

poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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Center Charges:

Wallace Keeps Blacks Off Appointive Boards Effective Voice In Government Decision Making Denied



Alabama Mental Health Board. All-white boards like this, appointed by the Governor, control many aspects of life in the state.

Last Ditch Effort By Alabama Legislature Fails

On February 19th the U.S. Supreme Court extinguished the Alabama Legislature's last hope of substituting a racially discriminatory voting district scheme for the "color-blind" plan proposed by the Southern Poverty Law Center and adopted by federal court order more than two years ago.

Center attorneys introduced the successful reapportionment plan — drawn up by a statistical expert using census tract data rather than traditional voter precinct information — in 1971, proposing to the Court that such a plan was necessary to meet constitutional "one man, one vote" requirements. An added feature was the proposed elimination of "at large" district voting, which had enabled self-seeking politicians to dilute high concentrations of black voters in surrounding white majorities.

Alabama's Legislature, which had failed for more than four years to satisfy the Court's order to reapportion itself, then responded by proposing several alternative reapportionment plans — each of which contained careful gerrymandering which carved up black voter concentrations to disperse them among white majorities.

But the Court refused to approve any of these, instead adopting the Center's plan in its January, 1972 order. The order called for implementation of the plan in time for 1974's legislative elections.

Appeal by the Legislature from the three-judge court went directly to the U.S. Supreme Court, which affirmed the lower court's order without comment in August the same year.

The legislature then went back to work to devise yet another alternative plan, but, unable to agree on a single plan for submission, failed to persuade Governor George Wallace to call a special session for passage.

At the start of its 1973 regular session, the Legislature finally came up with a new alternative plan — which it proceeded to disqualify constitutionally with several amendments proposed by self-seeking legislators. The court refused to substitute this new plan in November, 1973; the Legislature's appeal to the U.S. Supreme Court resulted in final affirmation of the Center's plan in February.

The Center's plan is a model for every Southern state where carefully drawn voting district lines have carved and diluted concentrations of blacks and low-income voters. Under it, Alabama has the only court-ordered single-member district plan in the nation and the lowest population variance from district to district. This means that blocs of minority voters cannot be split or offset by white majorities.

In the 1974 State Legislative elections it is expected that blacks and poor people will be able to elect twenty to thirty of their own representatives to the 140-member state government.

Governor George C. Wallace continues to discriminate against blacks in Alabama by refusing to appoint them to boards and commissions which control many aspects of life in the state, according to a lawsuit filed recently by the Southern Poverty Law Center.

The suit has implications which reach across the entire South, where gubernatorial appointments to boards and commissions have kept blacks out of positions of influence. Fewer than 1% of the Southerners who control electoral processes, administration of social programs, public employment and other key activities in their states are black.

The Center's complaint charges Governor Wallace with systematic exclusion of blacks from service on county jury commissions, voter registration boards, the state mental health board, the state personnel board, and numerous other boards and commissions which themselves have a history of discrimination against blacks.

For example, the Alcoholic Beverage Control Board, whose members are each appointed by Wallace, discriminates in employment. Of the 378 store clerks only nine are black; none of the 247 cashiers or 123 store managers are black.

On a broader scale, the state's all-white personnel board discriminates against blacks in employment of thousands of state employees. Most of the state's one million black citizens are thus denied an opportunity to escape poverty through good-paying jobs. Apart from the Department of Public Safety and the Mental Health Department, which are already under court order to integrate their employees, only 2.8% of the state's 10,024 employees are black and most of these are in menial positions. (See article on *Alabama State Trooper*, page 3 for more news about racial discrimination in employment.)

In another example of how discrimination in board appointments affects the lives of all black Alabamians, the state's all-white voter registration boards

are responsible for facilitating the right of citizens to register and vote for representatives in state and local government. Many of the state's registrars have been found guilty of impeding registration of rural blacks unable to reach registration offices during short daytime hours.

Governor Wallace's Appointment Record

Some 768 members serve on the 198 boards named in the Center's suit; only five are black. Wallace himself has appointed only three blacks in all his years as Governor; in 1972 he removed two blacks who had been appointed by former Governor Albert Brewer from their board positions.

