

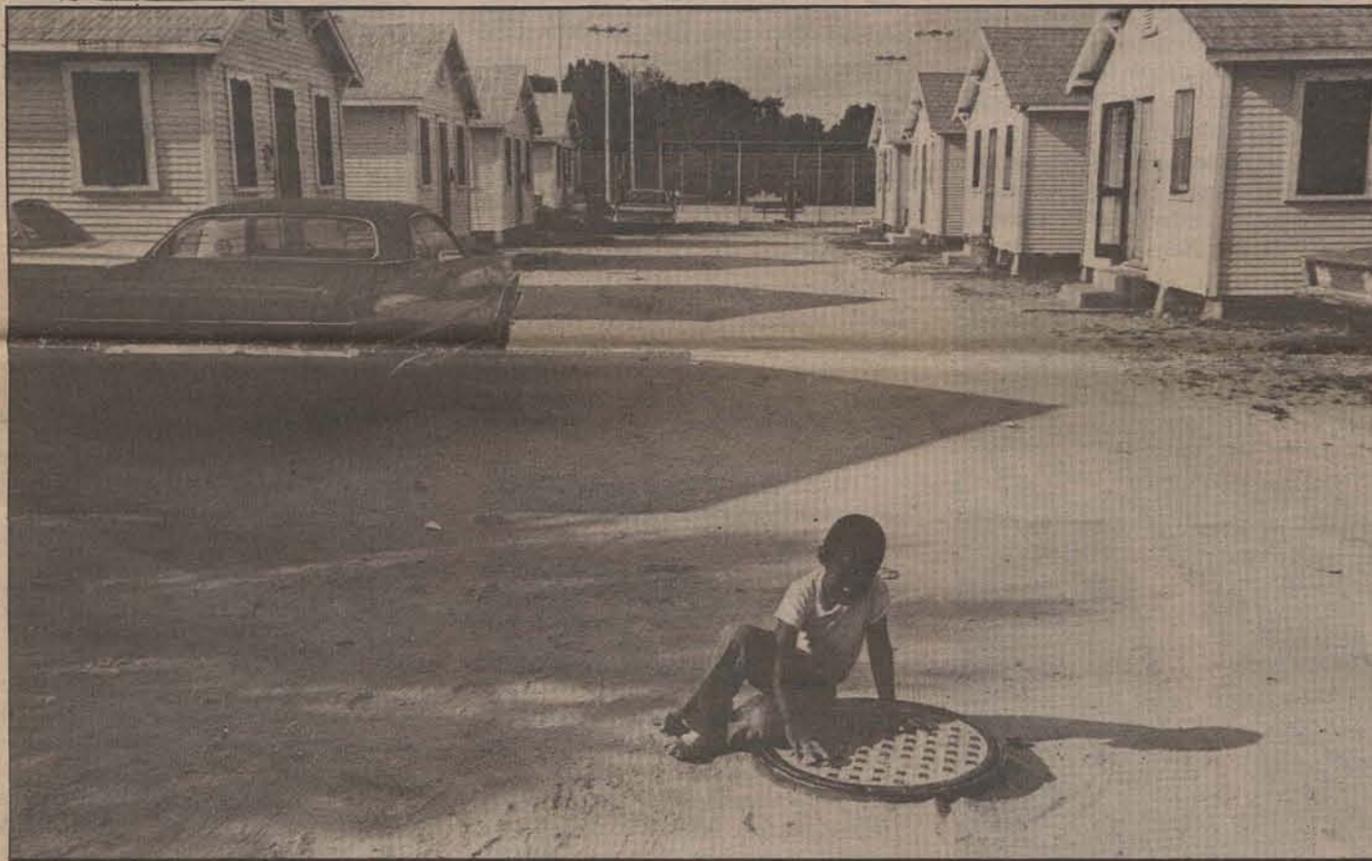
poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

Volume 5, Number 3

A publication of the Southern Poverty Law Center

May/June, 1977



Penny Weaver

Black neighborhoods in two Florida cities will be upgraded as part of the municipal services case settlement.

