

poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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SPLC Staff Attorney Dennis Sweet interviewing Mrs. Donald. Her son Michael was lynched by the KKK.

Voting rights case filed

Chambers County, a mostly rural agricultural and textile county on the Georgia border, has 36 percent black population. LaFayette, the county seat, is 57 percent black. Lanett, the largest city in the county, with a population of 6,897, is 31 percent black.

Yet in living memory no black citizens have won election to the LaFayette or Lanett city councils, the county school board or the county commission. Election to public offices in Chambers County is through at-large balloting, or through districts which are so drawn that they effectively dilute black voting strength.

This pattern of unfair voting history has been challenged in Chambers County through a voting rights case filed in federal court by the Southern Poverty Law Center, the Voting Rights Project of the Civil Liberties Union of Alabama, and the American Civil Liberties Union Foundation (Atlanta office).

"At-large election systems historically discriminate against black minorities," said SPLC staff attorney Ira Burnim. (LaFayette population is majority black, but the number of eligible and

registered voters is majority white.)

Burnim said the Chambers County school board and county commission are elected by districts, but that the district lines are drawn in such a way that they violate the one-man, one-vote principle required of Constitutional elections.

Named plaintiffs in the case are the Rev. Cornelius Reese, who is a minister as well as the basketball coach at LaFayette High School, and Jannie Huguley and Frederick Amos Davis, who are residents of Lanett.

Burnim is the lead counsel on the case for the Southern Poverty Law Center, but staff attorneys Dennis Sweet and Deborah Ellis are also working on the case. For the Voting Rights Project, the counsel are Calvin Biggers and Ed Still, and for the ACLU Foundation, the case is being handled by Neil Bradley and Laughlin McDonald.

The case is being heard by U.S. District Judge Truman Hobbs of Montgomery.

Recently, Judge Hobbs has denied a motion by the defendants to dismiss the lawsuit, and formal legal discovery in the case is beginning.

Murdered by the KKK

A mother talks about her son

MOBILE, Ala. — When daylight broke over Herndon Avenue on March 21, 1981, it illuminated a grisly scene from the darkest pages of Southern history: the battered corpse of a young black man dangling by a rope from a tree.

It was Saturday, the first day of Spring in Mobile, the City of Azaleas.

The victim of the lynching, Michael Donald, had last been seen the night before, leaving his sister's house to run an errand at a nearby convenience store.

Somewhere along the way, he was accosted by members of the Ku Klux Klan, kidnapped and murdered in a random killing intended to demonstrate the strength of the Klan in Alabama.

Today, more than three years later, one Klansman awaits his date with death in Alabama's electric chair in connection with Donald's slaying, and another has confessed his role in the crime but has yet to be sentenced. Federal and state criminal investigations continue, and in June the Southern Poverty Law Center filed a civil suit against the Klan on behalf of Donald's mother, Mrs. Beulah Donald.

"I just think about him sometimes. I wonder, did he have time to know he was gonna die? Did he have time to say, 'Lord, have mercy on me?'"

Because of her own faith in God, Mrs. Donald says she holds no grudges against the Klansmen who cold-bloodedly picked her son off the street at random and beat him to death, then hanged his battered body in a tree across the street from where one of the men lived. Even though one of Michael's killers is now on Death Row, she doesn't want to see him executed.

"Revenge is God's; I know that," she said.

SPLC attorneys, who have handled more lawsuits against the Klan than anyone else, strongly suspect a dozen Klansmen knew of the conspiracy to kill

Michael Donald. Evidence uncovered so far by Klanwatch investigators supports this theory, and the purpose of the civil suit is to bring these Klansmen to justice.

The Klansmen, angered by the failure of a predominantly black jury to convict a black man accused of killing a white police officer, had plotted to kill a black person in revenge. The murder would be the KKK's statement on the outcome of the trial — and a signal to future black jurors.

All this had nothing to do with Michael Donald directly; he was murdered entirely at random, a victim of racial hatred and chance. Investigators simply think Donald was the first suitable victim to come along: he was black and, walking along a darkened street late at night, he was vulnerable.

The circumstances of the murder have made things especially hard on the Donald family.

The youngest of eight brothers and sisters, Michael was born in the "colored" ward of a municipal hospital only a few blocks from where he would be abducted just short of his 20th birthday.