No black has ever held a position on Alabama's state personnel board, the boards of registrars, the state mental health board, the state educational television commission, the state board of corrections, the alcoholic beverage control board, the board of agriculture and industries, the dairy commission, the board of control of state employees' retirement system, the farmers' market authority, the state oil and gas board, the water improvement commission, the county records commission, the boards of trustees of most state-supported educational institutions, or numerous trade boards, licensing commissions and advisory boards.

Among the one million blacks in Alabama are educators, lawyers, doctors, executives and others fully qualified to serve on every board and commission named in the Center's suit. The only legal qualification for most positions is that prospective employees must be registered voters.

The situation is similar throughout the eleven Southern states, where blacks, constituting 20.4% of the general population, suffer discrimination at the hands of governing boards and commissions dominated by whites. In South Carolina, no blacks serve on the state highway commission, the

(See Wallace Page 2)

Court Asked To Protect Pregnant Schoolgirls

Punishment rather than help is what unwed mothers and pregnant students are receiving in Southern public schools. The Southern Poverty Law Center has recently filed two suits seeking to halt school board expulsion of young women who become pregnant.

Federal courts in Montgomery and Mobile forced temporary readmittance of the young women; the plaintiffs are now seeking a permanent injunction.

In *Chapman v. Thomasville* (near Selma) *School Board* the Center represented two young women who had been excluded from school under the small town board's punitive rules — which required any female student to leave school as soon as she became "visibly pregnant." She was not permitted to return to school, after her baby's birth, for the remainder of the school year.

In *Davis v. Coosa County* (near Montgomery) *School Board* the local school system adopted a similar rule but enforced it with more subtlety. "Visibly pregnant" students were "requested" by the school principal to leave school to avoid the unpleasantness of being brought before the full school board.

Reasons Given

School board members in both cases claim to be motivated by a desire to protect the mother and child from possible injury during school activities. But each of the students forced to leave school had been examined by her personal doctor who saw no possible dangers or complications in further school attendance.

The Coosa County School Board also argued that even though the student could attend regular classes, her pregnancy kept her from participating in the physical education class which

(WALLACE cont'd. from Page 1)

educational television commission, the state development board (which plays an important role in location of new job-producing industry within the state), or on many other key boards. Until two years ago, no black had ever served on any board or commission in the state of Mississippi; to this day, none serve on the state personnel board, boards of registrars, or other key boards and commissions controlling vital services.

The Center's suit against Wallace asks that the federal court declare the Governor's policy and practice of refusing to appoint blacks to state and county boards solely because of their race to be in violation of plaintiff's constitutional rights. The suit also asks the court to order Governor Wallace to cease and desist from discriminating against blacks and to present a plan to the court that will remedy the effects of his past racially motivated appointments. Such a plan must also ensure nondiscriminatory consideration of qualified black Alabamians in the future.

A victory would set a precedent which could benefit every Southern state, and bring about advances in black participation in the life of the community, the affairs of the state, and the mainstream of American life.

was required for graduation. Center lawyers responded by showing that the student's doctor had approved her participation in non-strenuous activities. Moreover, evidence showed that this supposedly required course had been waived for others in the student's senior class who had medical impairments. (Ten percent of the young women in the class were exempted from physical education on medical grounds.)

Of course the real reason behind these school board rules, as one school superintendent candidly admitted, is to protect other students from having to see a pregnant woman. The rules themselves reveal this by setting the expulsion date as the time when the student becomes "visibly pregnant."

Center investigation also suggests that the school rules are being enforced discriminatorily to rid newly integrated school districts of unwanted black students.

No Sex Education

Center lawyers contend that although the constitutionally protected right to procreate may have been improvidently exercised by the young women, the decision must be theirs and no punishment should be suffered for exercising the right.

While the school systems seemed bent on punishing students who violated local mores regarding youthful sex, none of the schools operated sex education programs to help students exercise their procreational rights responsibly.

