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poverty law Report

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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Mark Chesnutt

Elderly residents of this Alabama nursing-type facility were forced out to make way for its demolition. Experts on the problems of aging say that such moves should be avoided.

Transfers might be fatal

Elderly sue to prevent nursing home closing

PORTLAND, Ore. – Albert Chaker is an elderly resident of Edgefield Manor, a nursing home here run by Multnomah County. Chaker has a normal mind, but is completely helpless because of cerebral palsy.

Multnomah County officials want to close Edgefield Manor, despite convincing evidence that to do so would increase by up to three times the chances of death for Chaker and other residents of the nursing home.

The Southern Poverty Law Center is assisting the Multnomah Legal Aid Service to make sure that Edgefield Manor residents are not, against their will, moved to inferior nursing homes.

Experts in gerontology, the science of the problems of the elderly, agree that the transfer of infirm, often senile, old persons from their familiar surroundings may be fatal.

For Albert Chaker, the mere prospects of a move are frightening. He has had poor care elsewhere, and is obviously grateful that people around him at Edgefield care enough to make the extra effort to communicate with him; his condition greatly restricts his ability to talk.

In a painstakingly given affidavit, Chaker said: "So this home has given me the security and love that I needed so very, very badly. One of the things that made me very apprehensive about leaving the security of home here and all the ones that are so close to me – it also means starting all over again."

Albert Chaker goes into spasms when he worries about Edgefield closing; his wheelchair "just bounces up and down," according to an official of the nursing home. When he is confronted with members of a special team sent

(Continued to page 8)

Alabama continues trooper discrimination

MONTGOMERY – After a lawsuit by the Southern Poverty Law Center in 1972, the State of Alabama was ordered to correct past and existing racial discrimination by hiring one black trooper for every white hired until the percentage of black troopers reached approximately 25 per cent, which reflects the black population of the state.

Until that time, no black had ever served as an Alabama State Trooper. Alabama blacks had had extensive contact with state troopers, at the Edmund Pettus Bridge in Selma and at other places, but that contact had been uniformly depressing, even on occasions hazardous to the physical health of black citizens.

Even after the court ordered the State Department of Public Safety to hire black troopers, it took another trip to court to force the state to play fair. The state had decided, as a stalling maneuver, to simply stop hiring troopers of any race. The court ordered that tactic stopped in 1975.

Early this year, Center attorneys began to receive complaints from black state troopers who had been hired. The complaints indicated a deliberate pattern of harassment, preferential treatment of whites in some aspects of training and testing, different standards of discipline for black troopers as compared to white troopers, and social and official discrimination against blacks at the trooper training academy.

The results were that blacks, even though hired as troopers, were encouraged to withdraw from the training process before they actually were placed on the job, and were forced or encouraged to resign from their jobs before they had completed the probationary period of employment.

At the present rate, the Center attorneys found, it will be 15 years before the hiring goal set by U.S. Dist. Judge Frank M. Johnson Jr. in 1972 will be met.

Presently there are approximately 65 black troopers, many of whom have not been granted permanent employee status. This is less than 10 per cent of the total Alabama trooper force.

Center attorney Morris Dees is asking the court to reopen the trooper case, to appoint an impartial monitor to oversee implementation of the court's orders to insure compliance, and to increase the hiring goals from one black for every white hired to four blacks for every white hired so that past discrimination will be corrected promptly.

A notable example of the tactics encountered by black troopers is the case of Billy Ray Jackson of Opelika, Ala., who was accepted for trooper training in 1976, but was fired while still in training.

The first day Jackson attended trooper school, he was met at the door by an administrator and asked to resign. He refused then and on several similar occasions.

As a reason for his eventual firing, he was told "that I'd caused a lot of trouble in the Auburn Police Department (he was a detective) while I was there, and they didn't want to risk training me and having trouble."

These charges are false. Auburn Police Chief Charles Blodgett has written that all evaluations by Jackson's supervisors "were rated above standard. He received several commendations by private citizens and neighboring agencies."

Blodgett also noted that Jackson attended college during off-hours and was a graduate already of the Southeast Alabama Policy Academy. "His work was above average and his personal conduct met satisfactory requirements

(Continued to page 6)

Black couple seeks to stop foreclosure

A poor black couple may lose their home unless attorney Larry Menefee, with the Center's assistance, is successful in a suit against the Home Construction Company and the First National Bank of Mobile.

Our clients are Mr. Willie Graham and his wife Ruby Lee, residents of Mt. Vernon, Ala. A representative of the Home Construction Company came to their modest home and talked them into signing a contract for various repairs and renovations to their house.

