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poverty law Report

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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Bomb expert displays explosives seized from KKK. Tommy Giles

Investigation continues

KKK members arrested in SPLC arson

Two Alabama Ku Klux Klan members have been indicted for the 1983 arson of the Southern Poverty Law Center, and other indictments may follow.

Arrests were simultaneously announced in several other Klan-related crimes, including the possession of extensive explosives for the possible purposes of blowing up a civil rights demonstration or further attacks on the SPLC or its employees.

The arrests followed 17 months of detective work by SPLC investigators and agents for the federal Bureau of Alcohol, Tobacco and Firearms (BATF), the Alabama Bureau of Investigation (ABI), the Montgomery County District Attorney Office, and the FBI.

Montgomery County District Attorney James Evans said more indictments in the SPLC arson are expected. Arrested so far are Tommy Downs, 21, and Charles Bailey, 21, both Montgomery members of the Knights of the Ku Klux Klan (KKKK).

Downs and Bailey are known associates of Joe Garner, a Montgomery resident who has repeatedly denied being a Klan member but who in fact is a member of the Grand Council of the KKKK and who was exposed by the SPLC's Klanwatch Project as a Klansman when Garner ran for public office in Montgomery in 1982.

Garner's title makes him a national officer of the Knights, which is the Klan group gued by the SPLC in Texas in 1981-82 when the KKKK was harassing Vietnamese shrimp fishermen on Galveston Bay. (In that case, the SPLC won an injunction against KKK harassment and a court order closing several Klan paramilitary camps.)

District Attorney Evans said Downs and Bailey, with the assistance of as yet unnamed co-conspirators, obtained a map of the storm sewer system under the streets of Montgomery. Evans said the two Klansmen then crawled through the sewers and emerged through a manhole near the SPLC office in the early morning hours of July 28, 1983.

Evans said the evidence would show that the two then broke a window to enter the SPLC, used a garden sprayer to douse files, furniture, carpets and walls with gasoline, and then lit the fire as they left the building.

The blaze caused extensive damage to the SPLC offices and their contents. However, fireproof filing cabinets and the quick response of the local fire department prevented the loss of irreplaceable legal files and evidence.

In the months after the fire, the SPLC moved to a temporary location while the damage was repaired, began construction on a permanent new headquarters building, and continued work on its many lawsuits, both Klan and non-Klan.

SPLC employees expressed relief that investigators were able to obtain enough evidence to return the indictments in the arson case.

Chief Trial Counsel Morris Dees said the case "illustrates the significance of the threat posed by the KKK and other white supremacist terrorist groups against law-abiding citizens."

He said the SPLC has been very active in the past four years in bringing legal actions against major Klan groups who have injured citizens — black, white, Vietnamese and Jewish.

"We will continue this work with enthusiasm and vigor," Dees said.

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N.C. judge grants protective order

A North Carolina federal judge has issued a protective order to halt KKK harassment of SPLC attorneys and paralegals in the case filed by the SPLC against the Klan on behalf of black prison guards.

The lawsuit, *Person v. Carolina Knights of the KKK*, asks for an injunction to stop Klan threats, crossburnings and other intimidation directed against Bobby Person, a black prison guard, his family, other black prison guards and North Carolina blacks generally.

Person began receiving harassment after he and another guard, Jimmy Pratt, sought to take the examination for promotions to sergeant. At that time, there were no black sergeants in the prison where Person and Pratt worked.

The SPLC investigated the case and found that members of the Carolina Knights, armed and wearing robes and paramilitary gear, were holding threatening demonstrations near Person's home. Klan literature was thrown in his yard and property belonging to his father was vandalized.

A lawsuit was filed on Person's behalf in June, and in early November SPLC attorneys Morris Dees and Deb Ellis and Klanwatch director Randall Williams, who is also an investigator and paralegal, went to Raleigh, N.C., to take depositions