Nor are contraceptive devices or information readily available in these rural counties.

Insofar as the school boards argue their desire to protect "virtuous" students from having to see daily the evidence of a fellow student's "sin," the Center can show that student pregnancies are not at all uncommon in these counties and that marriages generally take place there at a very early age.

Maintenance of friendships with the pregnant students outside school shows that it is parents rather than the students who see obscenity in pregnancy.

The Center urges that attention should be focused on supportive rather than punitive measures, arguing that the problem is not "sin" but the predicament of the affected student.

The drop-out rate among students generally at the high school level is very high. Forced interruption of schooling on account of pregnancy tends to exacerbate the problem, resulting in greater numbers of ill-educated and unemployable (or marginally employable) citizens.

Problem conditions could be ameliorated if school boards would counsel the affected students rather than expel them. Indeed, in a county adjacent to one sued by the Center, school officials have set up a counseling program which encourages pregnant students to stay in school as long as medically feasible in the individual case.

Preventive counseling would be even more useful.

(See *Schoolgirl* Page 4)

Case Still Pending:

Viola Hart Dies At Home



Viola Hart

Seventy-one-year-old Viola Hart, whose modest home in Eufaula, Alabama, was threatened by "holder-in-due-course" laws now under attack by the Southern Poverty Law Center (see *Hardy v. Gissendaner* (The Docket, p. 4), died recently at home.

Mrs. Hart had contracted with an unscrupulous builder to have indoor plumbing installed in the home she'd worked thirty years to pay for, but then faced foreclosure when she withheld installment payments on the work after complaining without satisfaction of the poor quality of the installation. The contractor had sold the mortgage on Mrs. Hart's home to an out-of-state banking company which, under existing laws that favor bankers over borrowers, was held blameless.

The Center's efforts on behalf of thirty other Eufaula homeowners similarly cheated by the same contractor continue. If a favorable ruling is received in Appeals Court, Mrs. Hart's home — which she left to her grandson — will also be removed from jeopardy.

From the Fifth Circuit Appeals Court's Alabama Trooper Ruling:

"Thus, even assuming that the unvalidated selection procedures of the past were neutrally applied, the court's failure to impose quota relief [in prior cases] itself contravened the Fourteenth Amendment since it operated to perpetuate constitutionally deficient employment practices and preserve the discriminatory status quo. [We held] that this state of affairs mandated the entry of quota hiring relief. . . ."

"(In Alabama) the district court was confronted with (1) clear evidence of a long history of intentional racial discrimination, (2) a paucity, if not a total absence of any positive efforts by the patrol to recruit minority personnel and (3) utilization of unvalidated employment criteria and selection procedures and other discriminatory practices. On this record, therefore, the conclusion of the district judge that quota relief was essential to make meaningful progress towards eliminating the unconstitutional practices and to overcome the patrol's thirty-seven year reputation as an all-white organization is supported by fact and law. . . ."

"... the fact that approximately 325 blacks have passed the qualifying examination for state trooper and been placed on the employment register negates the patrol's contention that qualified, interested black applicants are unavailable. . . ."

"By mandating the hiring of those who have been the object of discrimination, quota relief promptly operates to change the outward and visible signs of yesterday's racial distinctions and thus, to provide an impetus to the process of dismantling the barriers, psychological or otherwise, erected by past practices. . . ."

"The federal chancellor has the nondiscretionary duty to end all discriminatory practices, past, present and future. . . ."

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Court: Hire More Troopers

Federal Appeals Court has affirmed a ruling requiring integration of Alabama's State Troopers, two years after the Southern Poverty Law Center won a precedent-setting ratio hiring plan to desegregate the all-white force. The Center's lawyers now seek faster implementation of the plan, and a finding that Alabama Governor George C. Wallace was in contempt of court when he refused to allow large numbers of blacks to be hired.

