

Law Report

A publication of the Southern Poverty Law Center and its Klanwatch Project

April 1988

Respected family man beaten to death in Texas jail *Center sues on behalf of widow and six children*

HEMPHILL, Tex. — On March 23, three white Texas lawmen were indicted for murder in the beating death of Loyal Garner, Jr., a black man from nearby Florien, La. Mr. Garner, a 34-year-old public service employee, was one of the most respected and liked citizens of Florien, and he had had no previous trouble with the law.

Attorneys for the Southern Poverty Law Center, convinced that the violence done to Mr. Garner was racially motivated, have filed a lawsuit against the three lawmen and the town of Hemphill on behalf of Mr. Garner's wife, Mrs. Corrine Garner, and their six children. The purpose of the lawsuit is to deter other Southern lawmen from abusing people in their custody, and to win a financial judgment for Mrs. Garner so she will have the resources to raise and educate her children.

Although the Center and its Klanwatch Project have concentrated on bringing suits against the Ku Klux Klan, the Center took this case, because it shows the terrible results of racism.

The town of Hemphill is about 50 percent black, but there are no black law enforcement officers, and no black officials of any sort except for one member of the school board. Somehow, the civil rights movement passed by this small town in East Texas, and perhaps this is what led to Loyal Garner Jr.'s death.

This tragic story began on Christmas Day, 1987, when Mr. Garner was asked to help a friend retrieve an automobile that had been left a short distance over the border in Texas. Mr. Garner was driving in his pickup truck with two companions when, about five miles west of the Louisiana state line, Hemphill Police Chief

Thomas Ladner and James "Bo" Hyden, a Sabine County deputy, stopped Mr. Garner and arrested him and his two friends. They were taken to the jail in Hemphill and thrown into the drunk tank.

Mr. Garner had told his wife he would be gone only a few hours, and when it became clear that the lawmen had no intention of letting him telephone his wife, he began to protest.

In a sworn statement made by Alton James Maxie, one of the



The family of fatally beaten Loyal Garner Jr. — Mrs. Corrine Garner, Kimberly (11 years old), Tameka (13 years old), Valerie (9 years old), Loyal Lindel (7 years old), Corey (3 years old) and Marlon (5 years old).

friends who was arrested with Mr. Garner and in the jail cell with him, Chief Ladner entered the cell when

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13 White Supremacists Acquitted

FT. SMITH, Ark. — After seven weeks of testimony and 20 hours of deliberations, an all-white jury on April 7 acquitted all 13 white supremacists who were on trial for conspiring to overthrow the U.S.



Richard Butler

government and assassinate federal officials. Among the 13 were three of the most effective leaders the movement has ever had — Richard Butler of Hayden Lake, Id., leader of the Aryan Nations;



Robert Miles

Robert Miles of Cohoctah, Mich., pastor of the Mountain Church; and Louis Beam, ambassador at large for the Aryan Nations. The three leaders were freed after the verdict; seven other defen-



Louis Beam

dants return to prison where they are serving time for related crimes. (One of those, Robert Smalley, was acquitted by a directed verdict earlier in the trial.)

Long-time Klanwatch enemy Louis Beam, viewed by many as one of the most influential and potentially dangerous leaders in the white supremacist movement, held an impromptu rally at the Confederate Memorial opposite the courthouse immediately after the

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Center sues three Texas lawmen indicted for murdering Loyal Garner, Jr.

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Hemphill, TX,
Police Chief
Thomas Ladner



Sabine County, TX,
Sheriff's Deputy
Bo Hyden



Sabine County, TX,
Sheriff's Deputy
Bill Horton

Mr. Garner continued to protest and hit him three times on the head with a "slap jack," a leather-covered length of lead. The lawman then got Mr. Garner in a choke hold and dragged him from the cell.

Mr. Garner was taken to a nearby

location in the jail, and his two friends could hear the sound of the slap jack and Mr. Garner's moans and cries for the next 30 or 40 minutes. At approximately 9:00 PM, Mr. Garner was thrown back into his cell. His shirt was soaked in blood,

and he spent the night on the jail cell floor, breathing heavily with his eyes wide open, and not moving.

Discovered unconscious the next morning, Loyal Garner was taken to the Sabine County Hospital. Mrs. Garner was called, and when she saw her husband, she described him as "unrecognizable." There was a gash in his head, his jaw and neck were swollen, bandages covered his eyes, there was blood on his face, and his hands were balled up into tight fists.