He told them the cost would be between $3,000 and $4,000, and then he got them to sign various papers, including a mortgage on their home. All the documents were blank as to costs and financing terms, but he said that the papers would be typed up back at his office.

The company's workmen showed up a few days later, and it was only after they were finished that the Grahams received in the mail copies of the documents they had signed. That was the first time they became aware of the actual cash price and total payments for the work.

They were charged $4,780, substantially more than the maximum $4,000 fee quoted by the salesman, and the financing brought the total cost of the work to nearly $7,500.

Some of the work was not completed, and the rest was of the poorest quality. The windows and roof leak, the vinyl tile flooring has already begun to peel up, and the outside paint runs when it rains.

The Grahams are suing for breach of contract, and also for various violations of consumer protection laws because they were not informed of the crushing financial burden to which they were subjecting themselves, nor were they told of their right to cancel the contract after signing.

The First National Bank of Mobile is in the suit because, without their cooperation, the Home Construction Company could not have perpetrated this fraud.

We hope to win a ruling that will cancel all the contracts entered into by the Grahams, and force the Home Construction Company and the bank to return to the Grahams any payments they have made. We are also asking the court to award the Grahams damages, and to issue a ruling to restrain the defendants from any future violations of consumer protection laws.

Other poor blacks, involved in a different suit against the Home Construction Company, have also been bilked. One woman, 65, nearly blind and diabetic, lives on just $200 a month from Social Security, but was charged over $20,000 for "improvements" on the pitiful shack which is her home.

Advances in comsumer protection laws make us feel that we have a good chance of setting a significant precedent in this suit on behalf of the Grahams.

The support given to the Southern Poverty Law Center helps to insure that the poor can fight back when their rights are violated.

Julian Bond

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Landmark juvenile rights case argument set down before Supreme Court

MILLEDGEVILLE, Ga. – Though he didn't live to see it, 12-year-old Joey Lister's case concerning his wrongful incarceration in Central State Mental Hospital will be argued in late November at the United States Supreme Court.

Joey was the anonymous J.L. in the court case, *J.L. and J.R. v. Parham*, in which a three-judge panel of federal judges struck down Georgia laws allowing juveniles to be placed in mental institutions without a hearing.

Joey was seven and of normal intelligence when his mother and stepfather had him admitted to Central State Hospital. There he was subjected to drug testing and, for five years, kept in the company of other patients whose sometimes bizarre and often frightful behavior could not be avoided; his I.Q. steadily declined and he was unhappy.

After the federal judges struck down the law, Joey's father came forth and the boy was placed in his custody. Four months later, Joey was found, an apparent suicide, hanged in the closet in his room.

The State of Georgia, meanwhile, had appealed the case to the U.S. Supreme Court.

Because about 25 other states have similar laws, the case is considered a landmark test of juvenile rights. The case will be argued by John L. Cromartie, Nancy Lindbloom and Jerry Tarutis of Georgia Legal Services, and was prepared with the assistance of the Southern Poverty Law Center.

During the lower court trial of the case, the three judges, including U.S. Attorney General Griffin Bell, then a Fifth Circuit Court of Appeals Judge from Atlanta, toured several Georgia mental hospitals and heard testimony from experts in the field of child care.

The unanimous opinion of the three judges was that despite the good intentions of many parents, mental hospitals are used as "dumping grounds" by others who do not want their children.

Of about 150 juveniles in the Georgia hospitals, the state admitted that 46 of these were like Joey Lister and the anonymous J.R. (another 12-year-old): not psychotic and therefore inappropriately detained in the hospitals.

If no places are open in foster homes or other suitable options, these children may stay in the mental institutions for extended periods, though usually not as long as the five years J.L. and J.R. were locked up.

During their hearing of the case, the federal judges were acutely aware of the psychological impact of such incarceration of children of normal intellect. Aside from alleged inadequacies of hospital programs, the often emotional testimony in the case drove home the extent to which such a child would be stigmatized throughout his life.

Joey Lister's attorneys argued that the Georgia law allowing his commitment without adequate hearings was an unconstitutional denial of his right to liberty.

Suit seeking black officials reopened; more proof of unresponsiveness needed

MONTGOMERY – Though Montgomery County, birthplace of the modern civil rights movement, is 36 per cent black, no blacks have ever been elected to the five-place county commission.

In 1957, when blacks were first beginning to achieve political power, the Alabama Legislature changed the method of election for the county commission to an at-large procedure which so dilutes black voting strength that the commission remains today what it has always been: all white.

The Southern Poverty Law Center sued in 1974 to establish five single-member districts for the Montgomery County Commission and to implement district voting. The Center attorneys anticipated that such a system would result in the election to the commission of two blacks, thus giving minority race members a real voice in county government for the first time.