Florida blacks win equal services

FORT MYERS, Fla. — After decades of neglect, black neighborhoods in this wealthy resort community will finally get street paving, storm sewers, fire hydrants and street lights equal to those in white neighborhoods.

The Southern Poverty Law Center and the Washington, D.C., — based Lawyer's Committee for Civil Rights Under Law have agreed with Fort Myers officials to pre-trial settlement of a lawsuit seeking an end to racial discrimination in the distribution of municipal services.

In a similar suit in nearby Arcadia, U.S. Dist. Judge Ben Kretzman has frozen \$415,000 of federal revenue sharing money until city officials improve and equalize municipal services there.

The Arcadia case is considered especially significant because it is the first municipal services lawsuit to overcome the barrier presented by the U.S. Supreme Court in its decision in a case called *Washington v. Davis*.

In that decision, the court set a precedent that plaintiffs in such cases had to prove actual intent to discriminate on the part of city officials. Lawyers' Committee attorney David Lipman was able to overcome this in the Arcadia suit by showing a historical pattern of racial discrimination reaching back 25 years or more.

Both Fort Myers and Arcadia are typical of white-dominated city governments which use local, state and federal funds to develop streets, water and sewer systems and recreational facilities in white neighborhoods while ignoring the needs of black neighborhoods.

In Arcadia, for example, 16 per cent of the town's black housing units were located on unpaved streets, compared to 2 per cent of white housing units. Arcadia had one fire hydrant for every seven houses in white neighborhoods, only one for every 16 houses in black neighborhoods.

The Smith-Brown Community Center in a black Arcadia neighborhood had a rough, unfenced, unmarked lot for a baseball field, and a broken, knee-level faucet as the only source of drinking water for the youngsters who play there.

At the Speer Recreation Center across town in a white neighborhood, youngsters played on modern, lighted tennis courts, drank from sanitary, cooled drinking fountains and had access to a completely equipped kitchen for public functions. A modern baseball field was under construction there when the lawsuit was filed.

During the trial of the Arcadia lawsuit, Judge Kretzman found that Arcadia city officials had deliberately discriminated against black citizens in the areas of street paving, parks and recreation facilities and water distribution.

That case was strengthened considerably when the federal Office of

(Continued to page 2)

Arkansas executions defeated

BENTONVILLE, Ark. — After seven weeks of investigation, pre-trial motions and jury selection, Southern Poverty Law Center attorneys beat the death penalty here in a case involving two brothers, Wayne Jones, 20, and Dennis Jones, 18, from Fulton, Miss.

Both pleaded guilty to the murder of a deputy sheriff during an attempted escape from the Benton County Jail. They were sentenced to life prison terms.

Wayne and Dennis were prime candidates for the Arkansas electric chair. They said they had not intended to kill Deputy Ed Rose when they tried to overpower him to get the keys to escape the jail, but Rose did die of stab wounds received from his own pocket knife during that struggle.

Wayne and Dennis were black men on trial in a county which had a black population of less than one-half of 1 per cent of the total population. Their family, while not as destitute as many rural Missippians, could not afford the legal fees necessary to hire private attorneys. The Benton County prosecutor insisted from the outset of the trial that he would settle for nothing less than the death penalty.

This was just the kind of "hopeless" case SPLC attorneys had in mind when they decided to take selected cases around the nation to develop and polish new techniques for death penalty defenses. The object in each case was to save the particular defendant from the

(Continued to page 3)

16-year-old's death sentence appealed

Team Defense attorneys will appeal the conviction and death sentence given by a south Georgia jury to Gary Hawes, a 16-year-old black youth. See Docket update, page 4.

Mrs. Hamer, civil rights leader, dies

Fannie Lou Hamer, a fighter for human and civil rights for two decades, died in Mississippi during March. She had suffered from cancer and had been in poor health for several years. She was 60 years old.

Mrs. Hamer was a member of the Southern Poverty Law Center's President's Council, an advisory board. Her determined and eloquent appeals for racial justice made her a nationally prominent figure during the early 1960s.

