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A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

Volume 3 Number 4 A publication of the Southern Poverty Law Center September 1975

'The people set me free'

RALEIGH, N.C. – Crediting her supporters for her acquittal, Joanne Little walked out of the Wake County courthouse here Aug. 15 a free woman, her year-long struggle for her rights and her life over at last.

It took a jury of six blacks and six whites one vote and less than an hour and a half to find her not guilty of the Aug. 27, 1974, slaying of white Beaufort County jailer Clarence Alligood.

"It was not the system, it was the people who set me free," Ms. Little said after the verdict.

And though it was obvious from the beginning that the North Carolina prosecutors had no case against her, it was indeed the support of thousands of men and women across the country who made Ms. Little's acquittal possible. Because of its racial and sexual overtones, her case drew wide and sympathetic attention, producing demonstrations and petitions of support for Ms. Little from feminist and minority groups.

More importantly, persons of all persuasions donated money to her defense, making it the finest available. The Southern Poverty Law Center underwrote nearly all of the $250,000-expenses in Ms. Little's case. Those funds provided Ms. Little with such sophisticated defense tools as extensive attitudinal surveys, jury selection experts, experienced investigators and criminologists, and specialized attorneys – all necessary for a proper defense when the state was prepared to spend whatever it took for her conviction.

Without her supporters and their contributions, Joanne Little could well be on North Carolina's already crowded death row today.

The Little defense team's first victory in gaining acquittal for its client was winning a change of venue last spring. After the defense presented the court with detailed information documenting strong racial prejudices and discrimination in Beaufort and surrounding counties, a judge ruled that Ms. Little should be tried in Raleigh, North Carolina's capital, in order to receive a fair trial.

Another important achievement for the defense was the careful selection of the jury. The 12 jurors – seven women and five men – each met the strict criteria for fairness and impartiality worked out by a team of jury selection experts.

But the defense's major advantage throughout the trial was the prosecution's incredibly weak case. Witness after witness revealed that the state had bungled its investigation from the moment Alligood's body was discovered, nude from the waist up, in Ms. Little's empty cell. And not a single state witness gave testimony which was damaging to Ms. Little's contention that Alligood had forced her to perform a sexual act.

The jury never seriously considered Ms. Little was guilty, a jury member said after the trial. "The burden of proof was on the state, and they didn't come close," he said. Yet the prosecution persisted in its efforts to convict.

At the close of the five-week trial, Ms. Little took the stand to describe to a hushed courtroom how Alligood held an ice pick at her head while he forced her to perform oral sex on him. When his grip on the pick loosened, Ms. Little said she was able to grab it. She stabbed him, fled the jail, and surrendered eight days later.

Prosecution attorneys attempted to show that Ms. Little had lured Alligood into her cell, having plotted his murder and her escape, but they were completely unsuccessful.

After the state rested its case, the judge ruled the state's case was insufficient to support a charge of first-degree murder and reduced the charge to sec-

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Wide World Photos

Center president Julian Bond meets with Ms. Little

Trouble plagues attorneys

RALEIGH, N.C. – Joanne Little won her freedom, but two of her attorneys found themselves in serious trouble because of the North Carolina judiciary's harsh attitude toward her defense efforts.

As soon as the jury returned its not guilty verdict, Wake County Judge Hamilton Hobgood ordered chief defense counsel Jerry Paul to immediately begin serving a two-week sentence for comtempt of court. Hobgood accused Paul of making improper remarks in the early days of the trial, but he did not permit him even a hearing before sending him upstairs to jail.

In the third week of the trial, Hobgood ejected Southern Poverty Law Center attorney Morris Dees, and the Wake County district attorney falsely charged him with the crime of attempting to get a witness to lie. This trumped-up criminal charge was dropped four days later, but Hobgood refused to allow Dees to re-enter the case.