Not long after his birth, Mrs. Donald was exposed to tuberculosis and had to be institutionalized for two years, during which time mother and son were apart. Later, his parents separated.

Overall, though, Michael's boyhood was a happy and stable one.

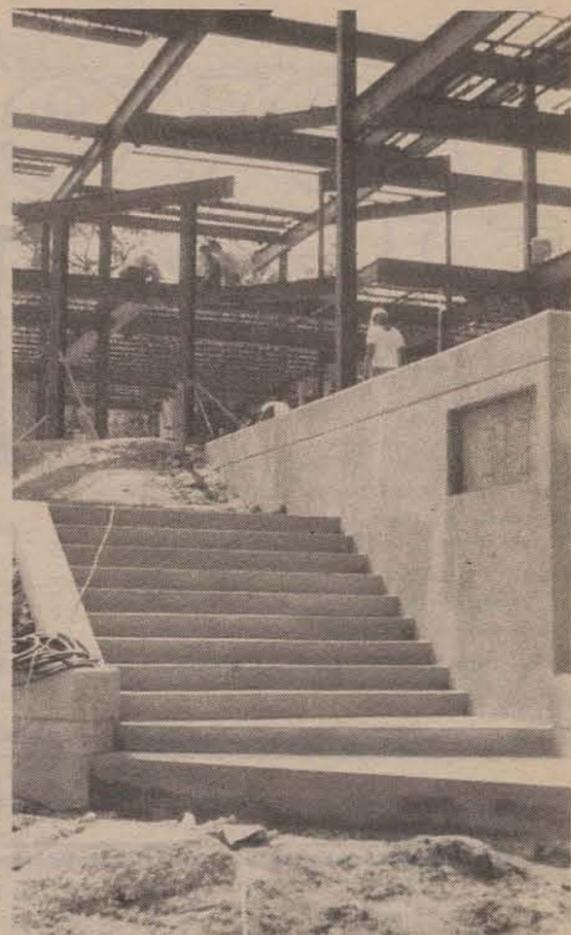
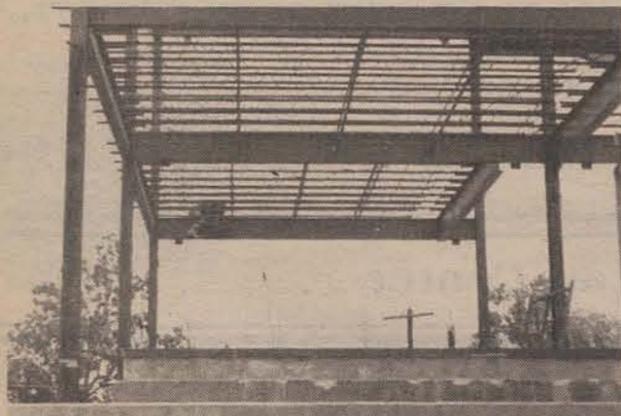
"We didn't have the 'good life,'" Mrs. Donald admits. "It wasn't a life where we had plenty of money. But they had the kind of life that whenever they needed anything, we got it. All my children knew they were loved."

From an early age, Michael was a quiet boy, the shyest of Mrs. Donald's children. His capacity for self-entertainment was boundless, and sometimes it worried his mother that Michael didn't play more with his brothers or

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Construction Progress Report

Work is moving steadily ahead on the SPLC's new office building in downtown Montgomery. The steel framework of the building is visible in the left photo, and in the detail with the two workmen in the center photo. At right, the steps leading up from the street to the main office have been poured. Supporter Helen Mann of Vermont recently wrote to us saying she might "never make it to Montgomery to see your fine new office, but I will continue to support the much-needed and valiant work you and your staff are engaged in to blunt and eradicate the Klan and social injustice in the U.S." Supporters like Mrs. Mann are making the new building possible so that the Center can continue and expand its work in this time of need.



Letters from SPLC Supporters

Editor's Note:

Letters to the Law Center arrive daily from our friends and supporters. It is impossible for us to personally acknowledge these letters, but we read them all. Your comments and suggestions are valuable, and help encourage us when the hours are long and the challenges are overwhelming.

As a non-profit, public-interest legal and educational organization, the Center depends on the contributions of individuals of good conscience to carry on its important work; we receive no government funds of any sort.