Her speech at the 1964 Democratic National Convention in Atlantic City, New Jersey, forced the eventual adoption of rules which assured that a state's delegates could not be seated if blacks had been excluded from the delegate-selection process for that state.

"I question America," she cried out during that speech. America was listening to her, even though some of the most prominent politicians of the day had tried to prevent her from speaking.

Mrs. Hamer's active campaign on behalf of poor people was undertaken at great personal sacrifice. For 15 years, she had been a bookkeeper on a Mississippi plantation, but she lost her job and was evicted from her house when she led a group of black people in an attempt to register to vote in her home of Sunflower County.

Over the years, she was shot at, beaten and arrested many times, but her determination never wavered. Even

when she was "sick and tired of being sick and tired," as she put it, Fannie Lou Hamer fought on.

Her concerns for freedom and democracy went beyond the race issue. She was one of the first critics of American involvement in Vietnam, an inspiration and fighter for the rights of women, a leader in anti-poverty efforts, and an advocate of the powers that rightfully belong to the people.

For the past dozen years, Mrs. Hamer had traveled widely, when her health would allow it, in the U.S. and in Africa, speaking, singing and striving for freedom.

Though she was a self-educated woman, the honors and awards which eventually came her way included honorary degrees from several colleges and universities.

There were literally thousands of people at her funeral and memorial service in her hometown of Ruleville, Miss., on March 20. Among them was SPLC President Julian Bond, who spoke for all when he said, "I'm here because I knew her and loved her and I'm one of the many, many people both who knew her and didn't know her, who will benefit because of what she did."

Contributions to help meet the medical expenses of her last few months may be mailed to the Fannie Lou Hamer Fund, P.O. Box 303, Ruleville, Miss.



Mrs. Hamer with Andrew Young, at a ceremony in her honor last year.

Florida

(Continued from page 1)

Revenue Sharing, in the first such incident ever, found Arcadia officials in violation of the anti-discrimination provisions of the Revenue Sharing Act.

The specific streets to be paved, parks to be improved and other corrective relief granted to the black plaintiffs in the Arcadia case is to be worked

out under a plan to be submitted within 30 days.

In the Fort Myers case, Judge Kretzman, as part of the negotiated settlement, ordered the construction of \$1.9 million of service improvements in black neighborhoods.

New water and sewer systems, extra storm drains and extensive street paving is to be done in these neighborhoods over a three-year period. In addition, Fort Myers officials were ordered

poverty law Report

Volume 5, Number 3

May/June, 1977

The Poverty Law Report is published bi-monthly by the Southern Poverty Law Center, 1001 S. Hull St., Montgomery, Alabama 36101.

Julian Bond
President

President's Council

Lucius Amerson
Anthony G. Amsterdam
Hodding Carter III
John Lewis
Charles Morgan

Staff Attorneys

Robert Altman
John Carroll
Morris Dees
Millard Farmer
Pamela Horowitz

Randall Williams
Editor

Dees wins public service award from law group

Morris S. Dees, chief trial counsel of the Southern Poverty Law Center, has received the annual Public Service Award from the Law Students Civil Rights Research Council.

The award was presented by the Council's national director, Jack Brummel, in Atlanta on May 7, and recognizes Dees's "outstanding work for the public interest through the litigation of the Southern Poverty Law Center."

Civil rights attorney Charles Morgan, Jr., who is a member of the SPLC's President's Council, was master of the awards ceremonies, and he told the audience that Dees, in his career as a lawyer, had never forgotten his background among poor people of both races in rural Alabama.

In his acceptance remarks, Dees recounted major cases he had been involved

in, including the reapportionment of the Alabama legislature, the Joann Little trial, the integration of the Alabama state troopers and others.

He said it only takes one lawyer standing behind one plaintiff to develop a case which will advance the rights of thousands of poor people. In that regard, "being a civil rights lawyer is kind of like being yeast in the bread," Dees said.

He said his major legal effort now is in death penalty cases. "The death penalty is an issue which will touch everybody, whether they believe in the punishment or not. It is a punishment still reserved for the poor, still reserved primarily for blacks," Dees said.

