

poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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Women sue troopers for bias

MONTGOMERY, Ala. — Brenda Mieth, unable to find a job here, has been forced to return to Virginia to live with her family.

Kim Rawlinson, a 22-year-old graduate of the University of Alabama, shampoos hair at a local unisex hair-styling salon.

Both women sought jobs as state law enforcement officers — Mieth as an Alabama state trooper and Rawlinson as a correctional counselor. Both were rejected because they were women, although the official explanation was their failure to meet minimum height and weight requirements.

Through Southern Poverty Law Center attorneys, the two women have filed suit in federal court challenging Alabama's sexually discriminatory hiring policies in law enforcement. It especially cites those used by the Department of Public Safety in employing state troopers, and demands the all-male trooper force be made at least 45 per cent female.

The class action suit also asks the court to declare unconstitutional a state law which sets minimum height and weight standards for law enforcement employment.

Mieth, 28, is 5'6" and weighs 135

Kim Rawlinson



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pounds. A high school graduate, she has maintained an A average in her 75 college hours toward a degree in law enforcement.

She applied to be an Alabama state trooper in October, and was rejected because she didn't meet the 160-pound weight requirement for troopers.

On November 3, Mieth met with E. C. Dothard, director of the state's Department of Public Safety, who told her she could not be a trooper because she met neither weight nor height requirements. Furthermore, Dothard said, he did not want women patrolling the roads

because such a job was too dangerous for women to handle.

When Rawlinson graduated a year ago, she planned to work in her field of study, correctional psychology, and applied to become a state correctional counselor. On her application, she stated her height as 5'2" and her weight as 110 pounds.

Her experience in her chosen field was impressive. She had been selected to participate in a special program sponsored by the University's correctional psychology department under which she did research in corrections and helped edit a corrections journal. She also worked in the Tuscaloosa Police Department's juvenile division where she assisted in investigation and patrol.

After submitting the application, she received a postcard from the Alabama Personnel Board indicating she was unacceptable because of her weight. When she asked for a full explanation, Rawlinson was told she had been rejected because she did not meet the minimum weight requirements for law enforcement officers established under Alabama law.

In November 1974, Rawlinson filed a complaint charging sex discrimination with the Equal Employment Opportunity Commission; but there has been no action taken by that agency.

Alabama law requires that all applicants for law enforcement officer — policeman, deputy sheriff, deputy constable, state trooper and prison guard — must be no less than 5'2" and no more than 6'10" in height, and weigh no less than 120 pounds and no more than 300. State trooper applicants must meet even more restrictive standards; regulations set a minimum height and weight requirement of 5'9" and 160 pounds.

Though the height and weight minimums are consistently used to reject fe-

Brenda Mieth



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male applicants, men who do not meet the standards have been employed as state troopers. In a force of more than 600 persons, however, there is not a single female trooper.

According to an International Association of Chiefs of Police report issued in mid-1973, seven states had women active as state troopers patrolling the highways. They were Arizona, four; Tennessee, one; Louisiana, one; Maryland, three; Michigan, five; New York, four; and Pennsylvania, 24.

Since then, some of the states have added other troopers, and women have been hired in Arkansas, California and New Jersey. North Carolina is also involved in litigation seeking to force the hiring of women troopers.

The sex discrimination suit is not the Law Center's first lawsuit against the Alabama state troopers. In 1972, the Center won an order from a federal court judge here requiring 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.

Poverty Law Center observes anniversary

The beginning of this new year marks the fifth anniversary of the Southern Poverty Law Center's founding. In recognition of the occasion, the Poverty Law Report has published a special supplement, included in this issue, which reviews the Center's most important accomplishments and some of its significant current involvements.

Pregnant women seek benefits

CHARLOTTE, N.C.—A statewide class action lawsuit here seeks public assistance benefits for all pregnant applicants who would otherwise qualify if their children were already born.

Currently, North Carolina denies pregnant women welfare payments solely because of the fetal status of their children. If the state chose to pay needy pregnant mothers upon diagnosis of pregnancy, the U.S. Department of Health, Education and Welfare would contribute its share, as is done in 19 other states.

The suit was filed in federal court here by attorneys with the Legal Aid Society of Mecklenburg County, with assistance from the Southern Poverty Law Center. A three-judge court has been enpaneled to hear arguments that pregnant women are denied their constitutional right to equal protection under the present system.

Under North Carolina regulations, a woman may not even apply for welfare benefits through the Aid to Families with Dependent Children (AFDC) program until after her baby is born. Ordinarily, an application takes from 45 to 60 days to be processed, so that pregnant mothers are deprived of financial assistance not only through their entire pregnancy, but also during the first two months of motherhood—the most cri-

tical times for formation of a healthy child.

Most women affected by the current set-up are black, and attorneys in the suit plan to prove that North Carolina's failure to pay benefits to pregnant mothers is a direct result of racial discrimination. In examining 30 years of welfare department records, attorneys found many references to "the problem" of curbing black illegitimacy and to the need for increased sterilization of AFDC recipients.

As recently as 1968, a welfare departmental memo recommended that any female welfare recipient who has borne an illegitimate child be prose-

cuted for fornication if she was unable to present written evidence from a physician that she had been fitted with an intra-uterine contraceptive device. That same memo also called for automatically cutting off recipients who were found with a blood alcohol of 0.1 per cent, or found living with a man.

The official neglect of poor women's prenatal health has had an obvious effect on North Carolina's birth rate. Blacks there suffer one of the highest infant and mother mortality rates in the United States.

The lawsuit was filed in May 1974, and was originally successful in forcing the state to provide welfare benefits

to pregnant women. However, in a case similar to this one, the U.S. Supreme Court ruled that the term "dependent child" in the Social Security Act did not include unborn children, and therefore, states were not required by statute to pay mothers with unborn children. Citing that case, the U.S. Fourth Circuit Court of Appeals threw out the plaintiff's original victory and remanded the case to the district court level for consideration of its equal protection claims.

The Supreme Court did not rule on the constitutional issues involved in denying welfare to pregnant mothers, and this suit may be the first to test them.

FTC alters holder-in-due-course

WASHINGTON, D. C. — A new rule which eliminates the holder-in-due-course principle, a credit system dating to the birth of the nation, was recently announced by the Federal Trade Commission. It is aimed at protecting consumers against creditors who try to collect on a defective product or shoddy workmanship.