Here are excerpts of a few recent letters:

Dear Friends:

I feel so sorry about the killing of a young innocent man because our Lord put him on this earth with dark instead of light skin. Who are we to tell God who should be on this earth and what color?

I am so proud of the honest, straightforward way in which you are working on our problems with the subversive hoodlums. KKK is not the only ones we need to watch. But the law is the way to get it done.

God bless you all.

Ida Woody
North Carolina

Dear Friends:

I was a youngster who grew up in Georgia during the '20s and '30s. I am well aware of the danger and rottenness of the Klan.

You are to be admired for your courage and persistence in the face of adversity. It is my hope that you will not become discouraged for this work you do is sorely needed.

I will continue to help with my prayers and my monthly retainer. God bless all of you.

Sincerely,
Margaret M. Haggard
Wyoming

Dear Friends:

As a survivor of Soviet oppression and the Nazi Holocaust, I have experienced first-hand the destructive assaults on the human spirit and dignity. To be without true legal recourse and therefore without justice renders a human being to the status of a non-entity.

Thus the Center does not only permit me to make a modest contribution to equal justice, it also allows me to thank the United States of America for allowing me to come here; for by supporting the Center's causes I have a small share in making this a more just and humane society.

When the Center added the Klan-watch Project I wondered if such an organization would have existed in Germany in the late twenties and early thirties maybe the National Socialist Party would have never come to power and there would not have been a Holocaust.

Sincerely,
Mrs. Ija Pozdnjakoff
New York

Dear Friends:

Over the years I've been impressed by the depth of caring which is evident in your work. So often it seems that those of you at the Center go the extra mile in trying to help your clients and their families. The assistance you've gotten for Willie Ferguson is one example of this.

I deplore the racial prejudice in this country and the actions of the Ku Klux Klan. I am pleased to be able to contribute in some small way to your continued efforts to create a climate of justice, hope and peace.

Sincerely,
Charlene Twente
Massachusetts

Dear Friends:

I first heard of your organization while house-sitting for a friend. One of your mailings arrived this week, and I haven't been able to get it off my mind since.

Allow me to express my admiration and appreciation for the work you are doing. It takes courage and resolve to tackle the terrifying racism

of the Ku Klux Klan — more, I am reluctant to admit, than I myself possess. Thank you for refusing to cower in the face of what must be the most terrifying hatred imaginable. I hope that you will always find your strength renewed and will continue your battle.

Sincerely,
Julie Gumbiner
Iowa

Staff Notes

Legal director **DENNIS BALSKE** has received a President's Commendation Award from the National Association of Criminal Defense Lawyers for his work as chairperson of the NACDL's death penalty task force. The SPLC has been involved in this issue for several years and has represented two former death row inmates who were later proven innocent of the crimes for which they were convicted.

Also, SPLC attorneys have strongly argued in several cases that the death penalty is unconstitutional because blacks who kill whites are sentenced to death at a much higher rate than whites who kill blacks, and that the death penalty is used against poor people when better-off people who commit the same types of crimes almost always get lesser sentences.

Balske was also recently reappointed as the Chairperson of the Alabama Bar Association's Indigent Defense Committee.

Staff attorney **DENNIS SWEET** recently spent a week as a guest lecturer at Harvard Law School. Sweet, a former Washington, D.C., public defender, was one of a small number of leading attorneys from across the nation who shared their trial expertise with Harvard's second- and third-year law students.

WENDOLYN JORDAN of the Center's membership development department is getting married and moving to Florida.

Klanwatch Director **RANDALL WILLIAMS** has been named one of 30 Montgerians to participate in a year-

long "Leadership Montgomery" program intended to, among other things, address racial problems that have plagued Alabama's capital city over the past several years.

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Continuing trooper lawsuit shows need for quotas

One of the first civil lawsuits filed by the Southern Poverty Law Center attacked the discriminatory hiring policies of the all-white Alabama State Troopers. This case, *NAACP v. ALLEN*, had dramatic results, as described in the accompanying article by former Justice Department attorney Douglas Huron.

It was evidence offered and arguments made by SPLC attorneys that led to Judge Frank Johnson's precedent-setting order referred to by Huron.