He is the first Southerner to receive the award from the LSCRR.

Attorney attacks death law

MONTGOMERY — The Alabama Court of Criminal Appeals will hear arguments June 8 on the constitutionality of the Alabama death penalty law.

John Carroll, SPLC staff attorney, will argue that the law is defective because it requires juries to give automatic death sentences upon conviction. The SPLC represents John L. Jacobs and Jerry Wayne Jacobs, two brothers who were found guilty of the robbery and murder of an Alabama man and were sentenced to death by a jury in Blount County.

John Jacobs is 36 and is from Alabama; Jerry Jacobs is 27 and is from Florida. Both are white and poor. They were the first persons sentenced to death under Alabama's new death penalty law, passed after the U.S. Supreme Court decision in the *Furman* case in 1972.

Carroll says the Alabama law is a

unique hybrid which attempts to combine a mandatory death statute with some elements of a guided discretion one.

Carroll said he believes the law is unconstitutional because a jury which finds a defendant guilty of an offense which *could* be punishable by death has no choice but to give a death sentence. The jury is not allowed to consider life imprisonment as an alternative punishment or to convict the defendant of a lesser offense than capital murder.

Alabama trial judges can reduce a jury's death verdict to a life sentence, but these judges are elected to the bench and would rarely impose their judgment over that of a jury.

"The practical effect," said Carroll, "is that Alabama has reinstated the 'arbitrary and freakish' imposition of the death penalty which the Supreme Court has forbidden.

"Under the Alabama law, jurors are faced with impossible choices. A juror who feels that a defendant is guilty but should not be put to death must either vote not guilty and set the defendant free or vote guilty and sentence the defendant to death, even though such an act would violate the juror's oath and conscience," Carroll said.

Under Alabama law, a defendant acquitted in a death penalty case cannot be retried for lesser crimes such as first degree murder.

to upgrade the criterion by which they spend federal revenue sharing funds and community development block grants.

The victory in the Arcadia suit and the settlement in the Fort Myers case were the result of 18 months of field work and litigation by the SPLC and the Lawyers' Committee.

The cases were styled *Harris v. City of Fort Myers* and *Johnson v. City of Arcadia*.

Women guards issue before Supreme Court

The United States Supreme Court is expected to rule during June on a sex discrimination suit won by the Southern Poverty Law Center in a three-judge federal court in Montgomery, but appealed by the Alabama Board of Corrections.

The Montgomery court struck down height and weight restrictions and administrative regulations used by the Board of Corrections to bar women

Black law students graduate

BIRMINGHAM — Though there are one million black citizens in Alabama, there are only 50 black attorneys.

Three years ago, the Southern Poverty Law Center helped a small black college in Birmingham establish a law school program to prepare more young black men and women for careers as attorneys and judges.

Now officials of the Miles Law School at Miles College are preparing to graduate their first class, of which 80 per cent of the students are black.

Eighteen of the first 20 graduating students plan to practice in Alabama. There are 35 more students enrolled in lower classes; roughly as many blacks are now studying law at Miles as currently practice in Alabama.

The dean of the law school, Ralph Cook, is obviously proud and enthusiastic. "We see our school as a firm opportunity to make society more and more open by placing potential black lawyers in positions of importance in this state," he said.

Cook, who is a judge in Jefferson County (Birmingham), said he is encouraged by the support given the school by the community and other law schools. Law schools and book publishers have donated some of the many volumes of books needed for the school.

The school has a faculty of seven, including Cook. Only two are full-time staff members; the majority are practicing lawyers from the Birmingham area. That influence can be seen in such courses as a nuts-and-bolts class called "law office practices."

This, Cook explains, simply teaches a potential lawyer how to find his way around the old county courthouse, how to smile at the county clerk and other essential but sometimes untaught fundamentals of putting together cases.

Cook said the faculty is now attempting to broaden the course selections by adding more electives, especially in the area of constitutional law. Many of these new courses will be slanted to civil rights and poverty law issues, which remain prominent in the interests of both faculty and student body at Miles.