The new regulation, scheduled for implementation on May 14, will make creditors just as responsible for a customer's satisfaction with goods or services as the original seller.

Southern Poverty Law Center attorneys three years ago tried to accomplish the elimination of holder-in-due-course through federal court remedy, but were unsuccessful. In that case, a group of poor black Eufaula, Ala., homeowners were victimized by a dishonest contractor who sold their mortgages to a Florida mortgage banker. The impoverished families' homes were subjected to foreclosure when the crooked building contractor skipped town without completing the work he had contracted to do. The holder-in-

due-course law absolved the banker of responsibility for the defective work.

David Williams of the FTC said the new rule will not cover all real estate transactions, but should apply to home improvements. "It will apply to home improvements, such as new roofing or siding, but not to building a new house or a whole new wing on a house," he said.

Williams said he was "inclined to say" a situation like the Eufaula case is covered in the new rule, "but that's a gray area."

Suit hits involuntary commitment

Mental hospital is boys' home

MACON, Ga. — Nobody wanted seven-year-old J. L. and J.R. in 1970, and they were sent to live in a mental hospital.

Five years later, the two boys, now both 12, are still in Central State Hospital, and an appalled federal court judge says a three-judge panel will be appointed to rule on the constitutionality of a state law which allows children to be committed to mental institutions without a hearing.

Georgia Legal Services and

Southern Poverty Law Center attorneys have filed a suit against state officials, contending the state juvenile commitment law is unconstitutional.

U. S. District Court Judge Wilburn Owens, Jr., who has been assigned to the case, has personally inspected Central State Hospital at Milledgeville, home of the two children, but said he could not order their removal because there is no place to send them.

J. L. possessed normal intelligence when his adoptive mother and step-

father committed him in 1970. J. R. possessed slightly below normal intelligence when his legal guardian, the Stephens County Department of Family and Children Services sent him to Central State after he was rejected by six foster homes to make room for a more favored child.

Neither child was mentally ill when he was committed, but there was no hearing or any other safeguard taken to determine if commitment was necessary.

Except for several days of "furlough," both children have been held against their will in the state hospital, and they have been forced to live with patients whose behavior is often bizarre and frightening, the lawsuit claims.

Over the years, J.L. and J.R. have been subjected to experimental drug therapy which has already had adverse physical and psychological effects on their development. Both boys' IQs have consistently declined since their commitment.

At a recent federal court hearing, a Central State Hospital psychologist testified that J. L. had come from a "traumatic family background." The child was hyperactive and aggressive, and "his school and his parents could not handle him — no one wanted him," the psychologist said.

After committing their son in 1970, J. L.'s parents in April 1974 relinquished their parental rights to Central State.

J.R., whose guardianship was as-

sumed by the Stephens County welfare agency when a youth court found him to be neglected, was sent to Central State after displaying problems such as "bed wetting, temper tantrums, spitting and head banging," the psychologist said.

Judge Owens interrupted the testimony to comment that those were also symptoms of normal children.

Under Georgia law, a parent or guardian may "voluntarily" commit a child under age 18 to a state mental health facility regardless of the child's opposition to admission. There is no provision in the law for a hearing prior to admission to determine if such action is necessary or appropriate. Nor is there anyone to protect the juvenile's interests in the commitment procedure.

Once committed to a state hospital, there is no law, regulation or policy which provides for periodic review of a child, and, where appropriate, placement in a less drastic environment.

Attorneys for J. L. and J. R. believe such a law violates the due process guaranteed by the 14th Amendment of the U. S. Constitution.

They have asked the federal court in Macon to issue an injunction which would prevent state officials from using the existing Georgia juvenile commitment law, and instead, insure that each child considered for commitment be given the right to a hearing, a lawyer, and to present evidence on his or her behalf.

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Women in jail, the plight of the forgotten

BY PATSY SIMS

Day after day, they sit there, dangling from their bunks like monkeys in a cage. Staring and stared at. Hating and hated. Manipulating and manipulated. Bartering sex for sodas. Playing, and losing, one more game of solitaire.

Nobody knows how many there are. Nobody seems to care. One woman here. Two there. Sixty, seventy, a hundred or so, maybe, crammed into the larger, city jails.

Nameless numbers. Numbers too long to remember. Forgotten women in Southern jails. Forgotten, unless they become Joanne Littles.

"There are," an Atlanta attorney estimates, "a thousand Joanne Littles all over the South, in the small county jails. What happened in North Carolina is typical." Another attorney, from Mississippi, says that sexual abuse of female offenders is "common practice."

Driving through the South, stopping at 20 jails and talking to women who have spent time in another 60 or more of these places, the comments become more real than exaggerated. One realizes that they are there, the Joanne Littles of tomorrow. That the South is ripe for more such incidents. That many of its jails are no less the hell holes, the repositories of human misery, than they were reputed to be in the past.

In my interviews with more than 50 women serving time in Southern jails or work release programs, inmate after inmate repeated virtually the same stories of what happened to them, or to the woman in the next cell. The oral sex through the bars, the constant intrusion of male trustees who slither in and out of the women's cells as unrestricted as the rats and roaches. The threats of "You do, or else."

Their stories are backed by numerous attorneys, correction officers, and law enforcement agents, who tell still more stories of jailers boasting to friends about "getting some" from female prisoners, of suits filed and dropped against sheriffs and deputies accused of rape, of men being allowed "informal" conjugal visits in return for letting the jailer have intercourse with the wife or girl friend.

The stories go on and on, so much so that responsible people are beginning to believe them, people like U.S. Attorney Ira DeMent, who feels sexual a-

Patsy Sims, currently a free lance, has been a reporter for the San Francisco Chronicle, the New Orleans States-Item and the Philadelphia Inquirer. Research for this article, which will be concluded in the next issue of the Poverty Law Report, was funded by the Southern Investigative Research Project of the Southern Regional Council in Atlanta.

buse of females in jails occurs "not infrequently," and even more than the complaints his office in Montgomery, Ala. receives.

Improvements at the prison level — brought about largely by New York's Attica prison uprising and an influx of relatively reform-minded commissioners — have simply not taken place in jails. They have received neither attention nor money. And where legal reform bills have been passed — as in North Carolina, Georgia and Texas — conditions are little or no better than before.