At the trial's end, U.S. Dist. Judge Frank M. Johnson Jr. found the at-large system unconstitutional and ordered county officials to draw a new plan. Johnson's decision, however, was appealed, and last month the U.S. Fifth Circuit Court of Appeals sent the case back to Johnson's court for further hearings.

Under the direction of Center attorney Morris Dees, new evidence is now being gathered to show the court that not only are blacks excluded from the county commission, but that the all-white commission and its policies are unresponsive to the needs of black people.

The original lawsuit was filed after a group of blacks had asked the Center for help in getting roads paved in their residential area.

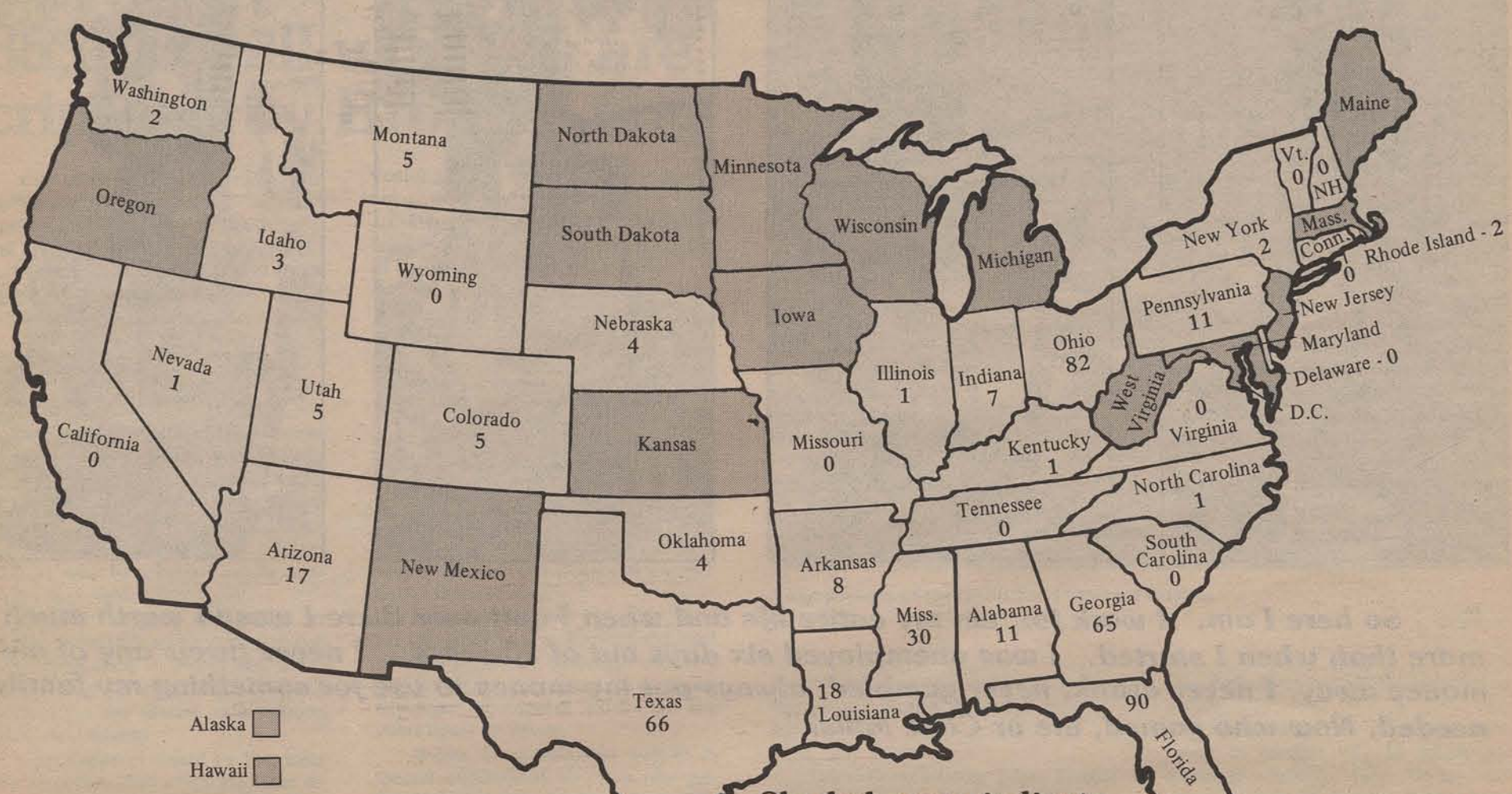
Some roads in black areas have been paved in the years since the lawsuit was filed. But there is much work yet to be done to bring the distribution of services up to an equal standard between black and white communities.