The law school is not yet accredited, but Cook said school officials are working toward that goal. Course offerings are being expanded as rapidly as finances and enrollment allow, and the number of volumes in the law library is constantly increasing.

from jobs as guards in Alabama prisons. The original lawsuit was brought by the SPLC on behalf of Kim Rawlinson, who had applied for a job but was turned down because she was just under the minimum weight set by the state.

SPLC attorney Pamela Horowitz, who argued the case before the Supreme Court, had proven that the arbitrary height and weight limits chosen by Alabama prison officials had excluded substantially more women than men from potential employment. She had also shown that the regulation used to bar women from "contact" positions within all-male prisons effectively denied women 75 per cent of all jobs within the prison system.

Horowitz argued that even if there was a correlation between height and weight and strength, the Board of Corrections never proved that strength was a necessary qualification for a guard's job. She had proved, however, through expert testimony, that there are other qualifications more important to the job than strength.

Women do work in contact positions in all-male prisons in other places than Alabama, and Horowitz had presented expert testimony from federal prison officials who said that the presence of women inside all-male prisons had a good influence on the inmates.

The Alabama officials had said that prison jobs are too dangerous for women, but the federal judges in Montgomery had ruled that women can decide for themselves whether to take dangerous jobs.

Benefits denied for unborn

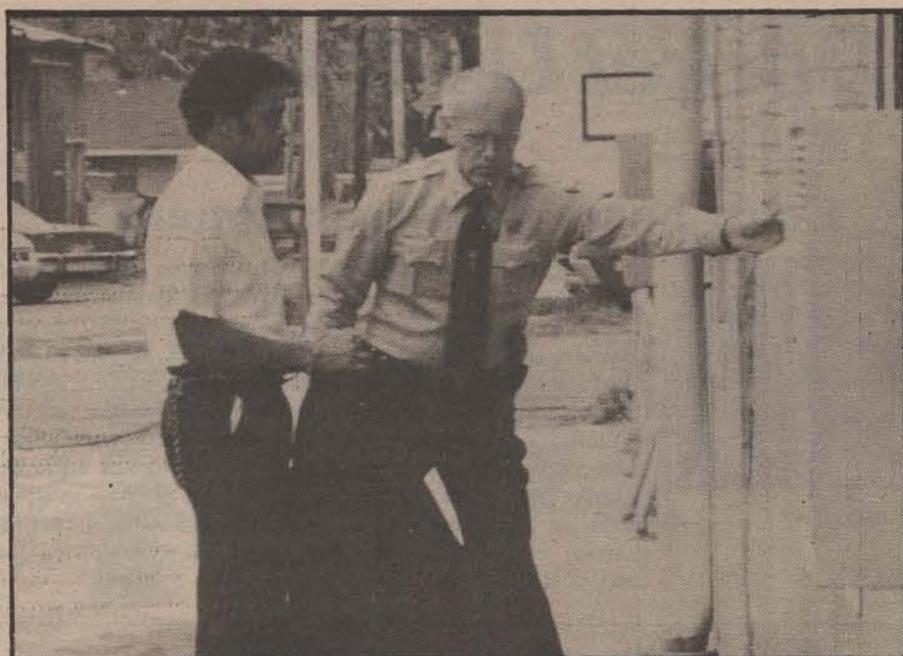
CHARLOTTE, N.C. — The Southern Poverty Law Center and the Legal Aid Society of Mecklenburg County have lost their fight for welfare benefits for unborn children.

North Carolina has one of the highest infant mortality rates in the nation, and pediatricians and other experts attribute this partly to the fact that so many poor mothers cannot afford the nutrition to sustain themselves and their fetuses prior to birth and the infant child in the first critical months after birth.

The Legal Aid Society, with assistance from the SPLC, filed suit on behalf of two pregnant Charlotte women asking that North Carolina welfare officials be forced to make "aid to dependent children" payments as soon as an otherwise qualified recipient could prove that she was pregnant.

The federal government will fund such payments if states will pay a share; the states have an option to do so but are not required to. North Carolina is one of 16 states which do not.