Paul through the efforts of Dees and his fellow defense attorneys, was released five days after his imprisonment. He now faces a trial on the contempt charge and possible disbarment if he is convicted.

The Southern Poverty Law Center will take whatever steps necessary to prove that Paul's remarks were within legal bounds, appealing to the federal courts if North Carolina courts fail to free him of the contempt charge.

Court finds continuing prejudice

MONTGOMERY, Ala. – In February 1972, a federal court judge here ordered the Alabama Department of Public Safety to hire one black for every white until its state trooper force was 25 per cent black, the black percentage of Alabama's general population.

It was the first time specific population ratios were used in ordering a governmental agency to desegregate.

Last month, that same judge – U. S. District Court Judge Frank M. Johnson, Jr. – issued a supplementary order at the request of Southern Poverty Law Center attorneys to enforce his earlier ruling. He said the state had frustrated the 1972 order by diverting or refusing to spend funds which could have been used to hire new personnel.

The order found that Alabama Gov. George C. Wallace and his aides were in effect guilty of continuing to engage in "a blatant . . . pattern and practice of discrimination in hiring" state troopers.

Noting the attrition rate of blacks already hired, Johnson also warned the Department of Public Safety that it had an obligation not only to hire blacks, but to retain them.

Despite the 1972 order – the result of a Law Center lawsuit – state officials have not come close to the 25 per cent mandate. Instead, Johnson found that the state had deliberately stalled in implementing his order, and had artificially restricted the size of the trooper force in doing so. Rather than hire needed new troopers – with money allocated by the Alabama legislature – the Department of Public Safety returned over $3 million in unspent appropriations to the state's general fund.

In the same order, Johnson refused to drop Gov. Wallace as a defendant in the case, saying that the governor was "clearly" a necessary party if the order is to be fully implemented. The governor has ultimate authority for releasing certain appropriated funds, and he also controls the hiring of new troopers, the judge said.

At the time of the 1972 order, the dircetor of the Department of Public Safety testified that there was a critical shortage of troopers, and that at least 100 additional troopers were needed immediately. A special bill was passed by the legislature to provide funds for hiring these additional troopers.

Yet fewer troopers were hired each year after the court order than had been hired annually prior to the order just to cover normal attrition.

As a result, the size of the force shrunk from over 625 troopers to about 520.

The state not only was reluctant to hire black troopers, those it did hire were often subjected to social and official discrimination, causing many to leave their positions because of the pressure. Sometimes other than the best qualified blacks were hired because public safety officials knew they wouldn't be able to meet the standards required for permanent employment.

Between February 1972 and September 1974, 40 black troopers were hired. At the time of a court hearing Sept 26, 1974, only 27 remained on the force.

During the same period, 29 white troopers were hired, all of whom remained on the force.

Poverty Law Center attorneys, noting the discrepancy, asked Johnson to issue an ordering prohibiting the hiring of additional white troopers until the force was 25 per cent black, but the judge refused to do so.

Instead, he reiterated and emphasized the portion of his earlier order which said that the state was enjoined from failing to hire and "permanently employ" after the probationary period one black for each white hired.

Johnson still has under advisement a motion by Law Center attorneys asking for a revision of the employment criteria and tests used by the Department of Public Safety. Center attorneys claim that tests currently used are discriminatory.

Discriminatory referrals halted

MONTGOMERY, Ala. – Alabama welfare department officials may no longer refer neglected and orphaned children to segregated institutions, a federal court judge here recently ordered.

The ruling came in a class action suit brought over two years ago by Southern Poverty Law Center attorneys against the Alabama Department of Pensions and Security and six child-care institutions on behalf of Emmett Player, a homeless black child who, at age 10, was committed to a reform school because there was no place for him in a state orphanage.

Alabama operates no state-owned child-care facility, and the two private shelters which would accept black children had no room for him. The state's other licensed institutions which could have given him a home accepted only white children.

