

LAW REPORT

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

May 1990

Center Evidence Convicts Three Texas Lawmen

Killers of Loyal Garner, Jr., are at last brought to justice

TYLER, Tex., May 3 — Three white East Texas lawmen were found guilty of murdering Loyal Garner, Jr., a black man from a small Louisiana town. Mr. Garner was a 34-year-old truck driver who had never been in trouble with the law. On Christmas Day in 1987 he crossed the border into Texas to help a friend with car trouble. He was arrested on a traffic charge and taken to a county jail in Hemphill, Tex., where the three lawmen beat him unmercifully. Mr. Garner died two days later in a Tyler, Tex., hospital. He left behind his wife of fourteen years, six young children, and his mother and father.

Center Files Suit;

Lawmen Sue Center

On January 19, 1988, the Center filed a federal civil action for the Garner family against the three lawmen, the local county government, and the City of Hemphill. While the Center's suit was pending, the



Loyal Garner, Jr. ...

... husband and father of six, was murdered in the Hemphill, Tex., jail on Christmas Day in 1987.

three lawmen were tried and acquitted of state charges of violating Mr. Garner's civil rights. Many ob-

servers at this trial, held in Hemphill, felt the proceedings were stacked clearly in the lawmen's favor.

After their acquittal, two of the lawmen filed a civil action against Center attorneys and the Center itself. The lawmen claimed that Center attorneys had conspired with two persons in Texas to frame them. A federal judge ruled that this suit was a transparent effort to interfere with the Center's case on behalf of the Garner family and he put the lawmen's suit on hold.

Center Investigators Find Crucial Evidence

Center investigators found key evidence against the lawmen that had been unavailable to the prosecutors in the Hemphill trial. On the eve of the Center's civil trial, the three lawmen

and the county settled. (The City had settled its portion of the case earlier.) Mrs. Garner's future and that of her children was financially secure, but the three lawmen who beat her husband to death were still free.

Armed with Center evidence, prosecutors in Tyler, Tex., where Mr. Garner died, filed murder charges against the lawmen. At the trial, Dr. Ronald Donaldson, who treated Mr. Garner, said the power of the blow that killed him had the same force as that needed to hit "a center field fly" ball with a baseball bat. An all-white jury found the three lawmen guilty of murder. Thomas Ladner, the 42-year-old former police chief of Hemphill, was sentenced to 28 years in prison. James Hyden, 35 years old and a former sheriff's deputy, was sentenced to 14 years. Billy Ray Horton, 59 years old and also a former sheriff's deputy, was sentenced to

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Metzgers Fail to Stall Lawsuit



Tom and John Metzger

PORTLAND, Ore. — In spite of efforts to stall the civil suit accusing them of encouraging Skinheads to commit acts of violence against minorities, White Aryan Resistance leader Tom Metzger and his son John are now scheduled to go to trial in Portland, Ore., on October 8th. The lawsuit was brought by the Southern Poverty Law Center and the Anti-Defamation League of B'nai B'rith on behalf of the relatives of Mulugeta Seraw, an Ethiopian man murdered in Portland in November 1988. Three Skinheads pleaded guilty to the crime. In the civil suit, the plain-

tiffs contend the Skinheads were acting under the guidance of Tom and John Metzger. The trial date was set after several failed attempts by the Metzgers to block the case. In January 1990, Tom Metzger filed a motion in Oregon state court to have the suit dismissed against him, claiming that the court did not have jurisdiction over him and that the plaintiffs had insufficient grounds to hold him responsible for the slaying.

The motion to dismiss was denied in March after Center attorneys presented evidence linking Metzger to the Skinheads who ad-

mitted killing Seraw in November 1988. That evidence included a statement from former WAR member Michael Barrett, a Skinhead who went to Portland to organize the East Side White Pride Skinheads, and who met with Seraw's killers on the night of the murder. "We told them to use violence if they got an opportunity, and to be sure and beat the hell out of the enemy," Barrett's statement read.

"We were telling them what Tom and John Metzger told us to say to Skinheads we were organizing."