On December 27, 1987, Loyal Garner Jr. was pronounced dead. A pathology report, presented at a later coronor's inquest, stated that Mr. Garner "died of subdural hemorrhage with multiple contusions of the brain. This finding is invariably associated with traumatic injuries to the head."

On January 4, 1988, Hemphill Police Chief Thomas Ladner, and Sabine County Deputy Sheriffs James "Bo" Hyden and Bill Horton,

were indicted by a county grand jury on state felony charges of violating Mr. Garner's civil rights. Law-enforcement officials for Sabine County said at the time that the indictments for civil rights violations were more appropriate than a homicide indictment.

A few weeks later, a grand jury in Smith County, Texas, where Mr. Garner died, indicted the three lawmen for the murder.

Center investigators have uncovered evidence of others who have been abused in the Hemphill jail, including the case of an amputee who was knocked out of a chair by a slap jack and then left to spend the night on the jail cell floor because he was unable to pull himself into the bed. Until Mr. Garner's death, little attention was paid to these complaints. It is hoped that a victory in this case will show that no one — including officers of the law — can wrongfully take the life of another without paying the consequences.



SPLC Mailbox

Supporters write the Center and its Klanwatch Project

"Today, 13 white supremacists were let go, scot-free, found innocent on charges of sedition, plotting to overthrow the federal government, conspiracy to commit murder, and transportation of stolen money across state lines.

That is why I'm writing this letter of support for you and your actions. Do not be discouraged by this verdict."

— A. Jones

Tennessee

"With the continued perseverance of the SPLC and its success in the Donald case, coupled with the recent charges handed down in Texas in the Loyal Garner tragedy, things are beginning to come to light. Change may be slow, but it comes. I'm only too glad to contribute to one of the most hard working and worthy causes in this nation."

— M. Krane

Pennsylvania

"I have seen the terror in the faces of Cambodian refugees here when the Klan held a rally in Ephrata, Pennsylvania, last fall. My friends survived the Khmer Rouge horror; they didn't know that 'people like Pol Pot were in this country too.' They really believed, until they locked themselves in their house with the blinds drawn and the lights extinguished, in the integrity of America. I wish I could give more, for my country, for my friends."

— T. Hoover

Pennsylvania

"By chance I was in Beaufort, S.C.,

in mid-February, when a Klan rally took place. It was very sad, really, to see grown people behaving like that. An observer held up a quickly printed sign, something about the 'Klan, crawl back into your hole' and one young marcher became very abusive verbally. I felt such hatred coming out of that young man. I think it will take a long time for such hatred to wear out, so the Center will be busy for a long time. I most sincerely hope you are being very careful personally and not taking any chances."

— D. Sio

New York

"My husband, though he was a Lutheran Theologian, was a descendant of the famous musician Felix Mendelssohn-Bartholdy, and was regarded by Hitler as a Jew and was put in the concentration camp of Buchenwald in the Crystal Night, Nov. 9-10, 1938. He was a Pastor of 5 institutions at that time, 3 of them belonged to the German state, 2 to the church of Hanover. He was released after 2 months under the condition to leave Germany within one month. We had hard, but good times together [in America]. After his death, I have worked occasionally in Mississippi in a daycare center. Thus I got to see with my own eyes the race discrimination in this country — now my country. My very best wishes to the Center."

— E. Leo

Iowa

"I'm enclosing an extra \$100 to help get Mr. Roy Patterson released from prison. His case is a prime example of a terrible miscarriage of justice. Please get him released!"

— O. Whitesell

Kansas

Look for a special announcement concerning the Roy Patterson case in the next edition of the Law Report.

Center hires new staff attorney



Elizabeth Johnson

MONTGOMERY, Ala. —

Elizabeth Johnson, who began work at the Center last September under its Fellowship Program, has joined the Center as a full-time staff attorney. Ms. Johnson graduated cum laude from the University of Michigan Law School. The Center is proud to welcome her as someone whose legal expertise and lifelong commitment to helping the victims of injustice make her an invaluable addition to the Center's legal staff.

