, Balske drafted new guidelines for appointment of attorneys to represent indigents.

Staff attorney Steve Ellmann taught a course this year at Harvard Law School on constitutional issues in death penalty litigation.

Staff attorney Ira Burnim has just been elected to the boards of the Civil Liberties Union of Alabama and The Lighthouse, a Montgomery organization which provides drug, youth, pregnancy and crisis counseling.

Morris S. Dees, chief trial counsel and co-founder of the SPLC, shares his fundraising expertise with selected other public interest organizations. He is a consultant to Southeastern Legal Services and is on the campaign committee for the Highlander Research and Education Center. He will be a participant at the upcoming Southeastern Grantmakers Conference.

The Southern Poverty Law Center

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