Barrett said he and Dave

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Three Texas Lawmen

(continued from page 1)

10 years in prison. All three said they will appeal their convictions.

Although many whites in Hemphill are upset by the portrayal of their town as a pocket of unreconstructed racism, one citizen recently let a *New York Times* reporter know in chillingly blunt terms that he felt nothing wrong had happened in Hemphill.

"You all keep writing about a brutal beating," he said to the reporter. "I'd say it would take more than three licks to the head to make a brutal beating. Far as I'm concerned, it's just another dead nigger."

Metzger Trial

(continued from page 1)

Mazella, National Vice President of John Metzger's Aryan Youth Movement stayed in close contact with the Metzgers and told them of the murder before the defendants were arrested.

John Metzger, in an attempt to escape liability, filed for protection under a little-used provision of the bankruptcy law. The bankruptcy court denied John Metzger's petition, however, saying he did not qualify under the special section. He has filed again for bankruptcy, this time under a section of the law that will not protect him from liability.

Tom Metzger, in the meantime, tried to protect his own assets by deeding his home over to his wife. A California court has enjoined this transfer as fraudulent.

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The Law Report is published by the Southern Poverty Law Center, 400 Washington Ave., Montgomery, AL 36195

Law Center Reaches Historic Pact With City of Selma

SELMA, Ala. — Located in Alabama's Black Belt, an area of rich black soil and a heavy concentration of blacks, the City of Selma has seen some of the worst racial strife between white lawmen and minorities in the history of the civil rights movement. It was in Selma, on the Edmund Pettus Bridge, that white Alabama state troopers on horseback beat peaceful black demonstrators with clubs on Sunday March 7, 1965. The resulting national outcry sparked passage of the landmark Voting Rights Act of 1965.

Racial Discrimination In Law Enforcement

Twenty-five years after "Bloody Sunday," Law Center attorneys found that racial discrimination still infected law enforcement in Selma. Some blacks had been hired in the City's police force, but City employment practices continued to bar most black officers from reaching the upper ranks. To attack these practices, Center attorneys filed suit against the City of Selma on behalf of a class of black officers in federal court in Mobile, Alabama.

To Center attorneys, the Selma case was important not only because of Selma's historical significance in the civil rights movement. The challenge also fit the Center's long-standing goal of eradicating discrimination in law enforcement. The Center has focused on discrimination in law

enforcement for two reasons. First, it has been committed to protecting minority employment rights in high profile jobs affecting the public trust. Second, Center attorneys have contended that a police force integrated at both street level and in the upper ranks — thus reflecting the community it serves — is less likely to commit acts of brutality against blacks and other minorities.

The Center waged its most prominent battle in its war on racial discrimination in law enforcement against the Alabama state troopers. Before the Center filed suit, the all-white trooper force lived under and enforced a regime of segregation and violence throughout the state. As a result of the Center's efforts — including a pathbreaking victory in the United States Supreme Court — many blacks now serve proudly as Alabama state troopers in the upper trooper ranks.

The Center's lawsuit on behalf of the family of Loyal Garner, Jr. tackled the problem of racially-motivated violence by white lawmen from a different direction. (See story on page 1). Garner, a black man from a small Louisiana town and a model citizen, was fatally injured on Christmas Day in 1987 in a jailhouse attack by three white East Texas lawmen. Determined to set an example for law enforcement officers in small towns through-

out the South, the Center sued the three lawmen and the local governments that employed them. After a long and complex court battle, the Center hammered out a settlement which will insure the financial security of Mr. Garner's widow and their six children for life. Just this month, with the help of evidence unearthed by Center investigators and attorneys, the three lawmen were convicted on murder charges in a Texas state court and sentenced to long prison terms.