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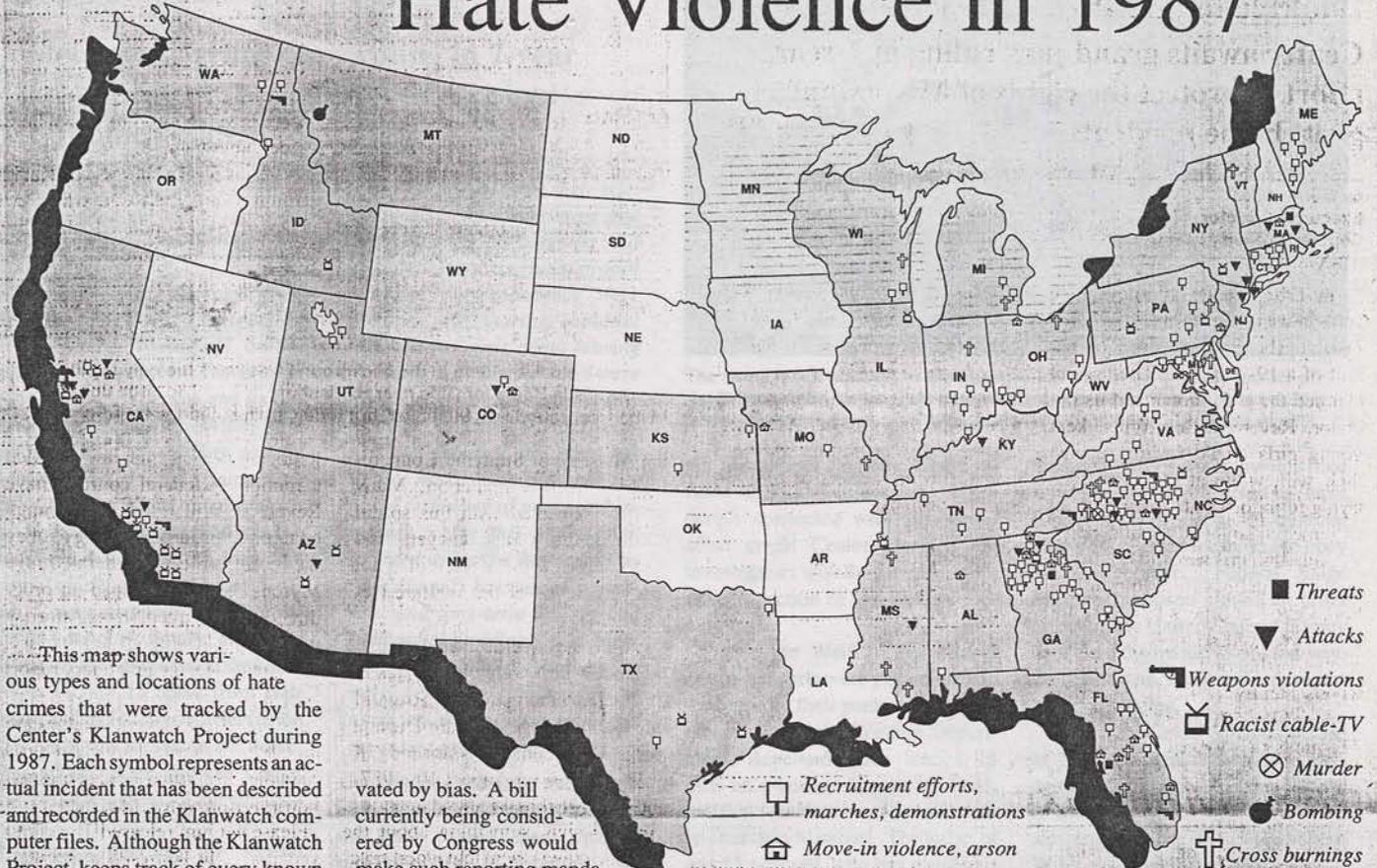
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Hate Violence in 1987



This map shows various types and locations of hate crimes that were tracked by the Center's Klanwatch Project during 1987. Each symbol represents an actual incident that has been described and recorded in the Klanwatch computer files. Although the Klanwatch Project keeps track of every known incident, no matter how small, it would be impossible to indicate on the map here all the incidents of minor vandalism and harassment which occurred throughout 1987.

How big a problem is hate crime in the United States? Coming up with precise data is impossible, because police agencies are not required to categorize crimes moti-

vated by bias. A bill currently being considered by Congress would make such reporting mandatory, but for now, the best data available is the data Klanwatch collects from newspapers, police reports, Center supporters and confidential sources.

The process of collecting data on hate crimes would be significantly improved by the Hate Crimes Statistics Act, a national bill sponsored by Rep. John Conyers (D-Mich.). That

bill would require the U.S. Attorney General to collect and publish data about crimes motivated by racial, religious, sexual orientation or ethnic prejudice.