Ironically, 12 years later, the SPLC is still litigating this case. The ranks of the Alabama State Troopers now contain many black employees, but the higher-level supervisory and officer positions are still filled by old-line white males. For a status report on the case today, see "Docket Update" on page 4. The article first appeared in *The Washington Post*.

By DOUGLAS B. HURON

It may be fashionable to insist that affirmative action, and especially quotas for minorities, don't work. But not for the first time, the fashion is wrong. In many kinds of situations these remedies do work.

This does not mean we should turn to affirmative action to solve all the problems of America's un- and underemployed minority groups. An affirmative action program cannot make an illiterate person literate, or teach good work habits, or turn someone with janitor's skills into an engineer. There is still no substitute for education, training and apprenticeship.

But in many circumstances, members of minority groups have been discriminated against casually, thoughtlessly — because it has been the fashion not to hire them. Thus, many big city police and fire departments traditionally hired no blacks; many craft unions accepted no blacks as members; many big companies put no blacks in positions higher than kitchen help and janitors. When patterns of discrimination are apparent, affirmative action and quotas may be valid tools to respond.

The utility of affirmative action and quotas was demonstrated late last year in hearings held by Reps. Don Edwards (D-Calif.) and Patricia Schroeder (D-Colo.). In those hearings I talked about public sector employment in Alabama, something I learned about as an attorney in the Justice Department's civil rights division in the Nixon-Ford Administration.

Alabama has seen dramatic changes in the level and type of black employment in public agencies over the past decade. Most of that change is directly attributable to litigation and specifically to affirmative-action and quota decrees entered by Judge Frank Johnson of Montgomery. And it is tough to imagine how blacks would have gotten those state jobs in Alabama without them.

In the late 1960s, the 70-odd Alabama state agencies employed only a handful of blacks above the menial level. At that time the Justice Department sued seven of the larger agencies which together employed over half the state government's work force. Following trial, Judge Johnson found that of the 1,000 clerical employees in these agencies, only one was black. Of over 2,000 workers in semiprofessional and supervisory positions, just 26 were black.

This paucity of black employees was no accident, since the state refused to recruit at black schools and in black media and also maintained segregated cafeteria facilities.

Even more telling, on those occasions when black applicants appeared at the top of employment registers, agencies simply passed over them in favor of lower-ranked whites.

To try to remedy these entrenched discriminatory patterns, Judge Johnson enjoined the passing-over of qualified blacks and required the state to attempt to recruit black applicants. He also ordered the hiring of some 62 blacks who had been passed over and who could be identified following a laborious process of records analysis. In short, Frank Johnson in 1970 ordered everything W. Bradford Reynolds, the current assistant attorney general for civil rights, would require of an employer guilty of discrimination.

But nothing substantive changed, despite Alabama's compliance with the specific elements of Judge Johnson's decree. Perhaps the state's attitude was still too grudging, or blacks were still too skeptical, or perhaps other factors were at work. Whatever the explanation, black employment in Alabama state agencies remained low.

The one exception to this otherwise gloomy picture lay in the area of temporary employment. There Johnson had simply imposed a ratio — a quota — on temporary hires. The ratio was fixed at 25 per cent — approximately the black population percentage in Alabama — and the goal was met. But there was still no improvement in permanent positions.

Then in January 1972 the Alabama NAACP filed suit against the Department of Public Safety — the state troopers. At that time everyone in Public Safety was white — the troopers, the officers and the support personnel. No blacks had ever been employed there. Throughout the '50s and '60s — from the schoolhouse door to the Selma bridge — the troopers had been the most visible instrument defending segregation.

Judge Johnson set an early trial date, then ruled from the bench, finding that Public Safety had engaged in a "blatant and continuous pattern and practice of discrimination." Having learned from his experience with the other Alabama agencies, Johnson immediately imposed a quota: He required the state to hire one black trooper for each new white hired, until blacks reached 25 per cent of the trooper force. He also applied the same formula to support personnel.

The state complied, and the results have been little short of astounding. Within weeks, Alabama had hired its first black troopers. Within two years, there was a substantial number of blacks on the force, and the director of Public Safety later testified that they were competent professionals.