The socio-economic and educational levels of blacks in Montgomery County are lower than those of whites, on an average, and these conditions increase the negative impact of the diluted voting strength.

This case is styled *Hendrix v. Joseph*, and will be argued before Judge Johnson by the end of the year.

Ross case appealed

ANGOLA, La. – Johnny Ross, whose death sentence has been commuted to twenty years, is in the Louisiana Prison here while SPLC attorneys seek a new trial for him in the federal courts.



Shaded areas indicate states without current death penalty laws. Figures indicate numbers on death row in each state.

Pierre Trudeau: punishment as revenge

I am sure that very few if any of us consciously contemplated, when we decided to run for public office, that we would find ourselves playing a decisive role in the resolution of a question as awesome as that of life or death.

It is not open to anyone among us to take refuge in the comforting illusion that we are debating nothing more than an abstract theory of criminal justice. I want to make it very clear that, if a majority of honorable members vote against abolition, some people are going to be hanged. Their death would be a direct consequence of the negative decision by defeating this bill.

Any discussion of capital punishment must begin with the identification of its intended purpose, which is clearly the security of society, the protection of innocent people against the ultimate criminal violence. It is clear that the protection of innocent people against assaults on their lives and liberty is one of the highest duties of the state.

Reinforcing the vital sense of confidence and security is the primary aim of Bill C-83, the companion piece to the bill we are now debating.

Longer mandatory sentences and the tightening of parole regulations in relation to convicted murderers will give society the assurance it needs that those who have unlawfully taken the life of another will be removed from our midst for a very long time. Other provisions are designed to restrict the availability of guns, the most common murder weapons, and to strengthen the ability of our police forces to prevent and solve crimes.

There is every reason to believe that such measures will effectively inhibit criminal activity, whereas capital punishment offers no such assurance. That is why the time has come for Parliament to decide whether we should remove capital punishment from the Criminal Code.

The crux of the question before us is whether execution is an effective and therefore justifiable weapon for the state to use in order to deter potential murderers.

I know there are those who say that execution is justified because it prevents a murderer from ever again committing the same crime. It certainly does. But if you rely on that reasoning, you are killing a man not because his death may deter others from following in his footsteps, but because of what he might possibly do at some future time. To justify such a preventive execution, there would have to be some reasonable grounds for believing that a convicted murderer, if released into society, would murder again. In fact, the probability lies strongly in the other direction.

We know of only four people who have been found guilty of murder by a Canadian court, and convicted of murder a second time. In order to be absolutely sure that no murderer would murder again, we would have to take the lives of persons convicted of either first or second degree murder, even though the probability is that an infinitesimal percentage of them would ever commit murder again if allowed to live. That's an unacceptably high price to pay in human lives.

Well, you may say, let's execute the murderer for the crime he has committed. Let's take a life for a life. Let's remove a savage animal from the human race. I do not deny that society has the right to punish a criminal, and the right to make the punishment fit the crime, but to kill a man for punishment alone is an act of revenge. Nothing else. Some would prefer to call it retribution, because that has a nicer sound. But the meaning is the same.

Are we, as a society, so lacking in respect for ourselves, so lacking in hope for human betterment, so socially bankrupt that we are ready to accept state vengeance as our penal philosophy?

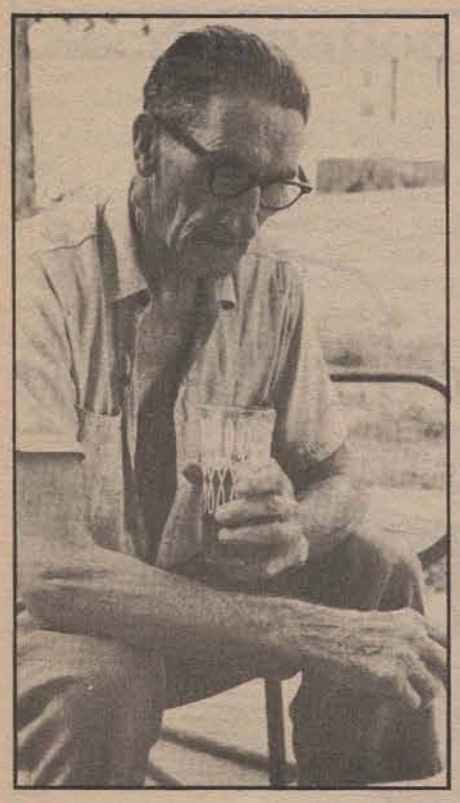
There are some who adopt an experimental approach to the question of deterrence, like a scientist experimenting with different combinations of chemicals in the search for a new healing drug. Let's try it, they say, and see if it works. If it does, we'll keep it. If it doesn't, we can always stop using it. There are innocent lives at stake. If capital punishment prevents just one murder, they say, it will be adequately justified.