Because crimes motivated by prejudice are directed not so much at individuals as a category of people, they threaten entire segments of a

community when they occur, and many people become potential victims. Special reporting procedures would enable police and community leaders to treat these incidents as a threat to the community itself, and to respond appropriately to individual victims as well as to the minority that has been targeted.

13 white supremacists acquitted

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jury's decision. Beam claimed victory over ZOG ("Zionist Occupational Government") and said "to hell with the federal government." Beam and the other defendants contended throughout the trial that government prosecutors were using McCarthy-era tactics to silence their unpopular views. At the rally, Beam said, "there are over 150 other political prisoners being held in ZOG's jails that need to be freed."

The day before its final verdict, the jury reported it was deadlocked on the sedition charges, after acquitting five defendants who were charged with conspiring to assassinate federal officials. U.S. District

Judge Morris Arnold told the jury to continue its deliberations, and it came back the next afternoon with acquittals on all counts.

Significance of Trial

On April 24, 1987, in what many called the most important legal challenge to the white supremacist movement, the government brought charges for the first time against leaders Richard Butler, Louis Beam and Robert Miles in connection with their white supremacist organizing.

In the year following their indictments, the defendants gained the support of a widely divergent, typically fragmented array of white supremacists around the country, from old-line Klansmen to young

neo-Nazi Skinheads.

Their acquittals will undoubtedly bring a unanimous cry of victory as well as a resurgence of activity among white supremacists who have been united in their support for the defendants but cautious about their own conduct in light of the indictments.

Summer is the season for Klan rallies and other white supremacist gatherings. The turnout at his year's Aryan Nations World Congress, set for July 15-18, will be one indication of the impact of the acquittals.

Pat Clark, head of the Klanwatch Project, stated that the not-guilty verdicts "may give it [the white supremacist movement] credence for a new flurry of activity."

But aside from the expectations of renewed recruitment energies,

there is an even graver concern that the violence which has characterized the movement will continue. The three acknowledged leaders of the movement are now free to continue preaching a revolutionary message which many say has led to violence.

Beam, for instance, who has produced the movement's most volatile writings, also conducted paramilitary training for Klansmen while he was a Texas Grand Dragon, established a computer network to link radical white supremacists around the country, and has issued repeated death threats to Southern Poverty Law Center Director Morris Dees. He was on the FBI's 10 Most Wanted List before his capture in November, but he has never been convicted of a violent crime.

Docket Update

Center awaits grand jury ruling in 7-year effort to protect the rights of Mississippi girls' home residents

by Morris Dees
Executive Director,
Southern Poverty Law Center

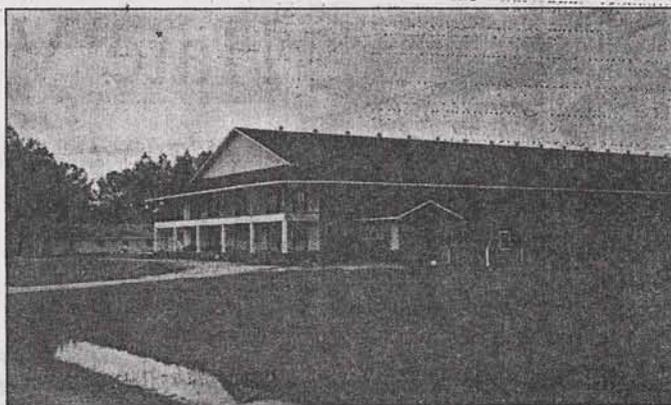
In 1981, Center attorneys filed suit against Bethesda Home for Girls in Hattiesburg, Mississippi, on behalf of a 19-year-old. The lawsuit claimed the girls' home and its operator, Reverend Bob Wills, kept young girls at the facility against their will, while at the same time trying to indoctrinate them with an extreme fundamentalist philosophy.

Although this case did not fit the normal guidelines for Center litigation, Center attorneys felt sorry for the 19-year-old's family, and, after reviewing the conditions at the backwoods facility 15 miles from Hattiesburg, they felt even sorer for the 75 young girls locked in the home. The federal judge allowed Center lawyers to represent all the girls in a class action lawsuit. After a lengthy preliminary hearing, the federal court made the following findings in May, 1982.