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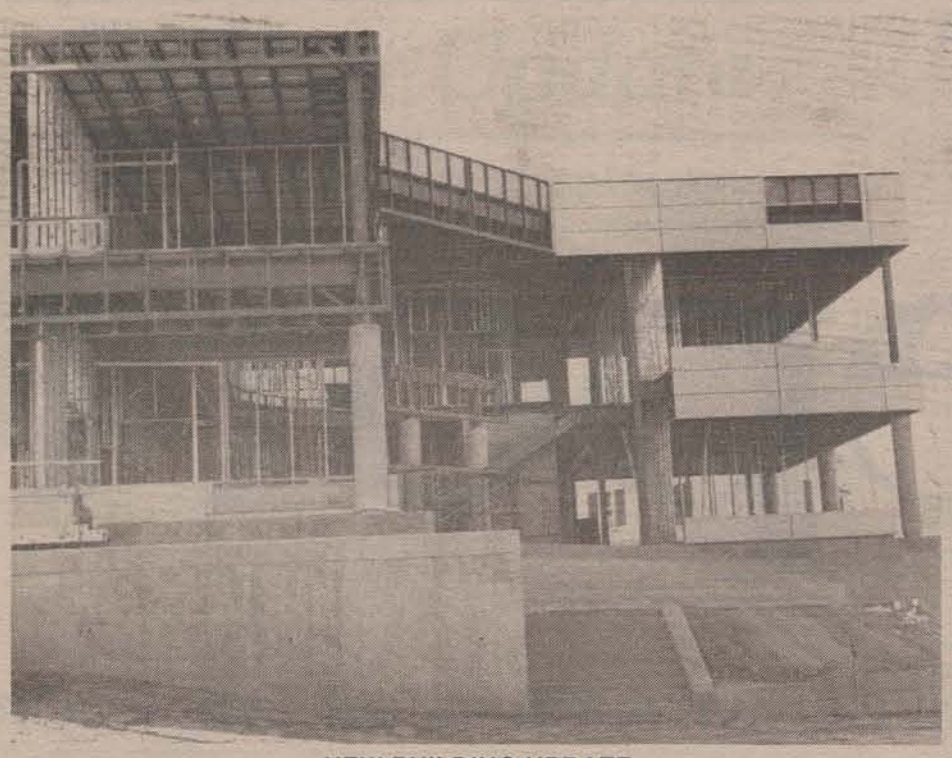

NEW BUILDING UPDATE

Work is steadily advancing on the new headquarters for the Southern Poverty Law Center and the building should be completed by April. The new building is a modern, efficiently designed structure for the type of poverty law, civil rights, and educational work done by the SPLC and Klanwatch staffs. The design also incorporates new security measures designed to prevent a recurrence of the 1983 arson attack which caused damage such as that in the photo at right above of Klanwatch director Randall William's office on the morning of the fire. (See related stores on this page and page 1.) The new building is being made possible through the generosity of thousands of SPLC supporters who responded with encouragement and building fund contributions after the arson attack.

SPLC staffer recalls fire

EDITOR'S NOTE: Mamie Jackson, the manager of the Friends of the Center fundraising department, has been an SPLC staff member since 1972, longer than any current employee except senior attorney and co-founder Morris Dees. She has participated in and witnessed all of our major legal work and our growth from a tiny store-front office to one of the nation's leading poverty law and civil rights law firms. In addition, her husband is a correctional officer in the Alabama prison system, a job which was closed to blacks until the SPLC took Alabama officials to court. On the morning of July 28, 1983, Jackson was one of the first SPLC staffers on the scene of our burning office building.

My sister-in-law works at the police department and she called me as soon as the alarm came in (about 3:50 a.m.), so I got dressed and went there immediately. You could smell the smoke from several blocks away and I remember I was terribly frightened. JoAnn (Chancellor, the SPLC administrator) had gotten there, too. She was in tears. We were both in tears, very frightened. But there was nothing we could do. The firemen were putting out the fire and we couldn't go in.

I remember thinking about when I first started working at the Center, I somewhat expected us to be attacked because of the controversial nature of our cases. Then, after we started the Klanwatch program (late 1980 - early 1981) I just knew something would happen then. I had been active in the Movement, had marched, and I knew what to expect. But that still didn't prepare you for the fire.

Mamie Jackson

More (SPLC staff) had arrived by the time they got the fire out, but we still didn't know what the damage was. The fire department had roped the area off and we stood outside for a long time just waiting.

Finally the fire marshal escorted us, one by one, into the building so we could see what had been destroyed and if anything was missing. I went in with a sense of just panic. The office was full of smoke, everything was just in ashes.

I'm just happy that now they've made arrests in the case. I just knew that morning of the fire that it had to have something to do with the Klan. We didn't talk about it, but I knew. We know they're destructive and don't care who they hurt. It actually surprised me that (investigators) were able to find the people to arrest. After a year and a half, I was beginning to think they might never find who did it. There had to be a lot of effort involved in that.

