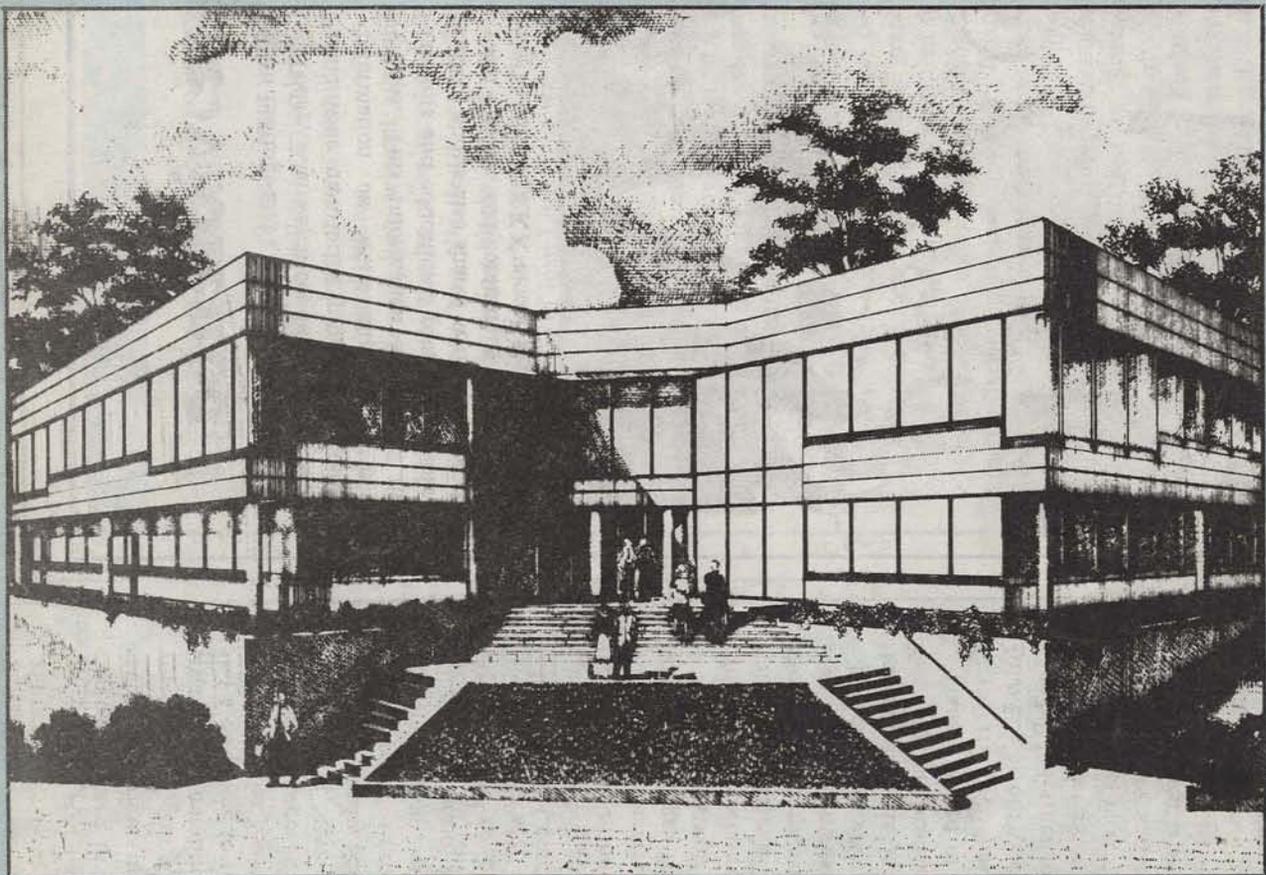


Seeking Justice

A 15-Year Report of the Southern Poverty Law Center



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How the SPLC began: An informal history

In the mid-Sixties, Morris Dees had been actively involved in defending the civil rights of Alabama citizens as a volunteer ACLU attorney.

This work, done from his Montgomery-based book publishing company, included a suit on behalf of the black Alabama State Teachers' Association to try to block the building of Auburn University at Montgomery, representation of a Troy University student expelled for writing a school newspaper editorial critical of Gov. George Wallace, and the defense of teachers punished for exercising academic freedom.