There are times, too, when even the most needed prison reforms only add to the jails' problems. A case in point is the recent court order by two federal court judges barring further admissions to Alabama's prisons until the "intolerable" conditions are corrected, an order which will force many inmates back into the state's equally deplorable jails, which are also under federal suit.

Jails continue to be among the worst of Southern institutions, particularly for blacks and women. While the plight of blacks has to a degree been publicized, the plight of women has not. Yet they, even more than black men, have been and are subjected to squalid facilities, and to verbal and often sexual abuse from jailers.

"Women are the forgotten group in corrections," says jail expert Robert Sarver of the University of Arkansas. "Most jails simply are not programmed, not built, and not staffed to look after female prisoners because they haven't been accustomed to dealing with them. There have been few women in comparison to the number of men, so that jails have been built traditionally to keep male felons while pending trial. Women have come along incidentally."

In the meantime, women are no longer "incidental." Between 1960 and 1973, according to the FBI's Uniform Crime Report, their arrest rate for serious crimes — armed robbery, murder, theft, assault — went up by 277.9 per cent, nearly three times faster than it did for men. In property crimes alone, the increase in arrests of women in 1972-73 was more than twice that of men.

While the crimes and arrests among women escalate, jails have failed to keep up, either with adequate facilities or staff or programs. In metropolitan areas, the biggest problems in the jails are crowding and idleness. Sometimes 10 and 15 women are crammed into unairconditioned cells originally built for eight. They sleep two to a bunk or on the floor, at times without mattresses. They stay locked in, day and night, because there are few recreational or educational programs for women. And they are seldom allowed to become



Penny Weaver

'A thousand Joanne Littles across the South'

trustees and to work outside their cells.

Yet it is in the rural, out-of-the-way jails that handle one or two women at a time — maybe as few as a half-dozen a year — where females appear to suffer most, where sexual abuse or misuse is many times part and parcel of being behind bars, where the old situations of women at the mercy of the jailer, once thought to be only material for movies and books, still exist.

The facilities are often filthy and makeshift, with little or no separations of women and men, be they jailers or inmates. Yet staff is an even bigger problem. Because of meager pay scales and the remoteness from city conveniences, most small-town jails can attract only what one expert describes as "people who can't do anything else." Some are even operated without staff. "The janitor at the courthouse keeps the keys," explains Robert Sarver. "At night, there is no one at all. That's when anything can happen, and that's when it usually does . . . inmate on inmate."

It is the almost total lack of matrons that makes the small jails targets for sexual abuse. In my own travels in the South, I saw few matrons, and many inmates — as did Joanne Little during her trial — said that they were taken care of almost exclusively by men.

In North Carolina, a Raleigh News and Observer survey of 47 county jails in the eastern part of the state showed that fewer than half had taken any steps to lessen the likelihood of another prisoner Little-jailer Alligood incident,

which occurred in the Beaufort County jail. Only 19 of the counties had 24-hour matron service and adequate separation of men and women, in spite of a 1968 state law requiring both.

Beaufort County has taken stringent measures to prevent another incident such as the one that put it on the map. Men are now not allowed in the women's section for any reason, not even to deliver meals, and closed-circuit monitors are placed in the all-female radio dispatcher's office to see that they don't go there. Six women who double as matrons and dispatchers or secretaries work around the clock. Sheriff O.E. "Red" Davis, understandably touchy about the incident, warned that other counties "should take notice. Whenever they don't have matrons, they are taking a chance. I wouldn't be without them."

Yet other counties, both in North Carolina and elsewhere, have apparently not learned the lesson so well. In state after state, jailers and sheriffs see no need to review their procedures for handling females. They have hired no matrons, nor have they taken steps to make keys to the women's sections less accessible to male trustees. Often, I was allowed into cellblocks without being asked to show credentials or without having my purse or briefcase searched.

Lack of matrons, lack of adequate conditions. The two problems cropped up again and again. Some officials argue that having male jailers go to the cells

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A right to refuse treatment?

BOSTON, Mass. — Numerous right to treatment cases have recently made their way to the highest courts, but a current lawsuit here may be the first in legal history involving a mental patient's right to refuse treatment.

The suit claims that forced medication and seclusion as punishment of psychiatric patients violate those patients' civil rights. It was filed last April on behalf of seven Boston State Hospital patients by the Boston Legal Assistance Project. The Southern Poverty Law Center has agreed to assist the original attorneys in their litigation.

U. S. District Court Judge Joseph L. Tauro issued a temporary re-

straining order April 30 which banned use of forced medication under any circumstances and use of seclusion except in emergency situations. Plaintiffs' attorneys now seek to have that court order made permanent.

During a recent hearing in the case, a former Boston State Hospital attendant testified he was "horrified" at the conditions under which mental patients were secluded. Leonard Golder described the isolation rooms as six feet wide and 10 feet long with unprotected concrete walls and floors and only a mattress for a patient to lie on. The cubicles had no toilets, he said.

Golder said decisions to seclude

patients were usually made by "anybody who came out and said a patient had to be locked up," and that often a doctor would not countersign the seclusion order until eight hours later.

Patients were frequently secluded for "inappropriate behavior," such as disrobing, swearing, yelling and being flirtatious, Golder said. A state law bans seclusion of mental patients except where there is serious threat of extreme violence, personal injury or attempted suicide.

Rubie Rogers, a 36-year-old plaintiff in the suit, was confined to a seclusion unit many times for being either loud, angry, agitated, hostile to the staff and other patients, or for having to be forcibly medicated after she refused to take medication orally, the suit says.

During her confinement, Ms. Rogers was forced to urinate and defecate on the floor because hospital staff neglected to allow her use of the rest room. Once she became ill and asked for a doctor, but none was provided.

A voluntary patient at the hospital, Ms. Rogers has been forcibly medicated on several occasions when she refused to take medication orally. Although there existed no threat of extreme violence, personal injury or attempted suicide, she has been medicated against her will. She has objected to being medicated at all, but she fears if she refused, the staff

will forcibly medicate her and then confine her in the seclusion unit for initially refusing to cooperate with them.

Another plaintiff, 24-year-old Willie Wadsworth, was confined against his will continuously for six weeks as punishment for "undesirable" behavior and as part of a behavior modification treatment plan rather than for a serious threat of violence.

In addition to the constitutional issues it raised, the suit also seeks to recover \$500,000 in damages from 24 defendants, including psychiatrists and two former state mental health commissioners.