The United States Supreme Court agreed during April with a lower three-judge federal court that North Carolina welfare officials were not practicing racial discrimination in their refusal to make the payments and that there was no violation of the mother's constitutional rights involved.



Ron Hovey, Rogers Daily News

Wayne Jones arrives for court. At right is a sheriff's officer.

Arkansas executions

(Continued from page 1)

executioner while perfecting a technique which could then be taught to other defense attorneys and public defenders.

The death penalty was considered worthy of such concentrated effort and study because it is a punishment which historically has been used against poor people, especially poor people of minority races.

The SPLC entered the Jones case after receiving a letter from Mrs. Jones requesting help for her sons. Wayne and Dennis had left Fulton in the summer of 1976 and had gone to Detroit, Mich., to look for jobs.

They each held jobs for several months, but returned to Mississippi, then went on to Arkansas, where they robbed a post office in the tiny Benton County community of Garfield. With them was their cousin, Jimmy Marion, 21, of Detroit.

While the three were awaiting trial in the Benton County jail, they became involved with three other inmates in plotting a jailbreak. Notes concerning the plot were slipped from cell to cell and one of the other inmates made several phone calls to friends outside the jail seeking to enlist their assistance.

On the appointed night of the escape attempt, Deputy Ed Rose came to the

cell in which Wayne and Dennis were locked, and opened the cell door to hand in some aspirin tablets. According to plan, Wayne and Dennis jumped the deputy to get his keys, with which they would have freed the other inmates.

But the deputy fought them off, and in the struggle he was stabbed. He died several hours later in a hospital, but he prevented Wayne, Dennis and the other inmates from escaping.

Wayne and Dennis were indicted for capital murder; Jimmy Marion, who was locked in another cell during the struggle, was indicted for first degree murder; the other three inmates, all white, were not indicted.

Following the deputy's death, Wayne, Dennis and Jimmy were transferred to a jail in another county to keep them away from other prisoners and deputies. One officer in the Benton jail immediately after the incident had shaken Wayne roughly and promised him "a taste of Arkansas justice."

Having grown up in Mississippi, Wayne was all too familiar with extra-legal forms of justice, and he said later that he expected the officer meant "justice" from a tree and a rope on some county road.

(Continued to page 4)

Team Defense plans June seminar

A seminar in Atlanta June 25-26 marks the end of a successful year-long cooperative effort of the Team Defense project and the Southern Poverty Law Center to develop and improve new defense techniques for death penalty trials.

The seminar, entitled "Innovative Psychological Concepts Applied to the Law," will be conducted by Team Defense Associates Robert Altman, Millard Farmer and Courtney Mullin, with special sessions led by Morris Dees, chief trial counsel of the SPLC, and Anthony Amsterdam, Stanford University Law School professor and a member of the SPLC's President's Council, an advisory board.

For the past 10 months, the Southern Poverty Law Center has funded the Team Defense operations, which are based in Atlanta.

Several lives have been saved from the executioner at the trial court level; more than a dozen others are being

spared on appeal or because the concepts and techniques developed by the attorneys have forced suspension or relocation of trials until prejudice on the part of the court or the community has been dissolved.

The SPLC grant to the Team Defense office expires at the end of July, and the two offices will have no official working relationship after that date. Attorneys from both offices expect, however, to continue sharing in selected cases their expertise in the highly specialized area of death penalty defenses.

One of the primary objectives of the joint effort between Team Defense and the SPLC was to develop a program to communicate innovative defense techniques to public defenders and other attorneys.

The Atlanta seminar is an outgrowth of that objective, and will also help to raise funds so that the Team Defense project can continue to operate.

Docket Update

Court hears Patterson appeal



CORDELE, Ga. — Sgt. Roy Lee Patterson remains in the Crisp County Jail here while he waits for a decision from the Georgia Supreme Court on his motion for a new trial. Center attorneys John Carroll and Morris Dees argued on April 12 that Sgt. Patterson's lower court trial two years ago was marked by such blatant prejudice and racial hatred that fairness was impossible. They cited inflammatory remarks by the prosecutor, an improper jury charge by the judge, the failure of the judge to strike prejudiced jurors and the failure of the state to allow funds for Sgt. Patterson, an indigent, to hire an expert to examine crucial evidence which might have supported his claim of self-defense.