"Equal Opportunity for Qualified Black Police Officers"

The scope of the Selma suit was narrow, but the terms of the pact are sweeping. The suit directly attacked only the procedures for selecting sergeants. But, in the face of the lawsuit, the City agreed to scrap all current hiring and promotion procedures at every rank. The old procedures will be replaced by unbiased procedures to be developed by the Center's outside expert. The City also will promote three qualified black officers to sergeant within the next sixty days. Center Legal Director Richard Cohen said that the agreement will "ensure equal opportunity for qualified black officers in Selma. It also will reduce racial tensions within the police department and between the department and the public."



SPLC
Mailbox

You can't imagine the overwhelming joy I felt when I heard Dan Rather on the Evening News report that the three lawmen that caused Loyal Garner's death had been convicted. I give you the "Numero Uno" credit for this decision. Thank you!

— J. Reese
Florida

Mr. Seraw's death, as any needless, cruel act would, arouses deep anger and deep sorrow. These Oregon Skinheads are just a tiny reflection of an enormous monster. Racism seems to be larger than ever. I know that retaliation is not the answer. The

answer is when all men find in their hearts the need to be kind and fair. Stop the Klan. Put W.A.R. and all the hate groups out of business

— J. Braus
California

Last week, I had the grim pleasure of attending one of the outstanding productions of the Ashland, Oregon, Shakespeare Theater. The play, *God's Country*, deals with the assassination of Alan Berg in Denver. I was delighted, but also stunned, to hear your name [Morris Dees] mentioned during the play as one of the targets for assassination of one hate group. Of course, this is not news to either you or me. What may be news to you is that your name comes up in every performance, here in the City of Ashland, Oregon, so far away

from Montgomery, Alabama. I take this to mean that your notoriety among your enemies, as portrayed in this production, mirrors your success and the success of the Southern Poverty Law Center in fighting racism.

— Judith Stevens Namekawa
Oregon

I wish you luck with winning the case against skinheads and Metzger. That name in German means *Butcher*. I am an Ukrainian and I know about persecutions and being different. Some Germans told us that when they win the war, they'll marry Ukrainian girls to bring new blood into the German race, but the men will either be killed or made slaves. So I feel very strong about racism and everything associated with it.

— H. Korstka
Minnesota

Klansmen Sued by Center Attend Human Rights Seminar Conducted by Dr. Lowery

Birmingham, Ala. — On May 12, four former members of the Ku Klux Klan met with black civil rights leaders as part of a unique and historic federal court settlement developed by the Southern Poverty Law Center. On May 26, 1979, these same Klansmen, along with 100 others, attacked peaceful civil rights marchers in Decatur, Ala., with bats and ax handles.

The incident led to the formation of the Center's Klan-

watch Project, which filed suit against the Klansmen on behalf of the marchers. As part of a settlement of the Center's suit, five of the Klansmen agreed to attend a two-hour course on race relations and prejudice. Morris Dees, co-founder of the Center and its Executive Director, said that the idea behind the course was to "get some of the officials of the march and some of the Klansmen to sit down and talk....Once you start talking, you're not inclined to hit someone over the head with a stick."

The legal settlement developed by the Center also requires the Klansmen to pay \$11,500 in damages, perform community services,



Photo by Christopher Bell

Before...

Eleven years ago, when Klansmen attacked peaceful civil rights marchers in Decatur, Ala., Terry Tucker was a commander of the Klan's Special Forces. At a secret Klan paramilitary camp, he and others prepared for what they called "the coming race war."

and refrain from harassing blacks or joining any white supremacist group for up to ten years.

Center Perseverance Kept Case Alive

The FBI had dropped the case when it could not find sufficient evidence to convict the Klansmen of civil rights violations, but the Center continued to pursue the case. Through painstaking photo reconstruction research, Law Center investigators were able to identify nearly 100 of the attackers. The evidence gathered by the Center was handed over to the FBI and, in 1984, 10 top Alabama Klan leaders were indicted on charges of violating the marchers' civil rights.



Photo by Elizabeth Johnson

After...

On May 12, 1990, former Klansman Terry Tucker stands with civil rights leader Rev. Joseph Lowery (left). Tucker said he "learned a lot" at the human rights seminar conducted by Rev. Lowery. "In the past," said Tucker, "we went about things in the wrong way."