"In my view, mental patients are probably the most oppressed minority group in the country," says Richard Cole of the Boston Legal Assistance Project. He regards the uncertainty of mental patients' legal status as a challenge.

"We will not concede the fact that the use of psychotropic drugs and isolation as behavior modification — by which we mean, as punishment — constitute treatment, except on a highly experimental basis. We think individuals have the right to refuse the introduction of chemicals into their bodies," Cole says.

Judge Tauro held six days of trial in late October, but the case has been continued because of the federal court's backlog of criminal cases, Cole said.

Cosmetologists seek school desegregation

MONTGOMERY, ALA. — Law Center attorneys have filed suit in federal court here seeking desegregation of cosmetology classes at a state-owned technical college and in state cosmetology examinations.

Although John M. Patterson State Technical College is attended by both blacks and whites, and initial cosmetology orientation classes are racially mixed, blacks are forced to attend hair dressing classes apart from their white classmates.

Black students are taught by black instructors, and white students by white instructors. The course of study taught blacks is totally different from that taught whites. Blacks are taught to care for and style black hair, and are not given any instructions about care of Caucasian hair, even when it is requested.

When a student graduates, black students are given a cosmetology examination schedule for "colored applicants," and whites take a separate test.

Mrs. Elsie Jones, a black plaintiff in the lawsuit, complained to a Patterson guidance counselor that she was not being taught to work on Caucasian hair. Her reply was to seek informal training from a white instructor. When Mrs. Jones approached the white instructor, she refused to provide informal lessons.

Because Mrs. Jones and the other plaintiffs are not allowed to learn about care of Caucasian hair, their work must

be limited to black customers, thus curtailing their employment opportunities, the suit claims.

The cosmetology suit is not the first filed by Law Center attorneys against the Patterson trade school. In 1973, the Center successfully sued the school when it initiated a grooming code which was blatantly discriminatory against black males.

Medical experiments banned

DETROIT, Mich. — Emotionally disturbed children in Michigan mental institutions may no longer be subjected to medical experiments.

The Michigan State Department of Mental Health agreed to implement regulations preventing the use of sick children as guinea pigs after a lawsuit was filed which sought the ban of such experiments.

The suit was filed by Michigan Legal Services attorneys with the assistance of the Southern Poverty Law Center.

Previously, some children committed to state mental hospitals underwent experiments including regular doses of zinc to effect accelerated growth; administration of untested mumps and rubella vaccines; and administration of anti-epilepsy drugs to both epileptic and normal children.

Trial is set

MONTGOMERY, Ala. — A federal court judge has set Jan. 12 for the trial of a sex discrimination suit filed by Southern Poverty Law Center attorneys against the Montgomery Police Department.

The suit, brought on behalf of police clerk Carolyn Jordan, charges the police department with discrimination against women in recruiting, hiring, assigning and promoting employees and potential employees.

**Southern Poverty
Law Center
Docket Update**

Appeal denied

RALEIGH, N. C. — The North Carolina Court of Appeals has upheld the conviction of Joanne Little on a breaking and entering charge. The court let stand a seven-to-10-year prison sentence.

Miss Little was in the Beaufort County jail awaiting an appeal on the breaking and entering conviction when she stabbed jailer Clarence Alligood. She was acquitted in August of first degree murder charges in that case.

The Appeals Court decision will be taken to the North Carolina Supreme Court, her attorneys said.

Death sought

TULSA, Okla. — Dahlia June Hall, charged with first degree murder in connection with the deaths of her two young children, faces a second trial here Feb. 24.

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

Mrs. Hall, described as "definitely psychotic" by the psychiatric staff at a state mental hospital, shot her two children in October 1974, then crawled 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.

Oklahoma prosecutors are seeking the death penalty for Mrs. Hall, despite strong evidence that she was mentally ill when she killed her children. Southern Poverty Law Center attorneys are working closely with Tulsa County public defender Terril Corley, appointed to defend the indigent Mrs. Hall, in an effort to prevent her execution.

Brother freed

CORDELE, GA. — Joe Patterson, younger brother of Marine Sgt. Roy Patterson, was released from the Crisp County jail here in November and has returned to his home in North Carolina.

Sgt. Patterson remains in jail here pending appeal of his murder conviction to the Georgia Supreme Court. He was sentenced to life imprisonment Sept. 30 after a Crisp County jury convicted him in connection with the deaths of two law enforcement officers. Joe Patterson had been held under \$25,000 bond, charged with aiding an escaping felon, since the incident occurred last May.

Women

(continued from page 3)

two at a time was sufficient, but even those officials had no idea how stringently that policy was followed. And "paper matrons" — female radio dispatchers or the wives of jailers and sheriffs — are apparently not the answer either. A "paper matron" was on duty — two halls and 65 feet away — the night Clarence Alligood made his way to Joanne Little's cell.

The conclusion of this article will be in the next issue of the Poverty Law Report.

Five Years

after the Southern Poverty Law Center
began its court struggle to win
equal justice for the poor . . .

... the Center has established an impressive record of accomplishment on behalf of those persons least able to obtain their rights. Located in the capital of Alabama, a city which proclaims itself the "Cradle of the Confederacy" in the state which proudly declares itself the "Heart of Dixie," the Center started its work in a region where the ravages of poverty are ever-present and racial discrimination is rampant.

From the Montgomery Bus Boycott of 1955, when blacks successfully organized and stood up against racial repression for the first time in modern history, to the Selma-to-Montgomery march of 1965, which spurred on passage of the Voting Rights Act, Alabama was the crucible where the key events of the Civil Rights Movement were forged.

But by 1970 the Civil Rights Movement had bogged down. New laws made racial discrimination illegal, but racial abuses went unpunished anyway. Although now guaranteed the right to vote, poor

blacks and whites were still denied a voice in government by political gerrymandering and outright intimidation. Laws promising equal education, equal protection and equal opportunity weren't enough as long as they could be ignored safely — unless the impoverished victims had the capacity to assert their rights in court.

Deeply concerned about the continuing plight of the poor, the Center's founders conceived in 1970 the idea of the Southern Poverty Law Center, an organization whose sole purpose would be to develop, through court decisions, fair and equal treatment for poor people of all races. In 1971, the Center was formally incorporated as a non-profit organization, and the Center's attorneys began to write an important new chapter in the history of the Civil Rights Movement.