That's compelling rhetoric, but it contains a fatal flaw, namely that we would be experimenting with human lives. Respect for human life is absolutely vital to the rights and freedom we all enjoy. Even the life of the most hardened criminal must be accorded some degree of respect in a free society. If we take that life without proven purpose, without proven necessity, then we weaken dangerously one of the fundamental principles which allow us to live together in peace, harmony and mutual respect.

That is why free peoples have always insisted that the onus is on the person who would interfere with another's life or liberty to prove that such interference is necessary for the common good. Strictly speaking, therefore, it is not up to me, as an abolitionist, to prove that the execution of murderers will not prevent other murders. It is up to the advocates of capital punishment to prove that it will. If they cannot, their case must fail.

Otherwise, this debate turns into a guessing game, and the lives of human beings become so many chips on the poker table.

Pierre Trudeau is the Prime Minister of Canada. This article is excerpted from remarks he made before the House of Commons as it considered whether to abolish capital punishment. The resolution carried.



". . . So here I am, I work for 'em my entire life and when I quit over there I wasn't worth much more than when I started. I was unemployed six days out of 50 years. I never threw any of my money away, I never drank, never gambled, always put my money to use for something my family needed. Now who gained, me or Cone Mills?"

Lacy Wright: working in the cotton mill

Lacy Wright is 73 years old. He has worked in the cotton mills in and around Greensboro, N.C., since childhood. He is retired now, forced out of the mill in 1966 when he could no longer keep up the pace set by time-study engineers for various jobs.

During most of his life, he worked in the carding department, one of the dustiest parts of a textile plant.

Lacy Wright has Brown Lung, or byssinosis. Doctors say that his breathing capacity is 34 percent of that of an average person. He receives Social Security and a $16.40 pension each month from the textile industry. He recently made a settlement on a claim against the company's workers' compensation insurance, the first such settlement in Greensboro.

In the past few years, Wright has been a leader of the Carolina Brown Lung Association in its struggle to force the mills to compensate victims of the respiratory disease and to clean up the mills so future generations of employees will be spared its crippling effects.

Wright stepped down recently as president of the organization, but he remains one of its most articulate and forceful spokesmen. His bony finger, stabbing the air, punctuates legislative hearings and management-worker discussions with the authority of an Old Testament prophet.

The following are comments Lacy Wright made during a recent interview in Greensboro. The interview took place on the carport-breezeway of Wright's home, which he and his father built of pine logs they felled, skinned, notched and fit together after their mill shifts ended each day.

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"I was pulled out of school when I was 12, when I wanted to go to school, but didn't have no choice. I started in the mills working 10 hours a day earning 75 cents a day. All told I worked 44 years in the mills. Six or seven years in the 1920s I worked for the post office.

"The biggest part of my life I worked in the carding department. I worked two years in the weave room, but they were short of slubbertenders and wanted me to go back to the card room. If I had known then what I know now, I wouldn't have went back down there.

"I still believe there is a definite possibility of getting Brown Lung if you put in a number of years anywhere in the mill. Everybody don't get it. There are people in there worked side by side with us that never was affected.

"But I knew lot of people who died from it and didn't know they had it. They call it Monday Morning Asthma, and it would just finally kill you. We saw men from the time we started as kids that couldn't breathe. They would get to where they had to go out of there. Lots of them died.

"We would tell the supervisors, but I don't know if it got back to top management. Clarence Cone (a mill owner) once told me, 'You show me the way, Lacy, and I'll get this dust out of here if it can be done at a sensible price.' I told him, 'It's foolish to talk to me about that. You've got the engineers. You ought to figure out the way.'

"The mills would always compare England's machinery and conditions to ours, but they never told us about Brown Lung. They knew all along."

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(The textile industry in England began paying compensation to Brown Lung victims 30 years ago. That fact was reported in textile trade journals in this country, but the industry refused to acknowledge the existence of the disease and issued no warnings to its employees.)

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"My wife worked 40 years in the mills and it like to have killed her. She ran four looms when she started in the mill. Each loom made a cloth 28 inches wide. When she quit, she was running 56 looms and each loom made a cloth 56 inches wide. When she quit, her wages were not more than $1.50 an hour more than when she started.

"I get back to thinking sometimes, why was all this allowed? Why does a human have to go through all that to survive?

"You know, the clothes Jimmy Carter has on (his jeans), they were made by textile workers. But there's not much to show for it.