The rules of Bethesda included that girls were to remain at the home for one year; that they could not receive communications from outside persons, including their families, for three months; that they could not talk at all to other "new girls" at the home for three months; that they were not allowed to say anything "negative"

about the school; that their telephone calls were monitored and their incoming and outgoing mail censored, that is, unapproved parts of correspondence were "blacked out," that they could not talk to other girls about leaving the home; and that the rules were often and vigorously enforced by corporal punishment. As to corporal punishment, this court has so far heard extensive and detailed testimony of purported instances where this punishment, referred to by the home staff as "paddlings," has caused permanent and long-term bruises and even rectal bleeding. Also, there has been testimony that the girls were generally confined in the home which was locked from both the inside and the outside.

The home promised to change its strict rules, and not beat the girls. As the years passed, these promises proved empty. In February, 1987, Center attorneys obtained a court order, incorporating agreements by Reverend Wills, that would hopefully protect their girls' rights. This also proved illusory. In the meantime, the Mississippi Child Welfare Department took an active interest in Will's operation and raided the home, removing all 118 girls. They obtained a local court injunction insuring that the girls' rights would not be violated. On August 5, 1987,



The small block building in the background was once the only facility of the Bethesda Home for Girls near Hattiesburg, Miss. The large dormitory in the foreground was built later, but today, both buildings stand empty.

the Mississippi Supreme Court refused to lift this injunction. Many people connected with this sordid affair credit Center lawyers and investigators with the forceful, if not delayed, action of the Welfare Department.

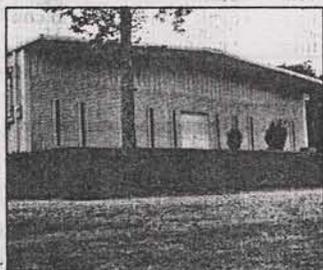
After the Welfare Department raid, a few girls were placed back in the home by their parents. To avoid monitoring by the Welfare Department, Reverend Wills loaded 18 girls on a bus on August 10, 1987, and fled with them to a fundamentalist church in Missouri. The father of one 15 year old, who had placed his daughter in the home thinking it was a good educational facility, contacted Center lawyers after his daughter attempted to contact him and was allegedly threatened with violence by home officials.

Center attorneys learned from this father that Reverend Wills had possibly not been following the federal court order, especially the part that required him to provide parents with a copy of the decree. On Sep-

tember 3, 1987, Center lawyers filed a motion in federal court to have Reverend Will cited for criminal contempt of court for failing to obey the court order. Federal Judge Myron Thompson signed an order directing the United States Attorney to present the matter to a grand jury. As of this date, the grand jury report is being awaited.

When the Center entered the case in 1981, Bethesda Home for girls consisted of a small block building. It was so crowded that girls were sleeping on the floor. Reverend Wills, with the help of fundamentalists around the nation, raised funds and built a large dormitory capable of housing 250 girls. Today, the entire Bethesda campus is abandoned and a local bank has foreclosed its mortgage. Hopefully no other young girl will ever have to undergo the torment and hell that this "Christian" home provided. Center attorneys were proud to have played a significant role in this lengthy litigation.

Mrs. Donald receives proceeds from sale of former United Klans of America headquarters



The former headquarters of the United Klans of America was turned over to Mrs. Beulah Mae Donald last May.



Mrs. Donald will use the proceeds from the sale of the headquarters to pay off the loan on the small home she purchased in Mobile.

TUSCALOOSA, Ala. — The former national headquarters building of the United Klans of America

has been sold for \$55,000. The building was surrendered last summer to Mrs. Beulah Mae Donald,

whose son Michael was lynched by members of the United Klans. The building was part of a \$7-million judgment awarded to her by an all-white jury in Mobile, Alabama, last February 13. Although the building was assessed on the tax rolls of Tuscaloosa County at \$113,000, and was probably worth substantially more, few potential buyers were attracted to the property because of its remote location and, possibly, because of its previous ownership by the United Klans.

The \$55,000 proceeds from the sale will, in part, be used by Mrs. Donald to pay off a \$37,500 interest free home loan which was arranged for Mrs. Donald by the Southern Poverty Law Center last November. This loan enabled Mrs. Donald

to purchase a small home, the first she has ever owned.

Only a fraction of \$7-million judgment likely to be collected

Although the Mobile jury determined that Mrs. Donald had suffered \$7-million in damages because of the loss of her son at the hands of Klansmen, she has collected only a tiny fraction of this amount. The proceeds from the sale of the United Klans headquarters is the largest single amount she has received. The Klan headquarters building represented the only known substantial asset possessed by the United Klans of America. As for damages paid to her by the individual Klansmen found guilty in this case, Mrs. Donald has received less than \$3,000.