They won the first lawsuit ever to desegregate a private school, the first sex discrimination suit against the federal government and the first to relate to the economic welfare of women, the first

litigation to raise the issue of involuntary sterilization, the first to have the entire jurisdiction of a justice of the peace system declared unconstitutional, and the first suit in the nation to desegregate a state trooper force.

Nearly all of the Center's work has been through class action lawsuits which benefit many more persons than the suit's plaintiffs. In recent months, the Center has also become involved in some criminal cases where the defendant faces the death penalty.

These and other important cases, past and present, are summarized below. In the five years of its existence, the Southern Poverty Law Center has engaged in legal battles which have become landmarks in the cause of equal justice. While it continues to focus its efforts in the South, the Center today has expanded its activities, through financial aid and direct participation, to all parts of the nation—New York, California, Indiana, Michigan, Oklahoma—anywhere injustice strikes at the poor.

Smith v. YMCA

MONTGOMERY, Ala. — In the Center's first lawsuit on behalf of the poor, a federal court ordered desegregation of one of the South's largest Young Men's Christian Association facilities and opened city-wide recreational programs to poor blacks.

The court refuted the YMCA's assertion that the equal protection guarantee could not be applied to a "private" organization. The state of Alabama had given the YMCA financial aid through substantial tax exemptions, and the city of Montgomery gave them many free benefits, including facilities and utilities.

The court also noted the agreement between the YMCA and the city of Montgomery to avoid duplication of recreational services, an arrangement to avoid integration. The court stated that "the city's primary purpose in co-ordinating its efforts with those of the YMCA was to encourage and assist the YMCA in accomplishing what the Park and Recreation Board is constitutionally forbidden to accomplish."

The Center's victory in this case resulted in the first court order of its kind to deal with discrimination in a private organization. The Center's attorneys arranged for the \$25,000 legal fee which they were awarded by the court to be used to pay YMCA membership dues for disadvantaged youths of all races.

Jordan v. Wright

MONTGOMERY, Ala. — A 24-year-old clerk-typist is suing the Montgomery Police Department in the South's first sex discrimination suit against a law enforcement agency.

Mrs. Carolyn Jordan filed her suit in early 1975 after working as a clerk at the police department for 11 months. During that time, she tried unsuccessfully to become a police officer. Her suit charges that she is fully qualified and has not been hired as an officer only because she is a woman.

The class action alleges that the police department is practicing discrimination against women in recruiting, hiring, assigning and promoting employees and potential employees.

Caperton v. Friend

NASHVILLE, Tenn. — The failure of a state agency to properly administer Tennessee's food stamp program has deprived 800,000 men, women and children of an adequate diet.

The Center is helping Legal Services of Nashville in a battle to force the state to live up to the requirements of federal law and promote the participation of all who qualify for the stamps.

The Center also assisted the Legal Aid Society of Minneapolis in a related case, *Bennett v. Butz*. Barely a third of eligible indigents were receiving the stamps in Minnesota, and the Legal Aid Society has won a ruling in U.S. District Court prohibiting the return to the general treasury fund of the \$280 million allocated but not spent nationwide in 1973.

An outcry has recently been raised against abuses of the food stamp program by undeserving recipients, but these suits will help to see that the 18.5 million poor people in the nation who qualify for and need the stamps benefit from participation in the program.



The all-white Alabama troopers assault Selma-to-Montgomery marchers in 1965
(Law Center council member John Lewis is in center of photo)

Special to the PLR

Jobs v. Michigan

DETROIT, Mich. — With Southern Poverty Law Center assistance, Michigan Legal Services attorneys are representing emotionally disturbed children in Michigan mental institutions.

These children have been used as guinea pigs in medical experiments conducted by Dow Chemical, Parke Davis and other major drug companies. Nearly all of the children are from indigent families and were committed without formal hearings.

The lawsuit seeks to enjoin the defendant Michigan Department of Mental Health from permitting any further experimentation, on grounds that the free consent of involuntarily confined children would be impossible to obtain.

Recently the Mental Health Department did issue guidelines which prohibit such experiments in the future, but still at issue in the suit is the Michigan commitment procedure. Consent of a child's parent or guardian is currently all that is required; the suit seeks to win for minors the same right to a pre-commitment hearing that adults now have.

Penn v. Schlesinger

WASHINGTON, D.C. — In 1972, the Center charged seventeen federal agencies in Alabama with racial discrimination in hiring. Less than 2.5 per cent of 30,000 white-collar workers employed by the defendant agencies were black.

Among the statistics cited in the Center's original complaint were these:

Only eleven, or 4.2 per cent of the U. S. Justice Department's 264 white-collar employees in Alabama are black.

There are no black federal game wardens or alcohol-and-tobacco tax agents.

There are no black F.B.I. agents.

Of 901 rural mail carriers, only two are black.

The U.S. Court of Appeals for the Fifth Circuit, *en banc* in July 1974, dismissed the suit "for failure to exhaust administrative remedies." A petition seeking a writ of certiorari was filed by the Center in the U.S. Supreme Court, and action on this petition is still pending.

This suit was the first of its kind filed in the United States.

Gilmore v. Montgomery

MONTGOMERY, Ala. — A Law Center suit forced city officials here to end racial discrimination in city parks and recreational facilities. The city also agreed to spend \$3,000,000 to build and improve recreational facilities in black neighborhoods to equal those in white areas.

Since the suit was filed, several new community centers in predominantly black sections have been constructed, and Montgomery's first public swimming pool accessible to blacks was opened.



Special to the PLR

Black play area before Center suit

Pugh v. Sullivan

MONTGOMERY, Ala. — Alabama prison doors have been closed to new inmates, a federal court recently ordered.

The ban on incoming prisoners came as a result of a Law Center suit seeking protection of inmates and other prison reforms. After a week of trial testimony, the state of Alabama conceded it was operating grossly overcrowded and unconstitutional prison facilities, and the court ordered them closed to new inmates.

Lewis v. Weinberger

ALBUQUERQUE, N.M. — Gwendolyn Lewis, a full-blooded Wichita Indian, lives in Taos, New Mexico. When she was stricken with a severe abdominal ailment, the national Indian Health Service (IHS) declared her ineligible for medical benefits because she no longer resides on her native reservation. Medical benefits are available to any Indian who lives on a reservation.