Today, 12 years after the entry of Judge Johnson's decree, Alabama has the most thoroughly integrated state-police force in the country. Over 20 per cent of the troopers and officers — and nearly 25 per cent of the support personnel — are black. The day is fast approaching when Public Safety will be freed of hiring constraints.

When Justice contrasted the initial



Alabama Troopers halt Voting Rights March at Selma in 1965.

results on the trooper force with the lack of progress in other Alabama agencies, the department went back into court, asking that hiring ratios be applied to entry-level jobs in the other Alabama agencies. Judge Johnson gave agencies plenty of time — over two years — to mend their ways.

When little changed, he issued a decision finding statewide discrimination, but he demurred to Justice's pleas for quotas. He said that "mandatory hiring quotas must be a last resort," and he declined to order them. But he noted that the denial would be "without prejudice" to Justice's seeking the same relief one year later: "In the event substantial progress has not been made by the 70 state agencies, hiring goals will then be the only alternative."

The message — the threat — could not have been clearer, and the agencies immediately began to come around. In the eight largest departments, which together account for close to 75 per cent of all state workers, black employment increased by over half between 1975 and 1983 and now stands at over 20 per cent. And black workers, who used to be concentrated in menial jobs, now appear in substantial numbers in nearly all the larger job categories.

No doubt problems remain in Ala-

bama, but the only fair conclusion is that dramatic progress has been achieved in public employment for blacks over the past decade. And in view of the history of the Alabama litigation, it is clear that this would not have occurred if Judge Johnson had not first imposed a hiring quota on the state troopers — and then threatened to extend it statewide if the other agencies did not alter their discriminatory practices.

Affirmative action can be a potent weapon, so it should be used only with great care. An effective affirmative action program should have a limited duration, should be aimed only at genuine problems caused by past discrimination, and should not lower standards. Otherwise the problem of selection based on race or sex may simply be perpetuated indefinitely.

In deciding whether affirmative action is desirable or required, the key question is, what caused the exclusion of blacks from a work force, or kept them in menial jobs? When the answer is that blacks did not have the requisite skills or training, then affirmative action is unlikely to be an effective remedy. But when the cause was discrimination, either overt or casual, affirmative action may be required.

FBI busts Klan terror squad

ATLANTA — F.B.I. agents have broken up a KKK "action squad" operating in west Georgia and arrested five Klansmen suspected of carrying out racially motivated beatings there over the last two years. A federal grand jury indicted the five on civil rights violations in August.

Arrested were Mailon Paul Wood, Winford "Billy" Wood, Kenneth Davis, James Kent Adams and William L. Deering, all members of the Georgia Ku Klux Klan.

According to the indictment, Paul Wood, Davis, Deering, and an undicted co-conspirator drove to the Waco, Ga., residence of a white woman on November 23, 1982, entered her home without permission, and whipped her with a strap while her two young children were forced to watch.

When they had finished, the Klansmen warned their victim not to associate with blacks again.

Several months later, the indictment alleges, the small, super-secret action squad was reactivated to dispense Klan "justice" to Warren Cokley, a black man whose wife is white. The couple lives in a town not far from Waco.

In this incident, six armed men wear-

ing stocking masks over their faces stormed into the Cokley's unlocked home in the early evening of February 9, 1983. After using a racial slur, four of the men beat Cokley into unconsciousness while the other two served as lookouts.

But before he passed out, Cokley recognized one of his assailants, W.L. Deering, a huge, bulky man whose physique was instantly recognizable even if his face was obscured. The two men are nearly neighbors in their community.

During the attack, Cokley also managed to stab one of the Klansmen with a small pocketknife he kept in his pants pocket. It turned out to be Deering, and on that basis Deering was convicted on state charges in connection with the attack in 1983.

But even after going to prison, Deering kept the Klan vow of silence and refused to name any of his co-conspirators. Vigorous investigations by the Georgia Bureau of Investigation's Anti-Terrorist Unit and the F.B.I. led to the additional arrests.

The SPLC represents the Cokleys in a civil suit against the Klansmen filed after Deering's conviction in state court. Until the recent indictments, the names of the other assailants were unknown.

The murder of Michael Donald

(continued from page 1)

sisters or with neighbor children.

He enjoyed sports and as a high school student never missed a ball game, but even at the time of his death Michael seemed content with passing most of his time around his mother's home. He particularly enjoyed listening to a stereo system he had purchased with money

earned from his job in the press room of the city newspaper.