Although reform school inmates usually remain there for less than a year, young Player was left nearly five years. State DPS workers made no attempt to locate relatives who might have cared for him nor did they try to place him in a decent foster home environment, despite repeated pleadings by a reform school administrator. Only after the Center filed its suit was an aunt located and Emmett released.

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

The situation is similarly harsh in other southern states where the fundamental welfare of black children has largely been ignored. The Law Center recently began working with Georgia attorneys on a case in that state which parallels the Player suit.

* * *

Alabama's orphanages, most church-associated and all privately owned and operated, must meet state licensing standards even though they are private institutions. Furthermore, each home's livelihood depends almost exclusively on stipends provided through DPS referrals.

The evidence in the suit clearly showed that – with limited exceptions – DPS maintained a policy and practice of referring black children only to all-black or to the two already integrated child-care homes. The all-white homes housed over 700 children; the all-black and integrated ones less than 100.

In 1970, under prodding from the U. S. Department of Health, Education and Welfare, DPS announced it would thereafter refer children only to homes in compliance with the Civil Rights Act of 1964, homes which had agreed to accept children without regard to race.

The DPS announcement, however, did nothing to desegregate orphanages and provide equal facilities for black children. DPS considered a home to be in compliance with the Civil Rights Act merely when the home signed a declaration that it was in compliance. The state never investigated a home to determine if it actually operated on a nondiscriminatory basis.

The evidence also demonstrated that while many of DPS's referrals to noncomplying institutions were open and direct, others were secretly made, often effected through a minister or family member – through a telephone call or a letter.

U. S. District Court Judge Frank M. Johnson's recent order enjoins state officials from either a direct or indirect referral to a home which is not certified as having a nondiscriminatory admission policy. It also provides that DPS must conduct periodic reviews to insure that no state or county agent violates the order. And the state may not provide – directly or indirectly – any state or federal funds to any child-care institution unless it has been certified, after full investigation, that the home accepts applicants or referrals without regard to race.

The order, though preventing further expenditure of public money at a segregated orphanage, does not force the state to provide homes for homeless black children as sought by Law Center attorneys. Johnson refused to order desegregation of the state's private orphanages. The Center will appeal that portion of his decision.

Attorney joins Law Center staff

John Carroll, a Washington, D.C., native, joined the Southern Poverty Law Center this summer as a full-time staff attorney.

A magna cum laude graduate of Cumberland Law School at Samford University in Birmingham, Ala., he obtained a master's degree in law this spring from Harvard University.

Carroll, 31, came to work at the Law Center because of his keen interest in civil rights litigation, both from a legal standpoint and as a vehicle for accomplishing worthwhile ends.

Especially interested in upgrading prison conditions, Carroll did a comprehensive study of Alabama's correctional system for the state's bar association while in law school. He also co-founded Bracelets, Inc., an organization established to involve "free world" individuals with inmates, primarily through letters and visits.

Also while in law school, Carroll worked full-time as a legal intern with the Equal Employment Opportunities Commission in Birmingham.

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Mentally ill woman faces retrial

Tulsa Tribune

Jail matron (from left), Ms. Hall and her sister

TULSA, Okla. – Obsessed with the idea of an impure and corrupted world, Dahlia June Hall last October shot to death her two young children so they would "be close to God."

Then she crawled into the bed between them and shot herself twice in the chest. Five days later, she was found by relatives, gravely wounded and still lying between her dead children.

The state of Oklahoma charged Ms. Hall with first degree murder under a statute which would provide for her execution if convicted, despite strong evidence that she was psychotic and mentally ill when she killed her children.

After a six-day trial in April, a jury reported itself hopelessly deadlocked, and the judge declared a mistrial.

Now Ms. Hall may face another agonizing trial, again with the threat of the electric chair if she is convicted. The Southern Poverty Law Center has pledged its full support to prevent the execution of a woman who was clearly insane at the time of her act, and is working closely with Tulsa County public defender Terril Corley who was appointed to defend the indigent Ms. Hall.