The ratio hiring Order, the first of its kind in the South, was handed down by U.S. District Judge Frank M. Johnson in February, 1972. At the time there were approximately 140 vacancies in the Alabama Trooper force. In the two years that followed, normal attrition might be expected to have opened another 100 vacancies. Under the terms of the Order, qualified blacks and whites were to be hired in equal numbers until the overall force reached a level of 25% black employment (approximating the percentage of blacks in the state's population).

The state appealed Judge Johnson's decision, but the Court refused to delay implementation. The first black Troopers were hired soon afterward. During the next two years, however, only 49 Troopers were hired — 25 black, 24 white. The Center's search for an explanation resulted in discovery of the fact that Governor Wallace had personally forbidden employment of blacks in large numbers.

Thus, despite the fact that more than 300 blacks have already passed the Trooper qualifying examination, only 25 were hired and the Alabama Highway Patrol has shrunk dangerously.

The U.S. Fifth Circuit Court of Appeals upheld the lower Court's ruling last month.

The Appeals Court found that the history of the Alabama Highway Patrol (no blacks hired as Troopers or support personnel in 37 years) mandated ratio hiring as an effective method of bringing swift integration and offsetting the effects of past racial discrimination. Only Governor Wallace's intervention has kept the force from full strength and the hiring of more than 100 black Troopers.

The original 1972 ruling in the Alabama case called for one-for-one hiring and an effective recruitment campaign in the black community; periodic reports were called for to facilitate monitoring. Judge Johnson declined to become involved in the process by which prospective Troopers are tested and evaluated, although the Center's lawyers had argued for validation (establishment of a relation between qualification testing and job performance) of such processes. The Fifth Circuit Appeals Court has now remanded the case back to District Court for reevaluation of the Highway Patrol's hiring procedures and testing apparatus, with a recommendation that validation studies be reconsidered.

The Center's most recent motions in the case, requesting an injunction against Governor Wallace's hiring prohibition as well as other measures to assure prompt relief, await action

(See Excerpts from Ruling, Page 2.)



Minnie Lee Relf and Mary Alice Relf

Center Wins Relf Suit Court Orders Sterilization Safeguards

A federal judge ruled March 15th that the U.S. Department of Health, Education and Welfare had no authority to sterilize minors or mental incompetents through its family planning programs, and that newly written H.E.W. regulations governing sterilization of persons capable of giving informed consent fail to protect the legal rights of welfare clients.

The ruling came in a suit brought by the Southern Poverty Law Center, representing Minnie Relf and Mary Alice Relf, two young black girls sterilized against their will by a Montgomery family planning clinic, their sister Katie (who escaped the same fate by locking herself away from family planning workers), and two welfare mothers in Aiken, South Carolina, who were coerced into consenting to sterilization operations through threats that other welfare benefits would be cut off.

Center lawyers introduced extensive documentation of abuses of clients' rights by federally funded programs, including tubal ligations performed on patients without their knowledge, misleading counsel conveying false impressions as to the relative benefits of alternative birth control measures, doctors urging clients to consent to be sterilized so that interns could get more practice, reliance on printed information to advise illiterate persons of their rights, threats that other government benefits would be withdrawn unless consent to undergo sterilization was given, and studies showing that the incidence of regret over sterilization is likely to be as high as 25% among young women.

Judge Gerhard A. Gesell, in an Opinion accompanying his Order, stated, "...the Court finds that the Secretary (of H.E.W.) has no statutory authority ... to fund the sterilization of any person incompetent under state law to consent to such an operation, whether because of minority or mental deficiency. It also finds that the challenged regulations are arbitrary and unreasonable in that they fail to implement the Congressional command that federal family planning funds not be used to coerce indigent patients into submitting to sterilization."

He then ordered that H.E.W. be permanently enjoined from providing funds

Briefs Filed In Suit To Win Shelter For Black Children

A ninety-page brief documenting contemptible conditions suffered by homeless and unwanted black children in Alabama, and unconcern by state agencies responsible for their welfare, has been submitted to a federal court in the Southern Poverty Law Center's suit against the Alabama Department of Pensions and Security (DPS). Co-defendants with DPS are several privately operated children's shelters — alleged conspirators in a program which provides care for white children while ignoring the needs of dependent black youngsters.