And like clockwork, Michael got up every morning and fixed breakfast and a sack lunch for Mrs. Donald, who works as a foster grandparent for retarded children in the Mobile Community Action program. To his mother's surprise (and pleasure), Michael even en-

joyed cleaning up the house, mopping the floors and doing the wash, all of which he did voluntarily.

Despite the substantial age differences between the elder Donald children and Michael, the family was close-knit. With the exception of a brother living in Detroit, most of the Donalds make their homes in the Mobile area.

Shortly before he was murdered, Michael had enrolled at a vocational school in the city to study masonry, for which his sister Cynthia bought his books to get him off to a good start. The week he was killed he was due to begin receiving a grant to help pay for school expenses.

* * *

The night of the murder is frozen for all time in Mrs. Donald's mind, down to the most minute details: even what she and Michael had for dinner. After the meal, Michael walked over to his sister's home nearby to spend the evening. Following the late news, he went to a neighborhood store on an errand for his sister. He never returned.

Mrs. Donald didn't sleep at all that night. When Michael hadn't come home from his sister's by midnight, his mother called to see what was wrong.

"If he was going to be late, he would have called. He always called," she said.

Alarmed, she nevertheless went to bed at the urging of her daughter, who assured her Michael would be back soon.

During the night Mrs. Donald listened for some sound of Michael coming in, but there was only silence. At 5 a.m. she arose and began calling her children, fearing the worst. A little while later, the sister Michael had been visiting the night before came over. She had heard a bulletin on the radio that the body of a young black man had been found only a few blocks from her house, apparently lynched. Without hearing more, she knew it was her brother. A little while later, the body was identified.

Within only a short time, three men were arrested for Michael's murder, but they were later released after a key witness recanted her testimony, and then the long wait began. More than two years passed before the F.B.I. announced the arrests of two Klansmen, Henry Hays and James "Tiger" Knowles, for murdering Michael Donald. At the time of the killing, Hays was 27, Knowles just 17.

The period between the release of the three suspects and the arrests of Hays and Knowles was agonizing for Mrs. Donald and her family. Anonymous callers cruelly made harassing phone calls, and strange cars occupied by white men were seen outside the Donald home, forcing her to unlist her telephone number and find a new place to live.

Many friends came to her aid through that period, and even some whites from churches in the poor, racially mixed neighborhood where Michael was hanged brought food and donations.

One individual she could always turn to was State Senator Michael Figures of Mobile, who helped pay the costs of Michael's burial. Mrs. Donald had met Sen. Figures, one of Alabama's most prominent black leaders, through a supervisor at Community Action who later became Sen. Figures's wife. Sen. Figures subsequently became Mrs. Donald's attorney and is co-counsel with the SPLC in the civil suit against the Klan.

Despite such stalwart support, Mrs. Donald's health suffered. On top of chronic high blood pressure problems and a blood-sugar imbalance, she developed welts on her body from worry and experienced nightmares.

"I commenced feeling like I could hear that boy calling me," she said. "I'd hear him calling, 'Don't kill me, please, don't kill me. It made me feel so bad ..."

"Just the idea they took him and hung him. Just hung him up. They beat him unmercifully. I didn't even know what he looked like as my child. The undertaker didn't want me to see where they made a footprint on his face with their boots. But I said, open it and let the world see how they beat him up."

The tragedy of Michael's horrible death affects family members in various ways. Perhaps Michael's closest friend was his nephew, Victor, the son of one of Michael's sisters. They were big buddies, about the same age, hung around together. One day they had plans to enlist together in the Army.

The night Michael was killed, Victor was going to run the errand with him, but didn't. Since Michael's murder, Victor stops by frequently to check on Mrs. Donald.

"When Victor comes he doesn't talk about Michael. He just asks if there is anything he can do for me," she said.