The Center will spend all the money necessary to provide expert witnesses who can convince a jury of Ms. Hall's illness.

"At the time this act was committed, June was insane by any definition of the law," Corley says emphatically. Testimony from psychiatrists confirm that opinion.

Dr. R. D. Garcia, chief psychiatrist at Oklahoma's Eastern State Hospital, testified that Ms. Hall was "definitely psychotic" when she shot and killed the children. "She said she loved the children and that's why she did it," he said. In her mind, the world was corrupted and impure, Dr. Garcia said, and ending her children's lives was a shortcut to getting them close to God.

Dr. Garcia said the psychotic evaluation was the unanimous decision of a four-person medical staff at the hospital.

Two other psychiatrists said that Ms. Hall's only regret was that her attempt at suicide had failed. They indicated she was extremely depressed after the incident because her life had been spared, and that she could easily attempt to kill herself again if given the opportunity.

Friends and relatives testified in her first trial that Ms. Hall was a conscientious, devoted and loving mother with well disciplined children who were very close to her.

Ms. Hall worked as a licensed practical nurse, and one of her supervisors said she spoke constantly of her children. A day care center worker said Ms. Hall "was the most conscientious mother of all the children that I have taken care of."

Yet June Hall, 33, had a long history of mental distrubance. During her first trial, her sister, Jane Colbert, testified their father was "mean," and her parents were divorced when she and June were very young.

Tears came to Ms. Colbert's eyes as she described her sister's tragic first marriage at the age of 16. June's young husband burned to death in a gas explosion two months after they were married, and Ms. Hall was with him when he died.

Ms. Colbert said it took her sister four years to recover from a grief which consumed her life. She visited her dead husband's grave daily and seemed unable to shed her mourning.

A few years later the young widow married Robert Hall, and Ms. Colbert described her as very happy when she was pregnant with each of the two children, Julie and Benjamin.

After 10 years of marriage, Hall left his wife and children and disappeared for three months. When he returned, he asked for a divorce.

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Tarboro men freed from N.C. jail

TARBORO, N.C. – "We came out laughing and looking all around. It'd been so long . . . ," Vernon Brown said.

Two years and eight days behind bars, much of it on death row, was indeed a long time for Brown and his friends Jesse Lee Walston and Bobby Hines.

At 9 a.m. Monday, Aug. 18, they walked out of the Edgecombe County jail, free men for the first time since their arrest on a rape charge in August 1973.

"It just feels so good to be home. At first I didn't know how to act, but now I'm adjusting," Brown said a few days after the release.

The three young black men – sometimes called the Tarboro Three – were convicted of raping a white woman in December 1973 and sentenced to die. The Southern Poverty Law Center learned of their plight and carried their appeal to the North Carolina Supreme Court which ordered a new trial.

They were freed last month in accordance with a court settlement worked out last May as a re-trial of their case began.

Walston told a reporter that even while on death row he felt he would eventually be freed. "I always felt we would get out because I knew we were innocent," he said.

Walston has returned to Washington, D.C., home where his former employer, The Hecht Co., has held his job open for his return.

Brown plans to re-enroll in an automotive repair class at the Edgecombe County Technical Institute here.

Joanne Little

(Continued from page 1)

ond-degree murder.

Since her trial, Ms. Little has spent her time relaxing, occasionally lecturing about her ordeal, and wondering about her future.

Her legal troubles are not over. She remains free on a $15,000 bond while her attorneys appeal a breaking and entering conviction which landed her in the Beaufort County jail to begin with. The North Carolina Court of Appeals has set Sept. 23 as the date for arguments in that appeal. Normally, the court rules a month to two months after hearing oral arguments.

A letter from Joanne

The following is a letter Joanne Little wrote to Georgia Senator Julian Bond, who is president of the Southern Poverty Law Center, while her trial was in progress. Bond attended a portion of the trial.