As far as the Center's work is concerned, it's as important as ever. The work is definitely needed. An organization like the Center is unique. We were the first group in modern times to take the Klan to court.

MacGuire elected to board

Montgomery physician Hugh MacGuire has been elected to the board of directors of the Southern Poverty Law Center.

MacGuire succeeds Dr. Clyde Williams, president of Miles College of Birmingham. SPLC President Joe Levin welcomed MacGuire to the board and thanked Dr. Williams for his long years of service to the Center.

Letters from SPLC supporters

Here is my contribution to Klanwatch. I wish it could be more. When I was a kid the Klan paraded by the hundreds through my small Michigan town. That was in the early twenties. I didn't understand what they were up to, but they never showed again, thank God! Now we all know that they are a band of self-appointed vigilantes, on a par with the Neo-Nazis and other bigots, none of which belong in the USA. Keep up the good work. The Klan is a blot on the good name of the South.

John Moulthrop
Miami, Fla.

I'm not a new member, just an old friend who cares deeply about the work the "Center" does. It is one of the most important works that needs to be done in our country.

God bless you all,
Mabel Lee Requa
Valatie, New York

It is sad to think that in America there are still people ignorant enough to feel threatened by their fellow countryman just because his skin is different.

My father, a black proud man, grew up near Helena, Arkansas. Before age 13 (when he left the South) he had seen a hanging of a black man (post-Civil War era).

I'm a Senior Citizen now but I knew of the lynchings of blacks throughout my childhood because Pop would read from the newspaper whenever this occurred. Thank God this is no longer legal, and the law fights it with us. Unfortunately the Post Civil War mind didn't die with its Era. Education has cured most of the ills of that time but hate dies hard.

Since my income is limited I can give only a little but I'm glad and proud that there are still those who dare fight injustice wherever it rears its ugly head. May God bless your efforts.

Mrs. Alphonsa Joyner
Camden, N.J.

Mrs. Donald sends thanks

Many Center supporters have written to express their sympathy to Mrs. Beulah Donald, the black woman whose 19-year-old son was lynched by Klansmen. Because there have been so many cards and letters for her, she is unable to answer everyone individually but would like to express her gratitude to all who took the time to write her.

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CKKK

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on the case in the Wake County Courthouse.

Scheduled to be deposed were about a dozen members of the Carolina Knights of the Ku Klux Klan, which is currently one of the most militant and most active Klan groups in the nation.

However, about a dozen CKKKK members who were not scheduled to be deposed also showed up at the courthouse. They were dressed in full paramilitary combat fatigues, combat boots, cartridge belts, and the other paraphernalia worn by this Klan group. Glenn Miller, the retired Army veteran who heads the group, has made combat dress the standard uniform of his Klan group, which he has described as a citizen's militia.

The SPLC lawsuit also asks for an injunction against Klan paramilitary activity in North Carolina.

At the courthouse, the CKKKK members repeatedly attempted to intimidate the SPLC legal team. The Klansmen packed the narrow hallway outside the deposition room. When attorney Deb Ellis left the room to go to the women's bathroom, she was followed right up to the door of the bathroom by Klan members who repeatedly attempted to take her picture.

Several of the CKKKK members had cameras throughout the two days of the deposition and continually, in a harassing manner, snapped pictures of the SPLC staffers. The intent was obviously to intimidate. The Klansmen even attempted to take photos of the inside of the deposition room whenever the door was opened to admit a witness.

On one occasion, several CKKKK members crowded around SPLC attorneys who were eating lunch at a cafeteria in the courthouse. On another occasion, SPLC attorneys had to literally wedge their way through the crowd of Klansmen blocking the narrow hallway. As the SPLC attorneys passed, the Klansmen muttered, "We'll get you" and "We're going to get you."

Soon after these incidents occurred, Dees and Ellis filed a motion asking the federal judge hearing the case for a protective order against such harassment. After a brief hearing on the matter, the judge granted the protective order and ordered that future depositions in the case would be held in the federal courthouse under the supervision of U.S. Marshals. He warned Klan leader Glenn Miller against the taking of photos and other harassment.

Part of the evidence at the hearing consisted of a printout which SPLC investigators obtained from an electronic right-wing hate bulletin board operated by Glenn Miller's Klan group in North Carolina. The bulletin board contained a notice of the next date when SPLC attorneys were scheduled to be in North Carolina, along with the pointed message, "The hotel room they will be sleeping in is unknown at this time."