In 1989, nine Klansmen were convicted of criminal charges stemming from the attack. Two of the Klansmen attending the race relations seminar, former Knights of the KKK Grand Dragon Roger Handley and former commander of the KKK "special forces" Terry Tucker, were sentenced to brief stays in federal prison.

"I Think We All Felt The Presence of God."

— Rev. Joseph Lowery

One former Klansman, Derane O'Neil Godfrey, failed to show up for the seminar, and former Grand Dragon Roger Handley called the seminar "a waste of two hours of my time." But the other three Klansmen attending strongly indi-

cated that they were touched by Dr. Lowery's message about "the oneness of the human family" and "the futility of violence."

After the seminar, former Klansman Doug Berryhill said, "I learned quite a bit. I think it was very productive."

Terry Tucker, a former leader of the Klan's paramilitary forces, said "I think it taught me that you can solve problems by sitting down

and talking."

All four attending Klansmen were subdued at the start of the meeting, but at the end all but Roger Handley joined hands with the SCLC members for a closing prayer.

"I'm overwhelmed," said the Rev. Lowery after the meeting. "I can't tell you what a tremendous experience it was. I think it was a courageous thing for them to stand up and say they had been wrong. I think we all felt the presence of God."

Rev. Lowery was accompanied by Evelyn Lowery, his wife; staff assistants Ralph Worrell and R.B. Cottonreader; Rev. John Nettles and Rev. Abraham Lincoln Woods.

Center's Efforts Inspire Two Motion Pictures

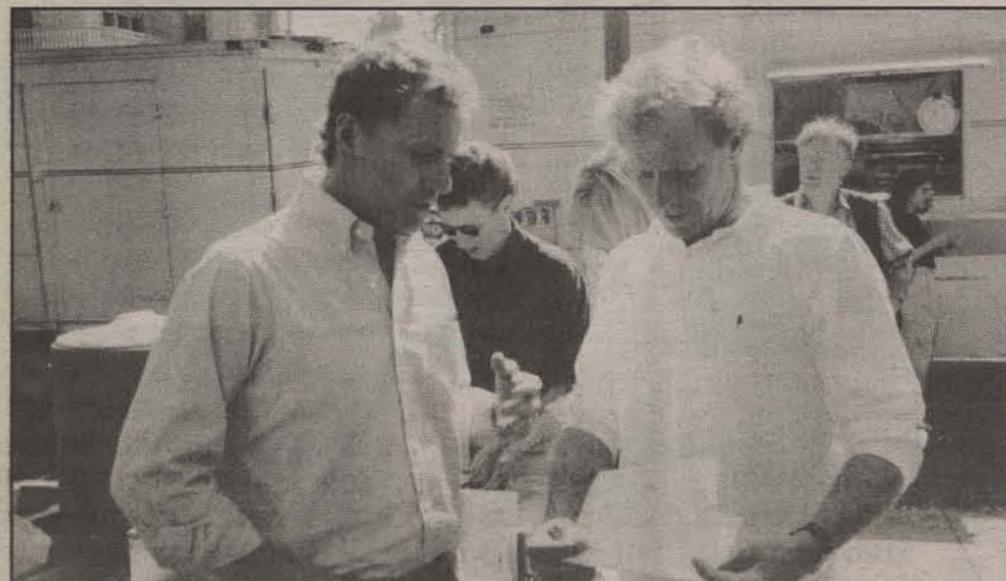


Photo by Linda Talley

L.A. Law Meets AL(abama) Law

Center co-founder Morris Dees (left) talks with Corbin Bernsen, star of "LA Law" who plays the role of Morris Dees in the upcoming NBC TV movie "A Season for Justice."

LOS ANGELES, Calif. —

The Center's accomplishments have inspired two upcoming made-for-television movies.

NBC TV

Production began April 23, 1990, on an NBC movie about the Center and its co-founder and Executive Director, Morris Dees. The movie focuses on the Center's efforts to stop Klan violence and the effect this work had on the personal life of Mr. Dees, portrayed by Corbin Bernsen of the well-known television series "L.A. Law." Entitled "A Season for Justice," the film is scheduled to air this fall.