"I was earning seven and one-half cents per hour when I started in the mills. In 1950, I finally got up to where I could make $1.55 an hour, but then my breathing got so bad I couldn't keep these slubbers (a textile machine) up and I had to drop back on a lower wage job. When I left the mill in 1966, I was making $1.42 an hour.

"Clarence Cone used to tell me that the industry didn't get enough out of the finished product to pay higher. But I would point to the auto industry. Those workers are getting paid and people are paying the price for the cars they turn out.

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"I think part of the problem was a lack of cooperation and communication between supervisors and workers and between top management and supervisors. The top managers always wanted to keep the situation built up of fear.

"A lot of our supervisors were people who worked there with us and were promoted. Supervisor was a pretty good job. But we could see the change in them. People would say, 'Well, he wouldn't have been driving us that way if wasn't for top management pushing him.'

"Jobs in the textile plant are set up under time study with stop watches. They set up a certain pace and you have to keep up to it to make production and get paid any bonus. And if you can regularly make production, then they increase the pace.

"This was always a thorn in the side of the workers. We thought we who were doing the work and had pride in doing it well should have the dignity of saying something about doing the work the way we knew it should be done. The way it works, it's like an assembly line in many ways. If you can't maintain the pace, you're not going to keep that job.

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"I definitely felt women in the mills were treated worse. Maybe because they (management) didn't get as much kickback from them. They had created in the ladies the fear that they had to work and make a living. My own wife, she had rather take this or that or the other than cause trouble. Probably 50 per cent of the workers were lady workers.

"I don't like to say that the company was all bad. But when we took on a job, we agreed to give our labor, not our lungs.

"There's still a lot I don't understand. I'm learning. I only have five and one-half years of school. I loved school, got along fine in school, but I didn't get to go on. But I been studying every day of my life."

In the Carolinas alone

35,000 mill workers are crippled by Brown Lung

One of every five industrial jobs in the South is in the textile industry, mostly in the Carolinas; in South Carolina alone, three of four industrial jobs are in textiles. Some 150,000 workers are on the job in North and South Carolina cotton mills today.

Though wages are generally depressed and often brutal tactics are used against unions, textiles have provided jobs and capital for the emerging, and elusive, "New South." Chambers of commerce are quick to point to hospitals, universities, libraries, even whole towns, which owe their existence to textiles.

There is another legacy, however, and it is literally killing thousands of the workers who have helped textile companies to prosper in the South.

Estimates suggest that there are 35,000 to 40,000 active or retired cotton mill workers in North and South Carolina who are completely or partially disabled by the disease called Brown Lung, or *byssinosis.*

The disease is caused by tiny particles of cotton dust which gradually destroy the lungs of a cotton mill worker. Over the years, the worker's lung capacity is diminished until the simple effort required to climb several steps leaves the worker wheezing and gasping for breath.

So far, there is no cure for Brown Lung. And so far, almost all disabled workers have been denied benefits from Workers' Compensation Insurance, though the disease is clearly related to employment.

Workers' compensation is the oldest no-fault insurance in the United States. Its laws were conceived to make sure injured workers get assistance, while encouraging prevention by forcing industries to bear the costs of the protection.

Most of the awards under workers' compensation, however, are for accidents rather than occupational diseases, though the latter are far more likely to result in death or permanent crippling disability.

Until the early 1970's, no relief was provided in North or South Carolina for Brown Lung. Special claims procedures implemented in North Carolina in 1971 opened the door for about 200 claims, of which about 35 victims have received some compensation.

In South Carolina, two claims have been settled since 1975, but the state industrial commission which hears compensation cases has yet to award a contested claim, and the textile industry contests everything.

Until a few years ago, the cotton mills and their paid doctors had never acknowledged the existence of Brown Lung. Workers with Brown Lung symptoms were simply told they had emphysema, or asthma.

Two years ago, retired, disabled mill workers formed an organization, the Carolina Brown Lung Association, to fight for compensation for victims and to force the mills to clean up the dust so that future generations of workers would not have their lives ruined by the disease.

The Southern Poverty Law Center has now agreed to help the CBLA, by providing financial assistance and legal coordination of compensation cases.

Candace Carraway has been hired as a Center Associate Counsel, and she will operate out of Raleigh, N.C. In addition, Center staff attorneys will research and argue selected legal issues of a class action nature that involve broadbased legal problems affecting the collection of compensation.

Attorney Carraway will coordinate the filing of individual workers' compensation cases throughout the Carolinas.

These cases are especially difficult because the textile industry has used its political muscle to erect special barriers to Brown Lung victims.

Both North and South Carolina have medical review panels which complicate the compensation process. In both states, some of the members of these boards are paid consultants and researchers for the textile mills.