Docket Update

Groups join in hiring appeal



Two other legal groups and a leading law firm have joined with the Southern Poverty Law Center in a defense of hiring and promotion quotas imposed by a federal judge on the Alabama State Troopers. The NAACP Legal Defense Fund and the Center for Constitutional Rights Under the Law, through the New York firm of Cravath, Swain and Moore, have filed a friend of the court brief challenging the U.S. Justice Department in the case. The 12-year-old case was originally filed by the SPLC when the Alabama State Troopers were an all-white police force, and at that time the Justice Department argued with the Center (see separate story, page 3), helping to win employment of the first blacks as state troopers. Over the years, the case has continued and now the issue is the failure of the troopers to promote blacks. Last fall, U.S. Dist. Judge Myron Thompson ruled that black troopers had to be promoted to the rank of corporal on a one-for-one basis with white promotions until the department develops a valid promotion procedure or until 25 per cent of trooper corporals are black. Now, however, the Justice Department is opposed to affirmative action and is challenging the judge's decision. SPLC legal director Dennis Balske said the *amicus* brief, written by Daniel Laffell of Cravath, Swain and Moore, is a direct response to the Reagan Administration's attempt to give the broadest possible reading to the U.S. Supreme Court's decision in the recent Memphis firefighter's case.

Judge rules for Alabama Klan



Nine Ku Klux Klan leaders facing federal prison terms for disrupting a black protest in Decatur, Ala., five years ago have won the first round in their defense.

At a pretrial hearing in July, U.S. District Judge William Acker ruled in favor of a motion by Klan attorneys to forbid federal prosecutors from using certain evidence gathered in a civil lawsuit filed by the Southern Poverty Law Center which led to the indictments against the Klansmen.

Government attorneys promptly appealed Acker's decision. Attorneys for the Klansmen argued that the U.S. Justice Department and the Law Center entered into an improper working relationship.

SPLC Chief Trial Counsel Morris Dees denied the Klan's accusation. "We did only what good citizens are supposed to do. We reported evidence of criminal conduct to a law enforcement agency. If that's wrong, then I guess we're guilty."

Prison beating case is settled



Alabama prison officials have settled out of court a lawsuit filed by inmate Charles Bracewell accusing nine guards of beating him up in 1980.

According to the terms of the agreement, the size of the monetary settlement cannot be disclosed, but Bracewell is to receive a cash sum in exchange for dismissing the complaint. According to SPLC attorney Ira Burnim, who handled the case, the suit has helped moderate the behavior of the guards by making them think twice about using excessive force.

In a second prison case, Burnim is close to settling a lawsuit filed by a Terrebonne Parish, La., jail inmate in 1977 against the sheriff's office over conditions in the parish jail. After lengthy deliberations, the sheriff and parish officials have agreed to SPLC proposals for a reduction in the number of inmates housed in the jail; provision of adequate visitation and recreation opportunities for inmates, and the initiation of a pretrial release program to allow nonviolent offenders with roots in the community to remain free while awaiting trial, which frequently is as long as nine months after arrest. Under plans being worked out with Burnim and SPLC staff attorney Deb Ellis, parish officials are to build a new jail facility, with space available for education programs and other productive projects from which inmates can benefit while awaiting their appeals to be heard.

Fleeing felon law struck down

Darryl Pruitt, who was 18 when he was partially paralyzed by a blast from a policeman's shotgun in 1982, has won a \$100,000 judgment in the lawsuit he filed against the city of Montgomery and the officer who shot him. Pruitt was represented by SPLC attorneys Ira Burnim and Dennis Sweet.

Pruitt had committed no crime and was unarmed when he was shot, according to the judge's finding that the city was liable in the incident. Shotgun pellets damaged Pruitt's spine, causing permanent paralysis of his right leg. To walk now, Pruitt wears a hip-to-ankle metal brace.

The Pruitt case is one of a half-dozen shootings by Montgomery police of unarmed blacks over the past several years which have caused serious racial problems in the city known both as the "Cradle of the Confederacy" and the "Birthplace of the Civil Rights Move-

ment."

The Pruitt case is especially important because it is the first in which a victim has won a jury award of damages, and also because the judge hearing the case declared that Alabama's controversial fleeing-felon law was unconstitutional.

Pruitt plans to use part of the money from his judgment to learn the small-motors repair trade and open a shop so he will be able to support himself. He had previously done mostly construction or other laborer-type jobs, which he can no longer do because of his paralyzed leg.

However, he has not yet received any of the money because the City of Montgomery has announced it will appeal "all the way to the Supreme Court" if necessary. Indeed, the Alabama Attorney General has announced that he will join with the city in the appeal of the case.