July 28, 1975

Dear Mr. Bond,

I'm not too good at expressing my feelings . . . so I use the next best thing – write. I really appreciate all the help that your law firm (Southern Poverty) has given me in past months. If it had not been for you and the dedicated work of your people – concerned citizens around the country. As I sit here today and watch the people that fill the courtroom – I can feel the love and decency trying to seep through the "filth and scum" of this earth . . . I have to be strong – I've come this far and through the worst whenever I feel that I am being treaded on I will fix my eyes on some warm being and loving person. Through these last days I found certain things within myself that I thought I never had. This is finding "inner peace" within oneself.

So again, Mr. Bond, I feel compelled to stress the importance of your presence and again I will say, say thank you for your help. I will never be able to repay the kind of support and concern I've received in the past months.

Sincerely,
Joanne Little

Mother loses son; Center sues

MONTGOMERY, Ala. – A young white mother here has lost custody of her child, solely because she was unmarried and living with a man who happened to be black.

Southern Poverty Law Center attorneys, when contacted by the distraught woman, immediately filed a federal court suit which asks that the Alabama law permitting seizure of her child be declared unconstitutional.

Center attorneys are also representing the woman in state court proceedings.

* * *

On a warm night in early June, Margaret Ann Wambles was washing supper dishes while her three-year-old son Richard and her boyfriend watched television. (In order to protect the child's privacy, Ms. Wambles' attorneys refer to her son as Richard Roe, which is not his real name.)

"I had just about finished washing dishes when the door-bell rang," Ms. Wambles recalled. When she opened it, there stood a man dressed in street clothes who identified himself as L. T. Conn, a member of the Montgomery police department. He said he had a complaint of child neglect and wanted to inspect Ms. Wambles' apartment, but he refused to say who had made the complaint.

"I told him to come on in. I had nothing to hide," Ms. Wambles said.

Conn entered the apartment, inspected each room, searched closets with a flashlight and looked inside the refrigerator. After about 10 minutes, he told Ms. Wambles everything was all right and left.

About 20 minutes later, Conn returned to Ms. Wambles' apartment, this time with two uniformed patrolmen. Immediately upon gaining entrance to her home, Conn flashed a piece of paper in her face and said, "We're taking this young'un right now!"

With that, Conn grabbed young Richard from his mother. The child screamed, "No, mama, no," and Ms. Wambles asked if she could at least calm her son. But Conn said no, and flung Ms. Wambles down the hall of her apartment.

Conn said he had an order from the county court judge authorizing the immediate removal of Richard from his mother's custody.

Early the next morning, Ms. Wambles made several phone calls in an attempt to find out where Richard was and learned he was in the custody of the Montgomery County Department of Pensions and Security.

Law Center attorneys learned that the police report filed by Conn in connection with his investigation said that a Cecil Coppage, Ms. Wambles' former boyfriend, had called the police the day before the seizure and complained that she was living with a black man.

The report said that after locating Ms. Wambles, police inspected her home and found it "reasonably clean with enough food." But they also noted that they had "found a black man asleep in a bedroom."

Conn ended his report by saying he subsequently contacted the director of Montgomery's youth court facility and obtained permission to pick up Richard after informing the director "that Margaret Wambles was living with subject and that the child was living there, too."

Ms. Wambles has no criminal record, has never received welfare or food stamps for herself or her child, and has never abused or neglected her child in any way.

Richard was obviously not in any immediate harm or danger, but he was taken from his mother without a hearing, despite a lack of any threat of injury. According to Ms. Wambles' attorneys, such a removal constitutes a blatant violation of the due process clause of the Fourteenth Amendment to the U. S. Constitution.

Yet Alabama law allows such a seizure, and children are often forcibly removed from their parents without a proper hearing. Other states have similar laws.

The law, of course, was designed to protect children from abusive parents, and such legal protection is a necessity. But if the Law Center suit is successful, it would safeguard fit mothers and their children from abuse by the state.