The state of Alabama does not own or operate any child care homes, but instead licenses and provides costly social services for the privately owned institutions — most of which have never given shelter to a black child.

As a result, although half the children in need of assistance are black, 95% of those living in state-licensed shelters are white ... and hundreds of blacks are forced to live in squalid and overcrowded conditions with friends or relatives who can't afford to give them the shelter and supervision they require. The Center's suit seeks a court ruling requiring the state to provide for all of its dependent children through construction of necessary facilities and operation of all state-licensed shelters without racial discrimination.

Howard A. Mandell, the attorney who heads the Center's efforts in this suit, drew on massive data including thousands of pages of depositions and case histories to paint a picture of official neglect and inhumane treatment. Especially poignant are the case histories of three named plaintiffs.

Emmett Player, Jr.

In 1968, when he was ten, Emmett was illegally committed to an Alabama reform school (the minimum age for inmates is twelve). DPS had known about Emmett's unsatisfactory home situation for three years — his father in prison, his mother away from home most of the time — yet refused to refer the child to any of the state-licensed, all-white shelters.

Inmates stay at reform school for an average of less than a year; Emmett was left there nearly five years. DPS workers had made no attempt to locate relatives who might have cared for him, nor to place him in a decent home environment despite repeated pleadings by the reform school's administrator. Only after the Center filed suit was an aunt located and Emmett released. He is living with his aunt now; they receive no state support.

Price Coefield

Determining that twelve-year-old Price's father was missing and mother was physically and emotionally unable to care for him, DPS first placed the youngster in the home of his seventy-two-year-old great-grandmother. Then, when she became incapacitated, he was sent to live with his seventy-year-old grandparents.

Price's grandparents are feeble and extremely poor; they share their small, inadequately heated apartment with Price and another relative who takes care of the elderly couple themselves. They are not capable of providing the kind of home that a twelve-year-old boy needs; they receive no financial assistance from the state for Price's care. The state has made no effort to place him in a licensed child care institution or foster or boarding home.

(See Orphanages Page 4)

for sterilization of minors or mental incompetents, and that new Sterilization Restrictions regulations be drafted to ensure that consent to be sterilized will always be knowing, informed, and free from coercion.

The Center has never opposed sterilization of anyone capable of giving informed consent and understanding the full implications of this irreversible procedure. But abuses such as coercion and deception, unless prevented by adequate regulatory safeguards, jeopardize the existence of valuable family planning programs.

Center lawyers had argued that the constitutional rights of privacy and procreation were unlawfully abridged by H.E.W.'s sterilization of those who were unable to give informed consent, as well as by the federal agency's failure to institute regulations protecting those rights. Judge Gesell, however, found it unnecessary to consider the question of constitutionality — relying simply on an interpretation of the Congressional statutes empowering H.E.W. to finance and administer only voluntary family planning services.

Therapeutic sterilization — to protect the health of the client — is authorized under other federal programs than family planning.

The ruling in *Relf v. Weinberger*, based on statutory rather than constitutional grounds, is applicable only in situations involving federal funding and administration. The legal rights of indigents served by state-supported programs are still susceptible to violation; Center lawyers have been asked to participate in two cases involving coerced and unknowing sterilization of

(See Relf Page 4)

(ED. NOTE: A typist's error appearing in a letter recently sent by Julian Bond to prospective supporters of the Center resulted in a statement that "our sterilization suit will cost upwards of \$250,000..." The figure should have read "\$25,000." We apologize to any Center members who may have received this letter; and we're grateful that response to the letter has helped meet most of the costs of the suit and related actions.

THE DOCKET

Current Status of Some Southern Poverty Law Center Cases

Penn v. Schlesinger

A new hearing on the issue of "sovereign immunity" in the Center's suit to end racial discrimination in hiring of federal employees is set before the entire fifteen-judge Fifth Circuit Court of Appeals in New Orleans later this month. The question of whether federal officials are immune to legal challenge of discriminatory policies and practices in their departments has already been decided in the Center's favor by two federal courts — U.S. District Court in Alabama and a three-judge panel of the Fifth Circuit Court itself.