In 1970, Dees met Joseph Levin Jr. when they successfully defended an Alabama state senator accused of bribery. This meeting turned into a law partnership, Levin and Dees, and the almost immediate filing of a suit to integrate the Montgomery YMCA. Their offices were in three small rooms at 125 Washington Avenue.

The two young white lawyers were unlikely mavericks. Dees had made a fortune in the mail-order business. Levin was from a comfortable Montgomery Jewish background. However, both genuinely viewed the law as a vehicle for social justice. Dees and Levin had not been demonstrators when the civil rights movement swept through Montgomery and the South in the Fifties and Sixties, but they understood all too well the issues of race and poverty.

Dees recalls his first "law case" when he, as a high school student, accompanied a black farm hand to justice of peace court. "I thought all I had to do was go in there, as a white boy, and tell the j.p. what happened, and that would be



Dees

the end of it," Dees said. "But the state troopers were white, too, and later I realized that the j.p. only got paid if he found Clarence guilty." Clarence Williams was indeed convicted but years later a Levin and Dees suit abolished Alabama's Justice of the Peace system.

Levin and Dees wanted the economic freedom to handle such cases exclusively, and the concept for the Southern Poverty Law Center followed this line of thinking. Dees had earlier helped establish and had been the leading funder of the James Madison Legal Institute in New York, which had similar ideals but a more civil libertarian thrust. Dees was a civil libertarian, but the New York experiment had not worked out. Now, he and Levin agreed to focus on poverty, white and black.

Dees's direct mail business background was the key to the Southern Poverty Law Center concept. A few important cases with the right facts could change the South, and well-conceived mailings about the cases would motivate concerned citizens to contribute money to pay the costs.



Levin

In 1971, the Law Center was legally incorporated as a non-profit, tax-exempt organization, operating out of the Levin and Dees offices. Michael Fidlow, a marketing specialist who had worked in Dees's mail-order company, and Daphne Dwyer were hired to help with the new Center's business operations. The legal staff was the Levin and Dees firm: Morris Dees Jr., Joe Levin Jr., legal secretary Becky Logan, and Jackie Alexander, a high school student who was hired to help around the office and who eventually succeeded Logan as legal secretary.

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Seeking Justice

For 15 years, the Southern Poverty Law Center has protected and advanced the legal rights of poor people and minorities. The Center's record includes cases on:

- Employment Discrimination
- Occupational Health and Safety
- Voting Rights
- Criminal Justice
- Racism and Violence
- Constitutional Rights
- Economic Discrimination
- Rights of Children and Handicapped

In addition, the Center conducts an education program of general and legal publications, films, special reports, seminars, and resource information for the media, researchers and law enforcement.

Occupational Health and Safety



The dust that kills can't be seen by the naked eye.

Cases protect workers' health

Textile employees are among the lowest-paid and least-organized industrial workers in America, and some "cotton mill hands" have jobs that can quite literally kill them.

The Southern Poverty Law Center's representation of victims of the breathing disease *byssinosis*, commonly called "brown lung," is a classic case of providing legal assistance to the working poor.

Brown lung is caused by the inhalation of microscopic fibers of cotton dust produced in the ginning, carding, and other processing of raw cotton. The disease doesn't knock its victims dead, but it can shorten their lifespans and it inevitably cripples them by clogging their lungs and making breathing difficult, especially during exertion.

The SPLC worked against brown lung in several ways: first, by providing legal research and financial assistance to the Carolina Brown Lung Association; second, by filing \$15 million class action suits against two textile companies alleging that they intentionally exposed workers to the disease; third, by coordinating a half-dozen individual lawsuits intended to bypass the limitations of the workman's compensation laws.

The class action suits were dismissed, but an appeals court ruled that employees could sue company

officials even if the workman's comp law restricted suits against the company itself.

In the course of the various litigation, SPLC paralegals and attorneys uncovered company files proving that the textile industry had been aware of the dangers of brown lung for years but had at best done nothing and in the worst cases had concealed from individual workers the results of company medical tests showing that the workers had the disease.