CBS TV

CBS has plans for a movie of the week about involuntary sterilization. It will include the story of Minnie and Mary Alice Relf, two young black women who were only 14 and 12 at the time they were sterilized against their will by a Montgomery family planning clinic. The Center represented the Relfs in a 1974 federal lawsuit which resulted in the landmark ruling that HEW had no authority to sterilize minors or mental incompetents against their will through its family planning programs.

Hate Crime Statistics Bill Is Law



Los Angeles Times Photo

Spray-Painted Hate

The House of Israel in San Diego, Calif., was defaced by anti-Semitic vandals. The newly passed Hate Crime Statistics Act now requires the U.S. Department of Justice to collect statistics on hate motivated crimes like this.

WASHINGTON, DC — The Center's Klanwatch has been a long-time advocate of a hate crime statistics bill. "Without accurate statistics, it is difficult to convince legislators and law enforcement that there is a problem," said Klanwatch Director Pat Clark. Unofficial data collected by Klanwatch has shown a striking rise in hate crimes during the past two years, but until

now there has been no official system for counting such crimes.

But on April 4 a nationwide effort to monitor bias crime was set in motion when Congress passed The Hate Crimes Statistics Act. The law requires the U.S. Department of Justice to collect statistics on crimes motivated by race, ethnic background, religion or sexual orientation, as part of its regular crime

data collection.

The bill was passed by wide margins in the House and Senate, and had the early support of Bush administration officials, who said the law would help law enforcement agencies respond more effectively to hate crime.

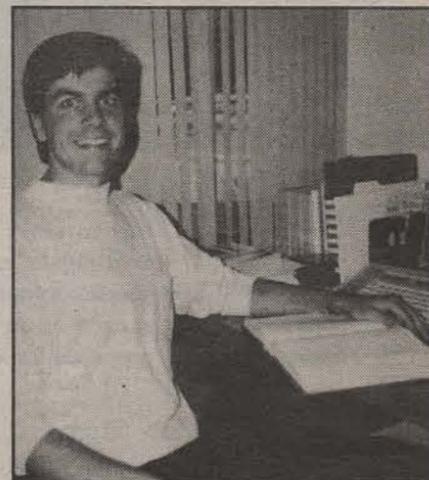
"Not only will the Hate Crimes Statistics Act give law enforcement a clearer picture of hate crime around the country," said Klanwatch Director Pat Clark, "but it will bring renewed national attention to a problem that has reached a crisis stage and offer a measure of encouragement to victims of such crimes."

From a local law enforcement perspective, the bill "does two things," said Col. Leonard Suspenski, chief of the Baltimore County Police Department's Crime Prevention Bureau. "It gives you tactical information, what is happening and where it is happening, so you can deploy your resources more effectively. And it gives you a strategic data base so you can plan preventive strategy like town meetings or support for a family that is moving into a neighborhood."

Undergraduate Makes His Own Dreams Come True

MONTGOMERY, Ala. — David Erickson was at his home in Yorba Linda, Calif., preparing to return to Dartmouth College when he saw a cover story in the *LA Times Magazine* about the Southern Poverty Law Center's founder Morris Dees.

Fascinated by the way the



David Erickson

Center uses the law to defend the rights of others, Mr. Erickson decided to call up the Center and see if there was anything he could do to help.

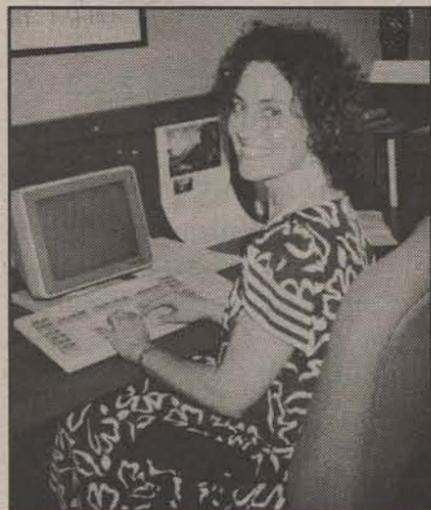
He is now at the Center doing research for the Legal Department and research and data entry for Klanwatch. He will be there until June 22nd.