In Ms. Wambles' case, police and county officials were certainly influenced by her living with a man, especially a black man. These facts, her attorneys claim, obviously do not establish "neglect," and to deprive a mother of the custody of her child because she is living with a man to whom she is not married is contrary to the fundamental rights of association and privacy guaranteed by the Constitution.

Penny Jenkins

Margaret Wambles

Doctor violates woman's rights

BARNWELL, S.C. – A federal jury here has held that a South Carolina physician violated the civil rights of a young black woman when he demanded she be sterilized.

In a complicated ruling, the jury – five women and a man – decided that Dr. Clovis Pierce of Aiken violated the civil rights of plaintiff Shirley Brown, but not those of Virgil Walker, a second plaintiff in the suit.

But the jury awarded Ms. Brown only $5 in nominal damages. Her attorneys had sought $100,000. Southern Poverty Law Center attorney Joseph J. Levin, Jr., who along with American Civil Liberties Union attorneys represented the plaintiffs, declared the token judgement "an insult."

The judgement has been appealed.

The jury decided after a two-week trial here in July that Pierce violated Ms. Brown's rights when he dismissed her from a hospital with a one-day-old baby after she refused to submit to sterilization.

The jury ruled in favor of Pierce on another question, saying his sterilization policy did not result in racial discrimination against black women. Pierce testified that it was his policy to recommend that welfare mothers be sterilized after they had their third child. If they refused, he refused to deliver their babies. He said he has such a policy to help reduce the welfare rolls.

The jury's failure to find racial discrimination has also been appealed.

Ms. Walker claimed Pierce forced her to agree to undergo a tubal ligation after the birth of her third child before he would accept her as a patient. Pierce's attorneys maintained she signed forms consenting to the sterilization, and therefore had waived her right to protest her sterilization.

Ms. Brown and Ms. Walker asserted in their civil suit that Pierce and other defendants – including county welfare officials and Aiken County hospital officials – discriminated against blacks through his requirement that Medicaid mothers who already had as many as two children consent to sterilization or he would not accept them as patients.

That charge was brought under section 1981 of the federal code which guarantees black citizens the same rights in the making of contracts as white citizens.

Pierce's eligibility for treating patients whose services would be paid by Medicaid has been terminated because of his acknowledged sterilization policy.

Mentally ill woman

(Continued from page 3)

"She couldn't believe Bob would just divorce her and walk off and leave the children," Ms. Colbert said. "Oh God, she was just so depressed and hurt."

Ms. Colbert said her sister bought a home last fall and asked Hall to help move the furniture, hoping it would make him want to come home and be with the children. But Hall did not change his mind, she said.

After Ms. Hall and her children were discovered by her mother and brother-in-law Jim Colbert, she was hospitalized in critical condition for several weeks. One of her gunshot wounds apparently caused paralysis of her left side, and frequent physical therapy sessions have not improved the condition.

After nearly a year in jail, Ms. Hall has been permitted to commit herself to a state mental hospital at Vinita. She awaits her new trial there.

A position statement

The Southern Poverty Law Center's involvement over the last few years in civil suits brought as a result of forced sterilization of welfare recipients has caused some Center supporters to question our position on sterilization generally.

It is the Center's belief that any adult who understands the consequences of surgical sterilization and desires the procedure is entitled to receive the service. However, the Center strongly opposes involuntary sterilizations, whether on welfare-receiving adults or mentally incompetent adults and children. Rather than impose a flat ban on sterilization of mentally retarded persons, the Center wants regulations established and enforced which would guard against bureaucratic abuse of sterilization procedures.

The Center is currently working with other civil liberties organizations for rules which will both guarantee each person's right to have a sterilization if he or she wants it and ensure that no other person coercevely interferes with that right. This effort is part of our overall struggle to win equal justice for all, especially those persons too poor to fight alone for their Constitutional rights.