But the Justice Department, which has succeeded in delaying a hearing on the fundamental question of discrimination by seventeen federal agencies since the suit was first brought in Spring of 1972, has requested that the Appeals Court reconsider its ruling *en banc* (all fifteen judges).

The Justice Department, which itself sued the state of Alabama for employment discrimination, has claimed that the federal government and its agents cannot be sued for the same crime. Justice Department attorneys have not contested allegations in the Center's original complaint that racial bias in seventeen federal departments is more severe than in state employment.

Center lawyers had to overcome two adverse precedents in Fifth Circuit and two in other Circuits in order to convince the Court that *Penn v. Schlesinger* should not be dismissed. To persuade the Court that the earlier precedents were based on misinterpretations of Supreme Court rulings, our attorneys spent over 300 hours in library research. (Briefs available to attorneys on request.)

Brantley v. Union Bank Baker v. Keeble

These two cases testing nationwide summary repossession statutes have been consolidated for hearing in Fifth Circuit Court of Appeals. Briefs were submitted in March.

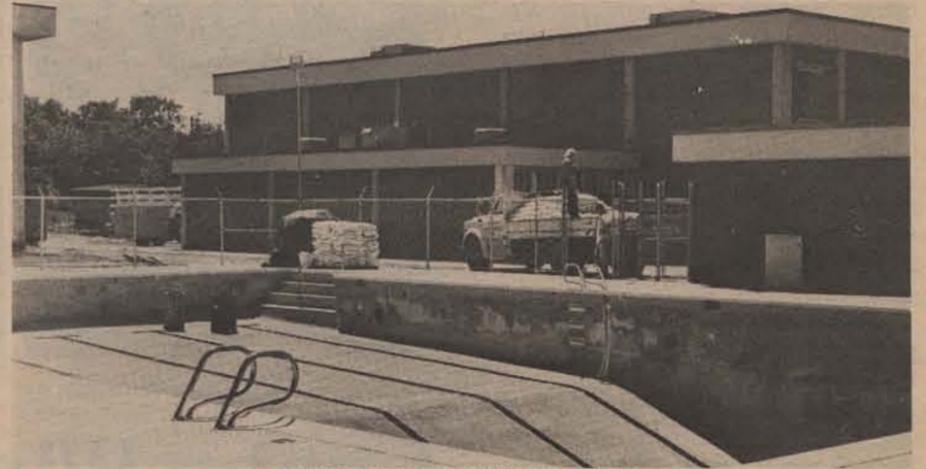
The statutes under attack allow finance companies to take back consumer purchases without first giving installment buyers their day in court. Repossessions have been caused by computer billing errors which the seller or finance company refuses to correct.

Some schemes have been uncovered in which unscrupulous car dealers or storefront financiers gouge a large down payment from the poor consumer, knowing that the person cannot meet the stiff monthly payments; with the cash down payment in hand, the company later repossesses the car and sells it again to another unsuspecting low-income customer.

The Center asks that companies first submit their claims to an impartial judge before being allowed to repossess.

Hardy v. Gissendaner

A District Court judge has ruled that "holder-in-due-course" laws are constitutional, and Center attorneys have appealed to the Fifth Circuit Court of Appeals in this case involving the exploitation of thirty poor black families who mortgaged their homes to obtain inferior construction work from an unscrupulous builder who then sold the mortgages to a Florida banking company. The lower court's ruling means that bankers are not responsible for the builder's shoddy work; the Center seeks modification of statutes to guarantee



NEW RECREATION CENTER OPENS

McIntyre Community Center, newly constructed as part of a court-sanctioned plan to provide recreational facilities for poor neighborhoods in Montgomery, opens this spring. The plan was won after the Southern Poverty Law Center brought suit in 1970.

equal protection to consumers and landowners who are frequently exploited by the unfair laws.