In South Carolina, a worker filing for compensation for Brown Lung must have been exposed to cotton dust in a mill for at least seven years. No minimum exposure requirement exists for any other injury or disease.

Brown Lung claims are subject to special requirements of proof, and partial disability cases face even more difficult tests. Until this year, partial disabilities were excluded from compensation in South Carolina.

In North Carolina, the rules written for Brown Lung claims arbitrarily bar from compensation any worker retired or disabled before 1963. In South Carolina, some industrial commissioners have held that the victim has no more than two years from the time he or she became disabled or left the job to file a claim.

These rules and decisions ignore the fact that until a few years ago no doctors would diagnose Brown Lung and even today few doctors explain the diagnosis or that the victim has a right to compensation.

When the federal Occupational Safety and Health Administration (OSHA) was established in 1970, cotton dust was named as one of its five national target health hazards.

But large contributions from textile industry officials to the re-election of President Nixon in 1972 resulted in the blocking of effective cotton dust standards for the mills.

The state agencies created to administer OSHA in the Carolinas have further interfered with federal action on the problem.

Last month, the CBLA asked the federal government to decertify the state OSHA program in South Carolina, charging that the state program doesn't meet federal standards and has a "cozy" relationship with the textile industry.

The CBLA said textile officials are tipped off "when company is coming" so the mills can be cleaned up for OSHA inspectors.

The South Carolina labor commission denied that charge.

Woody Clark, president of the Greenville, S.C., chapter of the CBLA, said that while he was a mill worker he personally saw memos advising the mills when an OSHA inspection was forthcoming.

Clark also said no formal hearings on cotton dust standards have been held during the four years South Carolina has administered the OSHA program. He said the state has, in effect, told employers " that by filing a single contest notice, the employers can escape the responsibilities of compliance efforts."

Labor Commissioner Edgar L. McGowan admits that no hearings have been held, but blames that on the lack of experts from outside the industry to testify.

The development of expert testimony is another way in which the Southern Poverty Law Center has agreed to help the Carolina Brown Lung Association.

Large portions of the textile labor force are women.

Air conditioning installations make modern mills cooler, but have not solved the dust problem.

Many workers are still on a piecework pay system and are doubly penalized by the slowing effects of Brown Lung.

Discrimination continues

(continued from page 1)

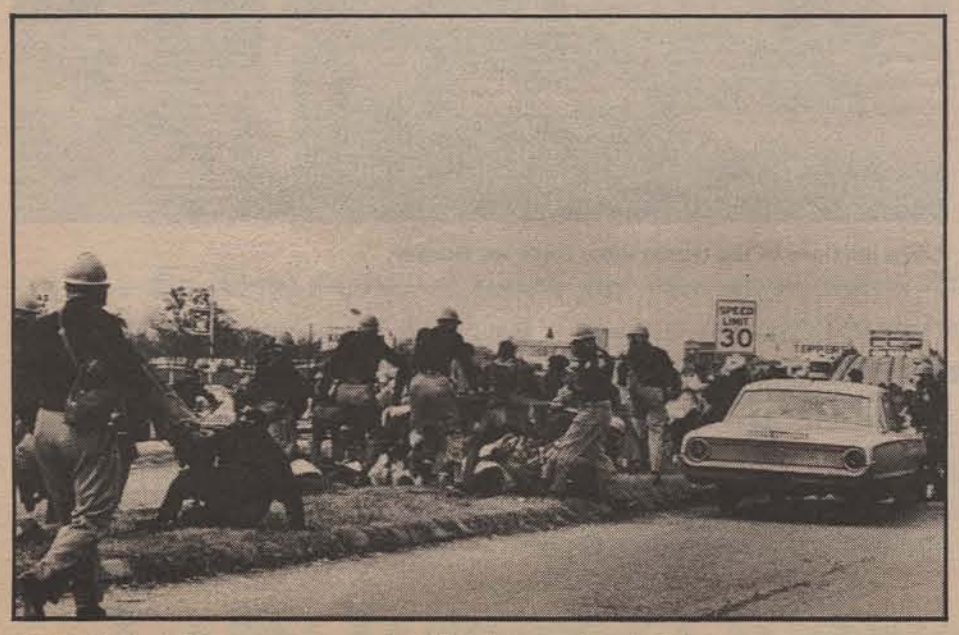
for continued employment," Blodgett said.

Jackson believes he was hired simply so he could be fired. "Even though the courts made the department hire blacks, if they mess up in the probationary period they don't have to keep them. And then they can turn around and say to the courts, 'See, we told you they can't do the job.' "

In his 1975 order, in fact, Judge Johnson wrote that "the high attrition rate among blacks resulted from the selection of other than the best qualified blacks from the eligibility rosters."