Ultimately, the strategy to bypass the workman's comp laws proved to be the most successful. The problem with workmen's comp was that the laws limited the time an employee could sue to one year after the last date of exposure to the hazardous conditions.

In the cases of the cotton mill workers, some of them did not find out for years what had destroyed their lungs.

Six cotton mill ex-workers who were represented by the SPLC and its cooperating attorneys eventually won out-of-court settlements.

SPLC lawyers said the settlements will encourage other workers to seek compensation and will serve as a warning to other companies, and industries, that they cannot continue to ignore the health and safety of their employees.

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Dees had asked Julian Bond of Georgia to serve as the President of the Law Center, a largely honorary position. Bond's acceptance gave the Center a well-known civil rights name for use in establishing credibility. Others prominent in civil rights circles endorsed the concept of the Center and agreed to serve on a President's Advisory Council. These included Lucius Amerson, first black sheriff in Alabama since Reconstruction; Anthony G. Amsterdam, respected legal scholar; Hodding Carter III, journalist; Charles Evers, brother of the murdered Mississippi leader; Mrs. Fannie Lou Hamer, also of Mississippi, whose speech electrified the 1964 Democratic National Convention; John Lewis of SNCC, and Charles Morgan, Alabama expatriate ACLU lawyer.

The Center's first cases were adopted from suits that had already been filed or worked on by Dees and Levin. These included the reapportionment of the Alabama Legislature, and the desegregation of the Montgomery YMCAs.

The growing staff required larger quarters, and the Center moved in 1973 to 119 McDonough Street. Dees had been involved during most of 1972 working with the McGovern presidential campaign, but Levin and Fidlow continued to develop both the litigation and the fundraising. Daphne Dwyer began the Center's first educational effort, a tabloid newsletter named the *Poverty Law Report*. Jo Brazell joined the staff for bookkeeping and records, and Mamie Goldsmith Jackson, now mail director, Rita Griffin and Beverly Hughes began working with the Center's growing file of regular financial contributors. Charles Abernathy, a young lawyer who had clerked for then-U.S. Dist. Judge Frank Johnson, was added to the legal staff.

The legal docket during this period included several employment discrimination—on race and sex—cases, reapportionment, challenges to unequal recreational facilities in black communities, challenges to bail bond systems which kept people in jail, because they were poor, and a case (which gained the attention of a U.S. Senate subcommittee) on the forced sterilization by welfare officials of two black teenagers.

The Center continued to grow, adding JoAnn Chancellor to coordinate printing, Dave Watson to develop direct mail packages, Penny Jenkins for publications, Lillie Mays-Tucker as a legal secretary, and other staff. Abernathy left to become a law professor and was succeeded by Pam Horowitz, a brilliant young Minnesotan who had come South to work on economic development. In 1974 the Center again moved to larger quarters, this time to 1001 South Hull Street.

The Center leaped into the national spotlight in 1974 when Dees joined the legal team representing Joan Little, the North Carolina woman accused of murdering her jailer—she said she was defending herself against rape, and was ultimately acquitted. The Center raised the funds for Little's defense, and the tremendous attention focused on the case pushed other work into the background.

Other litigation during this period challenged the use of public recreation facilities by segregated schools, attacked racial discrimination in employment by 17 federal agencies, won paving of streets in black neighborhoods, kept three North Carolina black men out of the gas chamber, won better conditions for state prison inmates, and protected poor people from corrupt finance company practices.

Dr. Clyde Williams, president of Miles College, and Rufus Huffman, probate judge of Bullock County, joined Dees, Levin and Jim Ertel, editor-in-chief of the *Encyclopedia Britannica Yearbook*, on the Center's Board of Directors. John L. Carroll joined the legal staff.

The Joan Little case was followed in 1975 by that of Roy Patterson, a U.S. Marine and Vietnam vet who had killed, in self-defense, two Georgia law officers. The tragedy was precipitated by the racist brutality of one of the

Employment Discrimination

Breaking race, sex barriers in hiring

There had never been a black state trooper in Alabama—nor in many other states—when the SPLC won *Paradise v. Allen* in 1972. The lawsuit was the first in the South to achieve black-white hiring ratios, setting a precedent which helped break employment barriers in far more than the Alabama highway patrol.