Handicapped plaintiffs lose suit



ROCHESTER, N.Y. — A U. S. District Judge has dismissed a lawsuit brought here by handicapped plaintiffs to force the local bus system to equip vehicles for use by people on crutches and in wheelchairs, but the decision is being appealed. Marianne Artusio, staff attorney for the Monroe County (New York) Legal Assistance Corporation said the appeal will be heard in late summer. The lawsuit was filed by MCLAC with the assistance of the Southern Poverty Law Center. The case is called *Leary v. Crapsey*.

Dawson trial to be held in June



DAWSON, Ga. — Roosevelt and Henderson Watson, Johnny and Junior Jackson, and J.D. Davenport, who face the death penalty if they are convicted, will go on trial here during June. All five young black men are accused of killing, during a robbery, a customer in a small rural store near here. Witnesses say the young men were somewhere else at the time of the robbery, and none of them were ever found with a weapon or with any of the money supposedly taken. Though Roosevelt and Henderson were well-known to the store owner, he waited several days after the robbery before telling police that he recognized Roosevelt as one of the robbers. Roosevelt and Junior Jackson are now free on \$100,000 bond each, but the other three young men remain in the Terrell County Jail.

Ross gets new 20-year sentence



NEW ORLEANS — Johnny Ross, once one of the youngest Americans on death row, has been resentenced to a 20 year prison term for his alleged part in the rape of a white woman. Johnny still maintains his innocence, and the SPLC is filing new appeals of his case in an attempt to win a new trial. But his sentence was reduced from death to a maximum of 20 years because the U.S. Supreme Court struck down the Louisiana death law under which he was convicted. While the further appeals are pending, Johnny will be taken from his tiny death row cell and placed into the general prison population. Meanwhile, Center attorneys will work to have him reclassified into a rehabilitation program in keeping with his youth and the fact that he has no prior record.

Hawes appeal begins in Georgia



ATLANTA — Team Defense attorneys Millard Farmer and Robert Altman are filing appeals of the conviction and death sentence of 16-year-old Gary Lee Hawes. They and other Poverty Law Center attorneys were asked to handle Gary's case at the trial court level months ago, but they felt that he was too young (he also did not have a prior record) to ever receive the death penalty from a jury, and that precious resources should be spent on other cases where it was felt the defendant was in immediate danger of execution unless he received expert assistance. So they turned down Gary's request for help. The attorneys were shocked when they learned later that Gary had been convicted and had been sentenced to death, by a mostly white jury in Homerville, a small town in south Georgia. The trial took one day. Gary received a death sentence, but his older brothers, who were also involved, were given lesser sentences. Gary was under the care and custody of his brothers. His mother had died when he was small and he did not live with his father. Farmer and Altman have now decided that they will appeal Gary's case, despite their already heavy caseload, to prevent the execution of a 16-year-old.

Arkansas

(Continued from page 3)

Actually, Wayne was never in danger of harm from the Benton deputies. He was never beaten or subjected to unusual interrogation and he had access to an attorney at all times. The mood was ugly in the sheriff's offices, but the deputies expected that Wayne and Dennis would be executed by the courts soon enough.

Prosecutor Gary Kennan and his assistants Kevin Pawlik and David Clinger made it clear that they also wanted a death penalty.

"I have no personal feeling about this, but I believe in the death penalty and this is a death penalty offense and I think the people (a jury) ought to speak on whether they want it or not," said Kennan.

The question was whether Wayne, who was to go to trial first, could get a fair trial. SPLC attorneys Morris Dees and John Carroll got to work to find out.

One of the important things in the SPLC concept of death penalty trials is the active participation of local attorneys. They bring to the trial knowledge of local law and local courts and their own ideas for trial strategy. By working on the case they learn techniques that will allow them to prevent the execution of another defendant in the future.