Mr. Erickson has many ties to Alabama. His mother is from Birmingham and, in the 1920s, his great aunt was the state's first female Assistant Attorney General.

Mr. Erickson has found working at the Center "a great educational experience" and it has solidified his decision to attend law school after graduation from Dartmouth next year.

Center Supporter and Former Civil Rights Worker Is Newest Center Staff Attorney

MONTGOMERY, Ala. — One of the driving forces in Abigail van Alstyne's life has been a deep interest in protecting the rights of others. In 1966, she worked in the civil rights movement registering black voters in Mississippi. She



Abigail van Alstyne

later attended Boston University Law School, and immediately after graduation returned to the South to work for the Alabama Legal Services Corporation.

Ms. van Alstyne has long been familiar with the work of the Center. In 1974, she began to send a

monthly pledge to support its work, and she has been a regular reader of the *Law Report*. She had recently completed her clerkship with John Carroll, a federal magistrate and former legal director of the Center, when she was offered a position as a Center staff attorney to work on a prison conditions lawsuit involving inmates at Kilby Correctional Center.

"I'm a longtime admirer of

the Center's efforts, and was very pleased to be given the chance to work here," she said recently.

Inmates in the Kilby prison segregation unit may also be glad she came to the Center. For months at a time, they spend 23 hours a day in 5' x 8' cells without reading materials. Ms. van Alstyne and the Center are the prisoners' only hope to win humane conditions.

The Law Center Fund

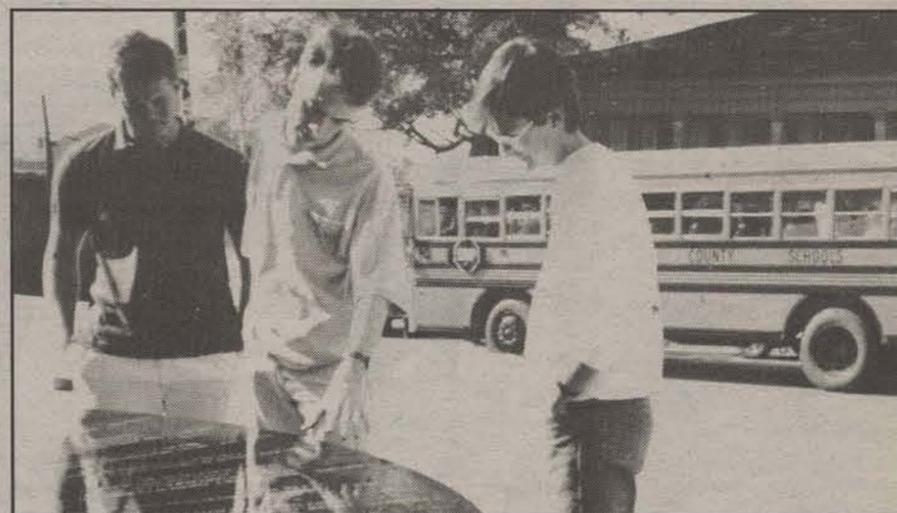
A way to help more than you thought you could

If you have ever wished you could do even more to advance the Center's work, but didn't think you had the means, there is something you should consider. You do have it within your power to play an important part in assuring the Center's ability to fight injustice for years to come.

You can do it by remembering the Center in your will.

For more information, write:

The Law Center Fund
Southern Poverty Law Center
Attn: JoAnn Chancellor
400 Washington Avenue
Montgomery, AL 36195



Students Visit Civil Rights Memorial

Since it was dedicated last November in front of the Southern Poverty Law Center, from 300 to 500 people have visited the Civil Rights Memorial every day. Many are school children who, for the first time, learn about the sacrifices made by those who lost their lives during the civil rights movement.