SPLC attorneys subsequently won women the right to be police officers in *Jordan v. Wright*, and struck down height-weight restrictions that had been used to bar women from jobs as troopers and prison guards in *Mieth v. Dothard*. In an earlier case, *Frontiero v. Richardson*, the Defense Department was required to change regulations which gave servicemen higher pay and more benefits than servicewomen.

These cases and others addressed the basic issue of economic inequality which is a factor in the high rates of poverty among blacks and women. The federal judges hearing the cases found time after time that race and sex were arbitrarily and discriminatorily used by employers.

Even women already employed in police

departments were denied the opportunity to seek higher ranking positions as patrol officers.

Attorneys for the police department had contended that few women would ever want to do such police work, but the first police officer exams given after Johnson's ruling drew 152 women and 206 men, and the top seven scorers were women.

Often, however, winning such cases was not enough—the orders had to be implemented, and sometimes that meant years of monitoring hiring and promotions policies, even returning to court when necessary.

When Judge Johnson ordered Alabama to hire black troopers on a one-for-one basis with whites until the number of black troopers approximated the state population ratios, the state's response was to freeze hiring.

After blacks eventually were integrated into the trooper force, more litigation was necessary to make sure white trooper supervisors gave black troopers an even break in disciplinary matters and a fair opportunity to

win promotions. Remarkably, *Paradise* were still being

In current employment litigation, the Law Center won a major victory in *Paradise v. Allen* over hiring practices affecting black citizens at Maxwell Air Force Base in Montgomery, Alabama. The Air Force Station.



Alabama's first black troopers receive graduation certificates.

Constitutional Rights



Disturbed youths were "guinea pigs."

Suits protect rights of helpless

State officials, have been sued by the Law Center to protect the basic rights of defenseless citizens. The suits protect themselves from being imprisoned, hospitalized, or handicapped.

One of the cases was on behalf of Emmett Till, who was put in a reform school because his mother, Mrs. Mamie Till, was in prison, the state argued, and no white woman would marry him.

In a 1975 case, the court ordered the state to pay for the legal fees of attorneys representing the plaintiffs.

Criminal Justice

Criminal cases important

The Law Center's primary legal weapon has always been the civil class-action lawsuit, but there have been many compelling requests for criminal defense.

Center attorneys have worked especially hard on capital murder cases because of the discriminatory way the death penalty has been applied against blacks and the poor.

Among the Center's noteworthy criminal cases are those of Joan Little, who was found innocent of the murder of a jail guard who was attempting to rape her; of Sgt. Roy Patterson, who was wrongly convicted in a Georgia case marked by extreme racial prejudice; of the Tarboro Three, who were condemned to die for a rape they did not commit, and of Johnny Ross, who was proven innocent after seven years in prison.

The defense of Jimmy Lee McCloud, an indigent black indicted on wholly circumstantial evidence by an all-white grand jury of mostly high-income citizens, led to *Penn v. Eubanks*, a civil lawsuit challenging the jury selection process, in which a federal court ruled that women and blacks were underrepresented.

Two other civil law suits on criminal justice issues were *Callahan v. Sanders*, which enjoined the criminal authority of justice of the peace courts, and *Tucker v. Board of Commissioners*, in which municipal judges were barred from collecting fees on "bind-overs" to the grand jury conditional on the conviction of the defendant. *Tucker*

also voided state laws requiring poor persons to post bonds before being allowed to appeal misdemeanors and requiring defendants unable to pay fines to "work them out" before being released.

Following the Supreme Court decisions in 1976, which had the effect of reinstating executions, the Center realized the need for a systematic effort to teach other lawyers the special trial techniques and strategies of defending capital murder cases.

The Center began trying some cases and accepting others at the appellate level, using these as laboratories on the proper use of pre-trial motions, expert witnesses, jury challenges, and in-depth questioning of prospective jurors. The strategies and tactics developed were then passed on to other lawyers in seminars, law review articles and a series of books published by the Center (see Education, back cover).

Today, the SPLC's legal education on capital cases continues, as does a monitoring process to make sure that defendants sentenced to death have competent lawyers to handle the complex appeals process.