The federal judge warned Miller against such future conduct.

Meanwhile, the collection of evidence and other discovery in Person's lawsuit against the Carolina Knights is continuing. No trial date has been set so far.

CKKKK members were dressed in uniforms like these when they packed the halls of the Wake County Courthouse during SPLC depositions in November. This photo was made during a CKKKK demonstration in Benson, N.C.

Intelligence Report

Hate group alliance poses serious risk

A dangerous new alliance of ultra-militant Klansmen and neo-Nazis is coming to light through recent events in the Pacific northwest. Klanwatch warned law enforcement officials of the existence of this coalition in a special report issued in February 1984.

Specifically, a group of the most rabid hate leaders in the nation is uniting in a so-called "fifth era of the KKK" stategy which includes plots to assassinate civil rights leaders and federal officials, to kill Jews and non-whites, and to incite social disturbances in hopes a "race war" might result.

The Klansmen involved are different from the popular image of uneducated, black-hating, sheet-wearing Kluxers of the 1950s and 1960s. Those stereotype Klansmen still exist, but in style and philosophy, the most militant Klansmen today are like the Nazis, with whom they are increasingly allied, and wear camouflage fatigues and possess and train with modern military arms and explosives.

These Klansmen still attack blacks and other minorities, but they also view Jews as their major target and have a conspiracy mentality. They believe the United States, especially the federal government, has been corrupted by a Jewish-Communist plot which uses blacks, Hispanics, Asians, other non-whites, and "brainwashed" whites, as pawns in a big plot to subvert the rightful "Aryan, Christian" government.

Recent news accounts have made public the existence of an Idaho-based group called the Aryan Nations, which is made up of Klansmen and neo-Nazis. Its small but fanatical membership is scattered across the U.S., and includes Klansmen in North Carolina, Alabama, Texas, Pennsylvania, Michigan and California.

A key Aryan Nations leader is former Texas KKKK Grand Dragon Louis Beam, against whom Klanwatch obtained a federal court injunction in May 1981.

Members of the Aryan Nations are suspected in the June 18, 1984, assassination of Alan Berg, a controversial Jewish talk show host in Denver, Colo.; the July 20, 1984, $3.6 million robbery of a Brinks armored truck in Ukiah, Calif., and the April 23, 1984, armed robbery of $500,000 from an Armored Transport Co. truck in Seattle, Wash.

So far, three current or former members of the Aryan Nations have been arrested on various charges connected to these crimes. At least three other members are being sought in the growing investigation, and a seventh died in a fiery shootout with the FBI on Dec. 8 near Seattle.

That shootout was preceded by a Nov. 24 shootout in Oregon in which suspect Gary Lee Yarbrough and an arsenal of automatic weapons, grenades and explosives were captured. However, an FBI agent and suspect Robert J. Mathews were wounded in the shootout, and Mathews escaped. He was then killed Dec. 8 after the FBI had tracked him to a remote island hideaway.

Yarbrough's home in Sandpoint, Idaho, had been searched earlier by the FBI which was at that time looking for his brother, Steven Ray Yarbrough. Steven Yarbrough was not found, but FBI agents seized the following from Gary Yarbrough's home: 100 sticks of dynamite, blasting caps, 75 feet of fuse, a block of plastic explosives, one hand grenade, smoke grenades, .12 gauge shotgun, .38 Mac-10 pistol with silencer, .45 Mac-10 machine pistol, scores of ammo clips, thousands of rounds of ammo, Bibles, a crossbow, rifles, gas masks, automatic pistols, knives, bottle of mercury, thousands of dollars in cash, and CB radios.

Possession of such arsenals and Bibles are consistent with the Aryan Nations and similar groups. Their members profess to be directed by God to remove from the United States, by whatever means necessary, all non-whites and non-Christians. The Aryan Nations leader is a Rev. Richard Butler, who is a well-educated ex-aerospace worker who proclaims himself the head of the Church of Jesus Christ, Christian.

The theology of the Aryan Nations and many other modern KKK and neo-Nazi members is called Christian Identity. A major belief is that the chosen people referred to in the Bible are the white people of the U.S., England, Germany, France, Australia, etc.