A class-action lawsuit challenges the IHS's policy of refusing medical assistance to so-called "urban Indians" while "reservation Indians" remain eligible regardless of need or ability to pay personal hospital bills.

The "urban" and "reservation" classifications are nowhere delineated in federal law, but were arbitrarily contrived by the IHS to distinguish between Indians belonging to distant tribes and those native to the New Mexico-Oklahoma regions. Because of the delineation, the IHS restricts funds for medical services to members of certain tribes, while other Indians in desperate need of medical care are not eligible unless they travel great distances to return to the place of their tribe's origin.

Hardy v. Gissendaner

EUFAULA, Ala. — In 1970, thirty poor black families here were approached by a transient building contractor who offered to make repairs and improvements on their small homes. In each case he quoted small monthly payments and secured notes with mortgages on the homes.

Shortly after the last mortgage was signed, the builder left the town — leaving behind poorly done, incomplete jobs. Within days he had received all of his money by selling the thirty mortgages to a Florida banking company.

Holder-in-due-course laws entitle a credit company to payment without regard to any argument between the buyer and the seller, and the Florida bank threatened to foreclose if the families refused to pay for the shoddy, grossly over-priced workmanship.

In 1975, a federal court ruled against the Center's challenge of these laws. But recently the Federal Trade Commission — perhaps made more keenly aware of abuses by this and other lawsuits — overturned the holder-in-due-course principle when it established a new rule to protect consumers against lenders who try to collect on faulty goods or services.

Cotton v. Jarvis

DEKALB, Miss. — The Law Center is assisting the Choctaw Legal Defense Association in a class action lawsuit seeking upgrading of conditions of the Kemper County jail here.

Typical of those conditions was the incarceration of Clare Cotton, an indigent Choctaw Indian. She was held in a cage measuring six by seven feet. It had no ventilation and no running water. There was only an open bucket for a toilet, and it was not emptied for a week.

Blacks and Indians are segregated on the second floor of Kemper County's crumbling jail, while whites are held downstairs.

The reforms sought in the suit cover virtually every wrong imaginable in a forgotten, decrepit jail.

NAACP v. Allen

MONTGOMERY, Ala. — In February 1972, Center attorneys won a federal court order requiring the state of Alabama to hire blacks and whites in equal numbers — one for one — as state troopers until the force was 25 per cent black. No blacks had been hired as troopers or support personnel in 37 years. This marked the first time a federal judge had ever ordered ratio hiring in the South and set a precedent for similar suits nationwide.

Two years later, the Center returned to court and charged that Governor George C. Wallace personally interfered with the hiring of blacks as Troopers in violation of the landmark 1972 court order. The court found the governor and all other defendants to have intentionally impeded hiring since the original order for racially discriminatory reasons. The defendants were enjoined from such future conduct.

Los Angeles sterilization

LOS ANGELES, Calif. — The Law Center provided funds in 1974 for intensive investigation which produced evidence that hundreds of Chicano women were surgically sterilized against their will or without their knowledge at a large hospital here.

The investigation led to lawsuits against the Los Angeles County-University of Southern California Medical Center, where many of the sterilizations occurred.

As in many other huge, loosely regulated teaching facilities, the Los Angeles hospital doctors often approached women in mid-labor and urged them to consent to permanent sterilization procedures without attempting to explain alternative methods of family planning.

James v. Wallace

MONTGOMERY, Ala. — A class-action litigation was brought in behalf of all blacks in Alabama who are qualified for and wish to serve on sixty-one boards and commissions which run state government. The defendant is Governor George C. Wallace, who personally appoints 768 members of these various boards.

At the time this suit was filed in 1974, Gov. Wallace after 1,556 selections had appointed only 3 blacks during his 12-year reign, and these to relatively insignificant boards.

The boards and commissions involved in this suit have a profound affect on the quality of life in the state, and many have a history of discrimination against black people. When the suit was filed, no black had ever held a position on the state personnel board, county board of registrars, mental health board or the board of corrections.

A district judge ruled that a *prima facie* case of discrimination had not been proved, and the case is currently on appeal to the U.S. Court of Appeals for the Fifth Circuit.

poverty law Report

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First black troopers graduate

Doe v. Pierce

AIKEN, S.C. — A federal court jury held in July 1975 that an Aiken physician violated the civil rights of a young black woman when he demanded she be sterilized.

In a complicated ruling, the jury decided that Dr. Clovis Pierce violated the rights of Shirley Brown when he dismissed her from a hospital with a one-day-old baby after she refused to submit to sterilization.

Ms. Brown's suit against Pierce was filed by Law Center and American Civil Liberties Union attorneys.

The same jury awarded Ms. Brown only \$5 in nominal damages; her suit had sought \$100,000. The jury also refused to find that the rights of another plaintiff in the suit were violated when Pierce refused to accept her as a patient unless she consented to sterilization when her baby was born.

Attorneys have appealed those portions of the jury's verdict.

Oliver v. Escude

MANSURA, La. — In 1973, Poverty Law Center attorneys won a federal court order here requiring white-owned mortuaries to offer full embalming and burial services for blacks.

The case was brought against two Mansura funeral homes which had refused to allow blacks to hold memorial services in their chapels; wakes had to be held in over-crowded private homes or not at all. The court's decree guarantees that blacks will have access to the same funeral services offered whites, at the same prices.

Although the practice by white undertakers of refusing to embalm or bury blacks has been common throughout the South, it had never before been challenged in court.

Amerson v. Jones

TUSKEGEE, Ala. — In the spring of 1975, Lucius Amerson, graduated from Jones Law School in nearby Montgomery, bringing to fruition one of the Southern Poverty Law Center's earliest lawsuits.

Amerson, who was in 1966 the first black man in America elected sheriff since Reconstruction, sought the Center's help when Jones refused to admit him as a student. At that time, Jones was a small, private night law school; its ownership since has been assumed by the University of Alabama.

In the spring of 1971, Law Center attorneys filed a federal court suit seeking Amerson's admittance to Jones Law School. A little more than a year later, a federal court held that Jones's refusal to admit Amerson solely on the basis of race was illegal and unconstitutional.

It was the first federal court decision prohibiting racial discrimination by a private institution.

Nixon v. Brewer

MONTGOMERY, Ala. — As a result of one of the Law Center's most significant lawsuits, 17 black legislators were elected in Alabama's 1974 elections. Previously, there had been only three.