In recent years the Center has also defended two black men unfairly accused of crimes against Ku Klux Klansmen, and several voting rights activists indicted by the Reagan Justice Department in a suspicious series of voter fraud prosecutions in Alabama's Black Belt.

Racism

Klan

The best-known case against the Ku Klux Klan is that by the Law Center attorneys who won a major victory before the Supreme Court in *United States v. Klans, Inc.*

An early landmark case was the funeral home case, where the Law Center won a major victory when it was no black funeral home could be opened in Birmingham and burial services were challenged the funeral home from a white woman was living with her child's father).

In *Amerson v. State*, the Law Center won a major victory when it night law school graduates were not allowed to accept the appointment as sheriff of Maxwell Air Force Base because he was black. The case was won against a trade union which had applied against the Air Force Station.

A probate court case was won because he was not given a license to an insurance office rather than the state's refusal to grant the license.

By 1980, the Law Center was working against the Ku Klux Klan, which would grow in size and power through litigation, monitoring, and other means on the subject.

Voting Rights

Implementing right to vote

Poor people stay poor for many reasons. But the most disgraceful is when elected officials refuse to help those who can't help themselves. Such officials can afford to ignore the poor when elections are on the basis of voter districts that minimize the voting strength of poor people, blacks, and constituents of the political party not in power.

Fortunately, the Constitution says that this is illegal, and citizens can challenge malapportionment in the courts. From the Center's first days, reapportionment and single-member district lawsuits have been filed at the city, county and state level to implement electoral systems in which the votes of blacks and the poor are not diluted.

Nixon v. Brewer in 1972 reapportioned the Alabama Legislature with a district plan drawn by a statistics professor. The result was the election in 1974 of 17 blacks and a greater number of whites who had to be responsive to the poorer sections of their districts if they hoped to be re-elected.

The Law Center has successfully sued a number of cities and counties which changed

their election systems from districts to at-large after blacks began registering to vote in significant numbers during the civil rights movement.

This was a tactic used where blacks made up a sizable percentage but less than a majority of the population.

In addition to the numerous lawsuits directly brought by SPLC attorneys against cities, counties, and school boards, the Center has participated in two cooperative projects to prevent vote dilution.

In Georgia, the Center hired an associate counsel to develop a large number of redistricting lawsuits. In Alabama, the Center joined with the ACLU and the Southern Regional Council to form a Voting Rights Project that would help private attorneys with the research and other resources necessary to put on a successful lawsuit.

The result of these cases has been the election of numerous black and working class white commissioners and council members in Southern communities.

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state troopers certificates.

in Alabama and elsewhere, on numerous occasions by because the officials did not basic rights of its most ens—those who could not es because they were poor, pitalized, disfranchised or

nter's earliest cases was on t Player, a black youth who rm school when he was 10 er was dead, his father was te had no black orphanages, hanages would accept him. s, landmark prison reforms by federal Judge Frank SPLC and cooperating at- d evidence of overcrowding

and unsafe conditions.

Johnson described Alabama's prisons as "wholly unfit for human habitation," and issued a detailed order covering every aspect of prison operation. State attorneys had admitted during the trial that merely being in Alabama's prisons was "cruel and unusual punishment."

In a New York case handled by an SPLC cooperating attorney, a challenge was filed against a local public transit company whose buses could not be boarded by handicapped persons.

Several SPLC cases involved the involuntary or unknowing sterilization by welfare officials of low-income minority women. Stringent new federal regulations resulted from these cases.

Unconstitutional discrepancies in recreational facilities, street paving and other public works were corrected in lawsuits filed in the Seventies.

In the early Eighties, SPLC lawyers took the lead in the reopening of litigation over conditions in Alabama's mental institutions. Some of the same issues had been involved in an earlier Michigan case handled by SPLC cooperating attorneys in which emotionally disturbed children were used as guinea pigs by drug companies.

Center attorneys also attacked the constitutionality of public drunkenness laws when applied to chronic drunks—those who had the disease of alcoholism and who needed treatment rather than useless and inhumane frequent jailings.