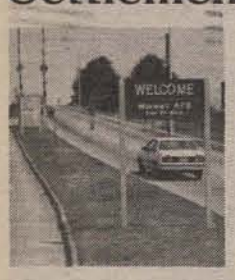
They believe that these people are descended from God through Adam and Eve, while Jews are descended from Satan who had relations with Eve and begat Cain. Non-whites, in the confused theology of the Aryan Nations, are "pre-Adamic," in other words, created by God as imperfect creatures before He made the perfect Adam, a white man.

In fact, they teach that Biblical references to the "promised land" are prophecies which refer to the modern-day United States and that it is their right and duty to cleanse the U.S. of the evil influence and presence of Jews and the impurities of non-whites.

Such thinking, when combined with arsenals of weapons, tendencies toward violence and martyrdom, and infusions of tremendous amounts of stolen money with which to travel, mobilize and buy even more weapons, poses a serious risk of increased domestic terrorism.

Docket Update

Settlement talks held on employment



Settlement negotiations are underway in the complex employment discrimination case filed by the SPLC against Maxwell Air Force Base and Gunter Air Force Station, in Montgomery, Ala. In this case, the Center represents black civil service employees who argue that they were unfairly passed over for promotions or other career advances. The lawsuit is also a class action on behalf of all blacks who might have been discriminated against in the hiring procedures at the two military bases. SPLC attorneys Dennis Balske and Dennis Sweet have been negotiating with lawyers for the government to work out a compensation plan and an affirmative action plan. Meanwhile, Center attorneys and paralegals are continuing the process of interviewing hundreds of class representatives and experts and other potential witnesses who would be required to testify if negotiations are unsuccessful and the case goes to trial. Sweet said the case is especially difficult because recent court decisions and Reagan administration policies have a negative impact on affirmative action plans.

Appeal involves prosecutor's remarks

SPLC staff attorney Dennis Sweet said there is a peculiar irony in a case he is currently handling on appeal of an Alabama inmate's death sentence. The inmate, Billy Wayne Waldrop, was sentenced to death in a 1982 case and the SPLC was asked to handle the appeal because of the legal issues involved. Sweet said one of the major issues revolves around prejudicial comments the prosecutor in the case made to Waldrop's jury. "The courts have laid out what is proper and improper argument, so when you have reversible error in this area you have the courts telling a trained, experienced lawyer, who has read the case law, that he has willingly decided not to follow the law, possibly jeopardizing the conviction." Sweet said this is damaging to the criminal justice system because the public sees this as a technicality when in fact the entire legal system depends on preserving such protections. The U.S. Supreme Court is about to hear a Mississippi case on the same issues. The decision in that case will affect Sweet's appeal in the Waldrop case.

KKK defendants added in lynching case

On the basis of recently obtained sworn testimony, new defendants have been added to the civil lawsuit brought by the SPLC on behalf of Mrs. Beulah Donald, the mother of Michael Donald, who was lynched by the Ku Klux Klan in Mobile, Ala., in 1981. The SPLC has also asked the federal court to certify the lawsuit as a class action on behalf of all Alabama black citizens who seek protection from similar violent attacks by the KKK. Meanwhile, SPLC attorneys and investigators are continuing to unravel the alleged conspiracy among members of Unit 900 of the United Klans of America which led to the savage murder of Michael Donald. Two UKA members have already been convicted or pled guilty in the case. Evidence collected so far indicates that the Klan group involved was angry because a black man was not convicted in a murder trial that was going on in Mobile in early 1981. As revenge and to "show Klan strength in Alabama," the members of UKA Unit 900 plotted to kill a black man and Michael Donald was randomly abducted and murdered, according to evidence in the case. Depositions and discovery are continuing in this case, which is being handled by SPLC chief trial counsel Morris Dees and staff attorney Dennis Sweet.

Judge won't dismiss Kentucky tax case

At the heart of the SPLC's complex tax litigation in Kentucky is the contention that the tax placed on unmined coal reserves in the state is so low that it is unconstitutionally unfair to other taxpayers in the state. In depositions taken by SPLC staff attorney Ira Burnim in the case recently, each of the local tax assessors who are defendants in the case answered yes when asked if they agreed that the existing tax structure amounts to an exemption on these mineral reserves. This is an important point, because much of Kentucky's vast natural resources wealth is owned by absentee corporations and contributes absolutely nothing to the state revenue for education, health, roads and bridges and other necessary social services. The Kentucky Coal Association and the state government defendants in the case have moved to dismiss the SPLC lawsuit on the ground that since there is some tax levied the state constitution requiring taxation of all property has not actually been violated.