Their historic election came as a result of a landmark reapportionment suit won by Center attorneys in January 1972. That decision, by a three-judge federal court here and affirmed by the U.S. Supreme Court, set two far-reaching precedents:

—county lines must be ignored as political boundaries if this is necessary to achieve the proper population balance in each legislative district.

—Legislative districts must be represented by a single member, and no more.

The Court ruled that population variations between legislative districts could be no greater than an unprecedented 1.15 per cent. And in order to accomplish such a balance, the court also took the unprecedented step of abandoning county lines as political boundaries.

McGee v. Weinberger

BATON ROUGE, La. — Law Center attorneys successfully forced the Social Security Administration to provide a psychiatric examination for an indigent woman who was otherwise unable to prove her medical disability.

The woman, 56-year-old Mrs. Helen McGee, could not prove her eligibility for disability payments without the exam, and a federal appeals court held that the government must provide one for her.

Frontiero v. Richardson

WASHINGTON, D.C. — In its only women's rights case of 1973, the U.S. Supreme Court ruled for the first time that women in the uniformed services must be paid the same and given the same benefits as men.

The questions considered in this Center suit were first raised when Sharon Frontiero, a lieutenant in the Air Force, requested dependency benefits for her husband. The statutes which applied to such a request made these benefits available automatically to a serviceman and his spouse, but their award to a servicewoman was conditioned on her ability to prove that her spouse was in fact dependent upon her for over half his support.

The Court ruled eight-to-one in favor of the Center's position that Defense Department regulations which granted higher compensation to servicemen than women were unconstitutional. A landmark in women's struggle to achieve equality of treatment, *Frontiero* was the first successful sex-discrimination suit against the federal government and the first Supreme Court equal protection ruling which related to the economic welfare of women.

Vail v. Quinlan

POUGHKEEPSIE, N.Y. — A class action suit challenging a New York law which allows imprisonment of poor people for non-payment of debt was filed here with help from the Law Center in October 1974.

Although the U.S. Constitution provides that no state shall deprive any person of life, liberty or property without due process of law, the New York judicial code authorizes a county sheriff to arrest and imprison indigents without proper court hearings and without affording them the right to counsel.

Harry Vail Jr. of Poughkeepsie lost his job and found himself unable to make installment payments on a debt to a loan company. Despite efforts to explain his indigency and to make at least a partial payment, Vail was ultimately held in contempt of court, fined \$250 payable to the loan company in addition to his original debt, and finally jailed without a hearing when he couldn't pay the fine.

Relf v. Weinberger

WASHINGTON, D.C. — After two young black girls, 14-year-old Minnie Lee Relf and 12-year-old Mary Alice Relf, were sterilized by a Montgomery family planning clinic against their will and without the informed consent of their parents, Center attorneys filed suit to prohibit sponsorship by the Department of Health, Education and Welfare of surgical sterilizations of minors and other persons incapable of giving informed consent. Constitutionally acceptable guidelines were sought to insure that those capable of consent would not be subjected to coercion.

In March 1974, a federal judge ordered that HEW be permanently enjoined from providing funds for sterilization of minors or mental incompetents, and that new sterilization restrictions regulations be drafted to ensure that consent to be sterilized will always be knowing, informed and free from coercion.

Wambles v. Conn

MONTGOMERY, Ala. — In June 1974, a young white mother here lost custody of her three-year-old child solely because she was unmarried and living with a man who happened to be black.

The mother had no criminal record, had never received welfare or food stamps for herself or her child, and had never abused or neglected her child in any way.

When she told her story to Poverty Law Center attorneys, they immediately agreed to represent her at a hearing in state court. Simultaneously, a class action lawsuit was filed in federal court asking for a ruling that the statute authorizing summary removal of children was unconstitutional and calling for an injunction against the future use of such procedures.

Although the child was obviously not in any immediate harm or danger, he was taken from his mother without a hearing, despite a lack of any threat of injury. Alabama laws allows such a seizure, and children are often forcibly removed from their parents without any hearing.

Center attorneys assert that 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. The Center's suit also attacks the consideration of race as a factor in removing a child, and it seeks to establish the right of a child to legal representation in a case like this.

Player v. Alabama

MONTGOMERY, Ala. — A class action suit was filed on behalf of Emmett Player as a representative of a class of dependent and neglected black children who had been systematically denied shelter in Alabama child-care institutions.

The state of Alabama does not operate a single child-care home or institution, but its Department of Pensions and Security cooperated with a variety of private, segregated children's homes across the state to exclude black children from these homes. Many of these boys and girls, including Emmett Player, found themselves placed in state reformatories as an alternative to placement in proper homes.

In 1975, a federal judge found that the Alabama welfare department had maintained a racially discriminatory policy and practice in its referrals of children to these homes. The judge's order forbids the welfare department to refer any more children to segregated institutions, and the state may no longer provide, directly or indirectly, state or federal funds to segregated child-care institutions.

The judge did not order the state to establish shelters for children, and for technical reasons he also refused to order desegregation of the state's private orphanages. The Center is presently appealing that portion of the judge's decision.

Wager v. Lind

HYDE PARK, N.Y. — The Law Center is assisting Mid-Hudson Valley Legal Services Project attorneys in a federal class action suit challenging the constitutionality of New York's delinquent tax laws.

The suit was filed on behalf of Mrs. Audrey Wager, a widow whose home was sold for overdue taxes without her knowledge. The Dutchess County tax assessor's office could have mailed Mrs. Wager a notice, but instead chose to follow procedures outlined in New York law by simply publishing notice of default in two local newspapers. The notice was in tiny print, among hundreds of similar notices, and Mrs. Wager did not see any of them.

Mrs. Wager was never notified directly by the county tax assessor that a tax sale would take place, nor was she told she had a right to redeem her property following the sale. Her home, which she and her husband had built 24 years before, was sold for \$174,022, the amount of her overdue taxes.

The suit claims the entire proceedings were a clear violation of the 14th Amendment's guarantee of due process of law.

Selmont v. Dallas

SELMA, Ala. — The Center rectified a twenty-year-old injustice in 1972 when a federal court ordered 10 miles of streets in black neighborhoods here to be paved. The new streets had to be equal in quality to those installed free in adjacent white neighborhoods in 1954.