North Carolina v. Walston, Hines & Brown

North Carolina's legislature has removed the death penalty for rape, but refused to make the removal retroactive. Jesse Walston, Bobby Hines and Vernon Brown are thus still under sentence of death for conviction in December. Center attorneys seek reversal and retrial; we are convinced the men are innocent.

Thirty-three persons now await death in North Carolina's gas chamber — twenty-two of them are black.

In a recent rape trial in North Carolina, the accused was white and the victim was black — the reverse of *North Carolina v. Walston*. After a mass of evidence placing the accused at the scene and the knife used to force the victim in his possession, the jury never-

theless returned a "not guilty" verdict. The trial judge, who doesn't have authority to direct a verdict of "guilty," was moved to express his shock over the acquittal in the face of what he described as overwhelming evidence.

It is unequal application of capital punishment statutes by juries, judges and prosecutors that leads the Center to challenge the death penalty as cruel and unusual.

Gilmore v. City of Montgomery

Attorneys still await a decision from the U.S. Supreme Court on the question of whether segregated private schools and clubs should have access to public recreational facilities. Both District Court and Court of Appeals had banned such access to schools; the Appeals Court last year reversed the lower court on the issue of such access to segregated clubs, and the Center appealed. The case was heard by the Supreme Court in January.



Southern Poverty Law Center staff members meet to hear news of reapportionment ruling by Supreme Court (see story, p. 1). Left to right, Michael Fidlow, Jo Brazell, David Watson, Mamie Goldsmith, Julian Bond, Joe Levin, Beverly Hughes, Jackie Alexander.

(RELF cont'd. from Page 3)

indigent women by state-administered programs, and are currently studying the facts in each.

In addition, Center lawyers are studying the latest H.E.W. guidelines to determine whether the Court's requirement of a guarantee against coercion has been met. A central issue is the presence of an independent family planning counselor to assure that all clients are made fully aware of all alternatives and their implications. If a determination is made that the new guidelines are still inadequate, further action will be undertaken.

(SCHOOLGIRLS continued from Page 2)

The Coosa County School Board has already agreed to readmit Arlene Davis. Continuing with her studies, Miss Davis, an above average student, will graduate with her class in June. Her child is due about September 1.

Meanwhile, the Thomasville school system continues to fight, despite the court's order of temporary relief and clear precedents which show their actions to be unconstitutional. The defendants' depositions were taken in early April and a hearing held about May 1. A court opinion is expected by early summer.

(ORPHANGES cont'd. from Page 3)

Charlie Scott

Charlie's DPS case file shows that his older sister died of neglect when she was six months old; that numerous complaints of his mother's mistreatment of her children were made — including two by the boy's own father; that when he was eleven his mother took him into a store to steal a television set; that their home was often without food or fuel; that his older brother was thrown out of the home to make his own way when he was twelve; that despite this unsavory environment Charlie seemed to be well-mannered, polite and cooperative.

Only after his mother was committed to a mental institution was Charlie given any help by DPS — he was sent to live at an all-black children's shelter which had to close its doors three years later. By then his mother had been released; Charlie was returned to her and placed under the care of a seventy-three-year-old lady who helped his mother. DPS gave them \$27 a month for Charlie's support, and took no action when asked for additional help.

Finally, Charlie left his mother's home and began sleeping from house to house. He has lived with several different families. Each time he moves into a new house on his own, DPS comes out and approves the placement.

In Alabama there are hundreds of poor black youngsters like Emmett, Price and Charlie who, dependent upon the state for survival, have received little or no assistance because the only facilities available to orphans and other homeless youth are restricted to whites only.

The situation is similarly harsh in Georgia, Florida, Mississippi and in other southern states where the fundamental welfare of black children has been ignored.

The Center's Alabama suit, if successful, will serve as a model for every state. A victory will mean that all licensed shelters must comply with federal equal treatment guidelines — that children will be referred to homes without regard to their race, and that child welfare programs will be dramatically upgraded until all dependent youngsters receive the care they must have.

The defendant shelters and DPS are expected to submit reply briefs shortly; thereafter the Center must await the Court's ruling.