Violence

Klanwatch aids victims of hate violence

wn of the Law Center's work racial or religious prejudice Klanwatch project, but SPLC e handling such cases long ch was created in 1980.

ouisiana case forced white in communities where there neral home to offer embalm- ervice to blacks. Another case taking by police of a child woman solely because the ng with a black man (not the

Jones Law School, a private l was barred from refusing to ication of Lucius Amerson, acon County, solely because

Two lawsuits were filed school, first because it had a which was discriminatorily blacks, and second because it black cosmetology students ling of the hair of whites.

udge sued by the SPLC ould not issue a marriage terracial couple resigned his an comply with an order to e.

SPLC was beginning the Ku Klux Klan groups that o the Klanwatch project for toring and educational work

Klanwatch has become the best-known Law Center project. Its lawsuits have resulted in the indictments of Klan leaders who planned the attack on a peaceful black demonstration, have secured injunctions against KKK harassment of Vietnamese refugees, have won court orders closing Klan paramilitary training operations, and have won financial compensation for victims of

Klan beatings and crossburnings.

Today, Klanwatch conducts an extensive nationwide monitoring program to collect information on white supremacist hate groups. This information is used in the lawsuits and educational projects (see back cover), and is also shared with law enforcement officials and community leaders seeking to control KKK or neo-Nazi violence.



Klanwatch monitors white supremacist activity nationwide.

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officers, but nonetheless Georgia wanted to electrocute Patterson, who had never been in trouble before.

Although civil litigation was still the bulk of the Center's work, more attention was being paid to criminal justice issues, especially after the 1976 Supreme Court decisions clearing the way for the resumption of capital punishment. The Center established a capital punishment project, setting out to try selected cases in this unique area of law, developing trial tactics and strategies, and teaching them to other lawyers.

Between 1976-78, the Center's staff changed and continued to grow. Joe Levin resigned as legal director to take a job with the Carter administration (Dees had just returned from the Carter campaign). Pamela Horowitz resigned to become the Washington legislative counsel to the ACLU. John Carroll became legal director, and the legal staff added Dennis Balske, a former professor at Ohio State University Law School, Stephen J. Ellmann, a former clerk to U.S. Circuit Judge Elbert Tuttle, and Ira Burnim, another former Johnson clerk.

Continuing litigation during this period included employment discrimination cases, reapportionment and voting rights, prison and jail conditions, and cases where citizens were unfairly treated because of race.

The Center's increased work in capital murder and voting rights cases, and the opening of a new area of occupational health and safety litigation—the brown lung lawsuits—in the last half of the 1970s led to the use of paralegals for investigation and research.

Law student clerks also helped Center attorneys handle their heavy case loads, as did associate counsel who were hired to initiate litigation outside the SPLC. David Walbert, in Georgia, filed numerous single-member district cases on behalf of the Center, and Candace Caraway, in South Carolina, pressed the cases of disabled cotton mill workers against their former employers.

In 1980, the Center moved into another new legal area: litigation against the KKK—the issue was old, but neither the SPLC nor anyone else was doing the work. The first case grew into the Klanwatch Project, which is today the Center's major effort, encompassing lawsuits, monitoring, and education.

Other major legal work of the 1980s has included class action suits on behalf of children allegedly abused in group homes, defenses of several civil rights activists unfairly charged in voter fraud cases, the reopening of a massive lawsuit over conditions in mental institutions, and a challenge to the discriminatory taxation system in poor counties in Kentucky.

Recent changes in the legal staff include the departures of Steve Ellmann, to teach at Columbia University School of Law, and John Carroll, to become a professor at Mercer University School of Law, and the additions of Deborah Ellis of Wisconsin, yet another former Johnson law clerk, and Dennis Sweet of Mississippi, a former Washington public defender.

In 1983, the Center's Hull Street offices were attacked by KKK arsonists, which led to a major fund drive to build the present quarters at 400 Washington Avenue, just three blocks from where it all began fifteen years ago.

The Center's staff today has grown to about 25. The expansion resulted in a reorganization, with Morris Dees as executive director, guiding the following department heads: Dennis Balske, legal; Bill Stanton, Klanwatch; JoAnn Chancellor, administration; Dave Watson, fundraising; Mamie Jackson, mail, and Randall Williams, publications and education.

Today's Board of Directors consists of Joe Levin Jr., president; Judge Rufus Huffman; John L. Carroll; Montgomery attorney Howard Mandell (a former Johnson clerk), and Auburn University professor Dr. Alice Morgan. JoAnn Chancellor is secretary-treasurer.