In Benton County, the SPLC was fortunate. Circuit Judge William Enfield had appointed attorneys Hardy Croxton, David Myers and Doug Wilson to defend Wayne, Dennis and Jimmy. Carroll and Dees said they had never worked with finer lawyers.

The Court opened with pre-trial motion hearings. Wayne's attorneys asked the court to provide funds so Wayne, an indigent, could hire experts that would be needed to prove that he should not be executed.

Because some of the inmates and deputies in the jail, who would be witnesses for the prosecution, would not answer defense questions about the case, the court was asked to order them to cooperate.

Because there had been so much publicity about the case and because the prosecutor and the sheriff had held press conferences at which they told some of the evidence in the case, the court was asked for a delay until the community atmosphere would allow a fair trial.

Because of the publicity and the fact that black men were on trial in an all-white county, the court was asked to make available a greater number of potential jurors for the attorneys to choose from.

For the same reasons, the court was asked to allow the jurors to be questioned individually and in private, so that attorneys could decide whether the juror already had an opinion about the case or was prejudiced against the defendant.

Wayne's attorneys filed challenges to the Arkansas death penalty law, and to the practice whereby potential jurors who would never vote for a death sentence are excluded from jury service while those who would never vote for anything except a death sentence, where the law allows it, are not.

Wayne Jones himself played an important part in the trial. He discussed with the attorneys the strategy of the trial and he asked potential jurors whether they would give him a fair trial and whether they would consider life imprisonment instead of execution for him if they decided he was guilty.

Wayne appeared in court each day

neatly dressed and attentive and courteous. Slowly the attitudes of deputies and court officials began to change. They began to see Wayne Jones as a young man who had committed a horrible act but who was still a human being.

Wayne's family contributed to this change in attitude. Mr. and Mrs. Ben Jones, Wayne's wife, Mae Helen, and his infant son, Wayne Jr., came to court and sat quietly behind the rail watching as the attorneys argued over whether Wayne would live or die.

"My boy killed Ed Rose and I grieve for it. But we can't bring him back, and I wish you wouldn't take my boy's life and make the suffering worse," Ben Jones told a court official.

Morris Dees made a similar comment to another official: "The Rose family has had a tragedy, but now you want to make another tragedy for the Jones family. The Jones family hasn't done anything and they don't deserve that. If it would help the Rose family it might be different, but it won't reduce their pain to make new pain for Mr. and Mrs. Jones."

Judge Enfield granted the request to have individual voir dire questioning, and this procedure went on for two weeks and eventually led to settlement before trial. Both prosecution and defense attorneys probed jurors for responses indicating prejudice or preheld opinions on race, law enforcement, the death penalty, religion and other areas.

Finally, the prosecutors decided that the jurors who would be chosen in Wayne's trial would not vote for the death penalty, and they decided to settle the case. Both Wayne and Dennis pled guilty, and were sentenced to life imprisonment. The charges against Jimmy Marion were dropped, though he faces other charges for the post office robbery.

Had the case gone to trial, Wayne Jones would have been convicted. The jury would have then sat in another hearing to decide whether he lived or died.

Wayne's attorneys were already planning for that. A former prison warden who supervised scores of executions but who is opposed to the death penalty was willing to testify that he had never met a condemned man who said he had thought about the possibility of execution before committing his crime.

A minister was prepared to tell why he is opposed to capital punishment on religious grounds. A professor who has studied Arkansas homicide rates was ready to testify that during the late 50's and early 60's, when Arkansas had one of the highest execution rates in the nation, the state also had one of the highest homicide rates. After executions stopped in the 1960's, the homicide rate dropped to a level equal to the national average.

The mother of an inmate on death row in Georgia was coming to Benton County to testify that when her son was sentenced to death, she and her family were ostracized from the community and had to face each day knowing that their son would be electrocuted.

A former Arkansas death row inmate, whose sentence was commuted and who is now a minister, was to be a visible example to the jury that no man's life is beyond redemption if given a chance.

The Wayne Jones case has been chosen by the SPLC to be the subject of a death penalty trial manual to be published later this year for distribution to public defenders and private attorneys. The concepts and developments discussed in this article will be explained in detail in that manual.