This landmark ruling established that there is no time limit on the constitutional principle of equal protection. This precedent is applicable in every Southern city which has discriminated against blacks in such basic municipal services as recreational facilities, street paving, and medical care.

Chapman v. Thomasville

THOMASVILLE, Ala. — Pregnant students in this small southwestern Alabama town won equal rights as a result of a Law Center suit brought against the Thomasville school board.

The Thomasville school system, like many others throughout the country, forced a female student to leave school as soon as she was "visibly pregnant." Black students suffered the brunt of this policy.

Law Center attorneys filed a federal court class action complaint when a 15-year-old black honor student was thrown out of her tenth grade classes because of her pregnancy.

The suit was in preparation for trial when the school board voted in early summer of 1975 to abandon its policy of expelling visibly pregnant students. The board agreed to treat pregnant students no differently from other students with temporary physical disabilities. After a baby's birth, a student may now return to school and make up work she may have missed.

Mudd v. Busse

FORT WAYNE, Ind. — Plaintiffs ask that Indiana's bail laws, similar to those in other states, be reformed.

The suit claims that the bail code discriminates against poor people because the laws have the effect of denying pre-trial release to indigents solely because of their inability to buy their freedom.

A federal court judge has ruled that the suit may proceed as a class action, but he limited defendants in the case to Allen County officials. The suit had sought to include statewide officials.

Allen County is the county in which Kevin C. Mudd, the suit's named plaintiff, was arrested and detained because he could not make bail.

Despite the suit's geographical limitation, a favorable decision could help set a nationwide precedent to eliminate America's unjust bail system.

Gilmore v. Montgomery

WASHINGTON, D.C. — A 1974 Supreme Court decision in a Law Center suit against the city of Montgomery, Ala., prohibited the city's support of segregated academies through use of city-owned recreational fields.

Prior to the Center's suit, several private schools in the Montgomery area had used public ball fields as though they were their own, often denying access to the fields to other children. In addition, the academies' free use of city facilities enabled them to provide otherwise unavailable athletic programs to their students.

The Center—and the court—saw the use of the fields as public support of private, segregated institutions. Moreover, those schools were made more attractive to potential students, and, in that way, contributed to white flight from public schools.

Tucker v. Board

MONTGOMERY, Ala. — In April 1974, James Tucker, an indigent, was found guilty of a misdemeanor by a trial judge who refused to appoint an attorney to represent him. Under Alabama law, Tucker could immediately appeal his conviction and get a jury trial—provided he posted a cash bond before filing the appeal. Unable to raise bond, he was jailed instead.

Arrested in March 1974, Jerome Wright was bound over for trial by a judge whose fee was contingent upon the defendant's being bound over. Although the original charge was later dropped, he was returned to city jail, where he was required to work out a \$159 traffic fine, which he was too poor to pay, at the rate of \$7.50 per day.

The Law Center has filed class action federal court suit on behalf of Tucker and Wright which seeks to declare the court practices which permit such incarceration illegal.

Legal Defense

The Southern Poverty Law Center, concerned about the increasing number of persons sentenced to die in America, has established a fund to provide money for competent representation for individuals facing the death penalty. The special project, named the Life Litigation Fund, is a national effort to fight the death penalty at the trial level.

The Center actively handles some defense cases where the death penalty is a distinct possibility, such as in the Roy Lee Patterson case; in others, the Center funds the defense of indigents facing capital punishment and provides legal expertise if needed.

The following are four of the Center's more widely known death penalty cases.

Walston, Brown, Hines

TARBORO, N.C. — On December 9, 1973, Jesse Lee Walston, 24, Vernon Leroy Brown, 23, and Bobby Hines, 25, were convicted of raping a white woman. In accordance with North Carolina's capital punishment statute, they were sentenced to die in the gas chamber.

Law Center attorneys, convinced of the young black men's innocence, appealed their conviction to the North Carolina Supreme Court and won a reversal. In January 1974, the high court ordered a new trial.

The three men never denied having intercourse with the white woman, but they steadfastly denied raping her. As preparations for the new trial were underway, the district attorney said he would accept a settlement of a 12-year sentence in exchange for a guilty plea. Knowing the death

penalty hung over their heads, they refused his offer because they would not plead guilty to a crime they did not commit.

On the morning of the new trial, the district attorney again offered a settlement — six years in exchange for a guilty plea — and again the men refused to accept.

Center attorneys had done exhaustive investigation into the facts of the case and had uncovered important evidence which was not produced in the first trial. They were primed for trial when the final acceptable settlement was offered by the prosecuting attorney — a plea of nolo contendere, no contest, to a charge of assault with intent to rape and a six-year suspended sentence.

In August 1974, Walston, Brown and Hines were finally set free to return to their families after spending nearly two years in prison.

Joanne Little

RALEIGH, N.C. — In August 1975, Joanne Little was acquitted of the icepick murder of Beaufort County jailer Clarence Allgood. The Law Center was instrumental in garnering support for Miss Little, and underwrote nearly all of the substantial expenses in her case. Those funds provided her 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.

Joanne Little's case for the first time brought to widespread public attention the brutal conditions which exist for female jail inmates.

Roy Lee Patterson

CORDELE, Ga. — Law Center attorneys have appealed the conviction of U.S. Marine Sgt. Roy Lee Patterson who was sentenced to life in prison on Sept. 30 in connection with the deaths of two law enforcement officers.

Georgia prosecutors charged Patterson with first degree murder, and the jury could have sentenced him to die in Georgia's electric chair.

Patterson, 25, has consistently claimed the officers were shot in self defense after one of them—Georgia State Trooper James Young—assaulted him in the Cordele police station. Center attorneys are convinced the war-decorated Marine is innocent of any crime and are determined to secure him another trial.

Dahlia June Hall

TULSA, Okla. — A public defender here sought the Law Center's aid when his client, 33-year-old Dahlia June Hall, was charged with the murder of her two children.

Obsessed with the idea of an impure and corrupted world, Mrs. Hall shot to death her two young children and then crawled in the bed between them and shot herself twice in the chest. She was found five days later, gravely wounded and still lying between her dead children.

Defense attorneys and psychiatrists recognize Mrs. Hall's mental illness, but the prosecution is determined to re-try her on a murder charge which automatically calls for the death penalty. A first trial ended in a mis-trial in April 1975.