The Center accomplishes its work without any governmental funds. In 1985-86, the SPLC operational budget is estimated at \$1.7 million, which is provided through the generosity of more than 1000,000 contributors from all fifty states and some foreign countries.

Education

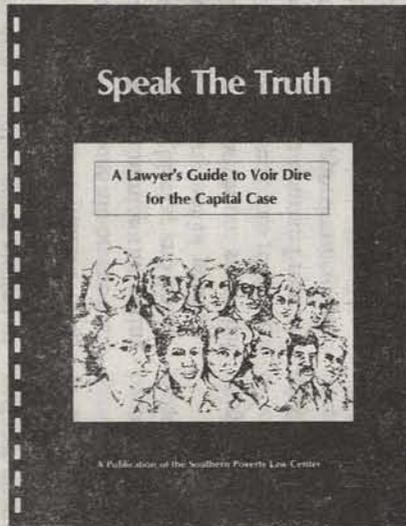
Publications, reports, films

The Law Center extends the influence of its litigation activities through an active education program.

The first educational tool was the Center's newsletter, the *Poverty Law Report*, which has been published since 1973 to report to SPLC supporters and the public on the cases handled by Center attorneys.

When the Law Center took an active role in death penalty cases beginning in the mid-Seventies, our attorneys developed a series of publications to teach the specialized skills and tactics of capital murder defense work. Titles in this series include *Motions for Capital Cases*; *Post-Conviction Remedies*; *A Lawyers' Guide to Voir Dire*; *Trial of the Penalty Phase*; *New Strategies for the Defense of Capital Cases*, and *The Better Defense—A Team Guide for Defendants and Lawyers in Death Penalty Cases*.

In addition to capital defense manuals, SPLC attorneys began speaking and teaching around the country in seminars held by law schools, public defender associations, and bar associations. Center attorneys are also invited to give expert testimony on capital issues before legislative and bar commit-



tees and to serve on bar and professional committees and boards. SPLC Legal Director Dennis Balske is the founder of the respected Alabama Criminal Defense Lawyers Association.

Another specialized educational effort has grown up with the Center's Klanwatch Project. More than 200,000 copies have been published of *The Ku Klux Klan: A History of Racism and Violence*, a 68-page illustrated, highly acclaimed special report written for high school and college students.

In 1982, the Center commissioned a half-hour documentary film, "The Klan: A Legacy of Hate in America." Like the special report, the film was widely praised by scholars and has won a half-dozen major film festival awards and an Academy Award nomination.

Klanwatch publishes a newsletter for law enforcement, the *Intelligence Report*, and a newsletter for supporters of the project, the *Klanwatch Law Report*.

Both Klanwatch and legal staff members give numerous briefings to news reporters, thus helping educate millions of readers and listeners on the complex issues involved in the Center's work.



Economic Discrimination

Kentucky tax system unfair

Many SPLC cases have sought remedies for systemic economic inequality.

One of the best current examples is a Kentucky lawsuit challenging the method of taxing unmined coal. Some of the greatest wealth in the nation lies in the Kentucky coalfields, yet some of its citizens are among the nation's poorest.

Kentucky's Seventh Congressional district is the worst of all 435 districts in educational levels, according to one survey. Similar inequalities exist in housing, medicine, roads, water and

sewer service.

The Law Center has joined with the Kentucky Fair Tax Coalition to have the coal tax declared unconstitutional because it is so low that absentee corporations—who own up to 72 percent of the land in some counties—pay virtually no tax at all. This means that average citizens pay more than their share of the state's taxes, which deprives them of equality under the law.

If successful, this novel litigation could mean millions of dollars of additional taxes which could be used to im-

prove schools, hospitals and other social services in these poor counties.

Other economic discrimination cases handled by the SPLC challenged bail bond systems which keep poor people in jail—and increase their likelihood of conviction—at a higher rate than people with money; challenged unscrupulous lending practices which victimized poor consumers; struck down a New York law allowing debtors to be imprisoned without a hearing, and sought procedures which made it more difficult for utility companies to suspend service of indigents.