Prison case settlement made

An era ended recently with the signing of a consent agreement terminating federal court control of the Alabama prison system. Former SPLC legal director John Carroll represents the inmates in the 13-year-old lawsuit and helped shape the settlement.

Carroll said he would not agree that the prison system is 100 percent in compliance with the precedent-setting prison conditions reform mandated in 1976 by then U.S. District Judge Frank M. Johnson. But Carroll said the prisons have obviously improved tremendously and it was now clear that the courts wanted to turn control back over to the state officials.

Johnson's 1976 order had a dramatic impact in Alabama and across the nation. Based on evidence presented by the SPLC and other attorneys, Johnson concluded that Alabama's prisons were unfit for human habitation and violated basic Constitutional protections. He ordered sweeping reforms and in effect took control of the prison system away from the state.

Johnson's decisive action, coupled with the vigilance of Carroll and other attorneys working on the case, forced the state to make improvements to relieve prison overcrowding and other ills.

The recent consent agreement calls for termination of the court's jurisdiction in the prison litigation but authorizes a monitoring committee to continue its work for three more years. A majority of the committee could reactivate the lawsuit if necessary, but if that has not been done before Jan. 1, 1988, the lawsuit will be dismissed by the court.

Carroll is a member of the committee and continues to represent the interests of the SPLC in the litigation.

Depositions picketed by KKK in Alabama firing case

The Invisible Empire KKK recently picketed depositions being held by SPLC attorneys in Lanett, Ala., in a civil lawsuit filed against the city of Lanett for the arbitrary firing of black employee Willie Truitt.

Truitt, 58, is a long-time city employee who is accused of attempting to shoot a Klansman during a Klan demonstration being held in Lanett last year. Truitt admits he was disturbed by the demonstration, partly because seeing the robed Klansmen reminded him of a lynching he witnessed being committed by the Klan when he was a small child living in east Alabama.

But while he admits shooting his pistol in the air, he says he was trying to frighten the Klansmen involved, not shoot him. Klan members, on the other hand, have testified that Truitt fired twice at point-blank range in the Klansman's face. The Klansman was not hit by any bullets and did not receive any powder burns.

This case has become a sensitive issue in the small town of Lanett, which is just down the road from Fredonia, the rural community which is now the home of the national headquarters of the Invisible Empire and its new Imperial Wizard, James Blair.

The SPLC has been suing the Invisible Empire for four years for the Klan group's attack on peaceful black demonstrators in Decatur, Ala., in 1979. Former Imperial Wizard Bill Wilkinson of Denham Springs, La., recently resigned and turned over his sheet to Blair.

After the alleged shooting incident on the Lanett city square, Truitt was summarily dismissed from his city job. However, the facts of the case are in dispute, and Truitt is innocent unless proven guilty. The city personnel procedures do not provide for dismissal of employees for acts not related to their jobs or which have no effect on their ability to do their jobs. The incident occurred on a Saturday and Truitt was off-duty at the time.

SPLC chief trial counsel Morris Dees and staff attorney Dennis Sweet have challenged the city action in dismissing Truitt before his criminal trial. The evidence shows that city employees in other, even more serious cases, have been allowed to continue working while they were awaiting trial. The civil case complaint alleges that he was fired because city officials were pressured by the Klan.

When depositions were recently held in the case in a conference room at the Lanett Holiday Inn, the KKK demonstrated outside and held a press conference to announce their support for the city's firing of Truitt.

Arson arrests

(continued from page 1)

Simultaneously with the indictments in the arson case, indictments were also announced in the theft and possession of 123 seven-ounce sticks of chemical explosives and 2,000 feet of detonation cord, and the unlawful possession of eight pounds of military plastic explosives. Evans says the source of the military explosives was still under investigation.

Indicted on the explosives charges were Joe Garner, Downs, Bailey, Jack Stoner, Buster Rhodes, and Jimmy Dale Grant. Evans identified all except Stoner as Klansmen and said Stoner was a "Klan sympathizer."

Evans also said the arrests cleared up a June 1983 crossburning at the home of black Montgomery County Commissioner John Knight, but that the statute of limitations for this crime, a misdemeanor under state law, had expired by the time the guilty parties were discovered.

Federal charges, however, are still possible in the crossburning as well as the other crimes.

"Threats and arson attacks will not scare us away from doing work which desperately needs to be done."

Trial dates for Downs and Bailey have not yet been set.