Black state troopers are also frequently given assignments far from their homes, which complicates their family lives and thrusts them in unfamiliar, often hostile, environments.

A brief pictorial review of some black involvement with the Alabama troopers:



1965: Club-wielding troopers attack civil rights marchers in Selma.

1975: The first blacks in Alabama history graduate from trooper school.

1977: Blacks and women are shown in official trooper recruitment photo.

Death penalty likely if victim is white

BOSTON, Mass. – Preliminary findings in a research study underway at Northeastern University here show that although the majority of homicides are black on black killings, almost all death sentences are given to the killers of whites.

The study, by Dr. William J. Bowers, is being sponsored by the Southern Poverty Law Center.

Bowers and his students are still collecting information, but have already found that "no white man who has killed a black has yet reached death row; the proportion of killers of blacks is many times greater in society than on death row; and blacks who kill whites are the group vastly overrepresented on death row."

Four states, Georgia, Florida, Texas and Ohio, account for about 70 per cent of the death row inmates in the United States.

Mobile black sues police for role in lynching try

MOBILE, Ala. – In a case seemingly more like the 1930's than the 1970's, the three city commissioners, chief of police and eight police officers are being sued here for their role in the attempted lynching of a black man.

Glenn Diamond was walking from his stalled car on March 28, 1976, when he was assaulted by members of a special police unit called the "600 Squad." Before the episode ended, his head had been placed in a noose, the end of the rope thrown over a limb, and his body hoisted off the ground.

He sustained rope burns on his neck, but the lynching fortunately was halted before he was seriously injured. A woman companion, however, was separated from her baby, which was left by the police alone on the back seat of the car. A male companion of Diamond's was beaten, and he and Diamond were taken to police headquarters and made to stand in a police lineup.

Diamond and his companions, in an effort to make sure that such incidents are not allowed to go unpunished, have filed a civil rights lawsuit. The case is being handled by Mobile attorneys Diana Hicks and Clint Brown and two others, with financial assistance provided by the Southern Poverty Law Center.

Other groups who are providing assistance are the Alabama Civil Liberties Union, the Law Students Civil Rights Research Council, and a Mobile group, Viewpoints and Visions.

Diamond charges that the "600 Squad" was organized and trained within the Mobile police department to terrorize, intimidate and abuse black citizens.

Diamond claims that what happened to him and other similar acts by Mobile officials are part of a conspiracy to deprive black citizens of equal protection of the law.

Several weeks ago, at a Ku Klux Klan march in Mobile, an off-duty black policeman watching the march was set upon and beaten by uniformed white police officers.

Though there are several blacks on the Mobile police force, their number is not in proportion to the black population, and there are no blacks in any high-ranking or supervisory positions within the department.

As for Diamond, the official explanation for the police accosting him to begin with is that they believed he was a robbery suspect. An investigation showed, however, that no robbery had occurred.

The case is being heard in United States District Court in Mobile.

Georgia reduces death sentence

ATLANTA, Ga. – Charles Hill, a Georgia convict who had come technically as close to execution as anyone since Gary Gilmore, has had his death sentence commuted to 99 years of imprisonment.

Hill's attorneys bypassed the appeals process on the gamble that the Georgia Pardon and Parole Board would reduce the sentence. The gamble worked.

Hill had been sentenced to death although a co-defendant, the man who actually committed the murder, was given a life sentence.

Coalition attack against death penalty expanded

NASHVILLE, Tenn. – An expanded attack on the death penalty and on poor prison conditions will begin next month by the Southern Coalition on Jails and Prisons, with assistance from the Southern Poverty Law Center.

Coalition Director Joe Ingle said his group will broaden its work in the major areas of campaigning against the death penalty, campaigning for constitutional prison conditions and campaigning for a moratorium on new prison construction so that community-based work release centers and other alternatives to imprisonment can be developed instead.

In addition, Ingle said the Coalition's new Southern Prisoner Defense Committee will begin filing lawsuits for damages in cases where prisoners have been beaten or otherwise brutalized by prison guards.

The Coalition, which has activities in 11 states, will hire a coordinator to keep track of the status of all death penalty cases in the South. The information will be used to help coordinate defense attorneys and to lobby and demonstrate against planned executions.

Efforts are also underway to develop and distribute resource material on the death penalty so that people who want to work against executions but don't know what to do will be able to get involved.

Couple pays in cotton to keep farm

ALICEVILLE, Ala. – Mr. and Mrs. Joe Woolridge will get to keep their 131-acre cotton farm after all. The land, in Alabama's Black Belt, came into the family through Mrs. Woolridge's great-great-grandmother, who acquired it after being freed from slavery.

Late last year, however, the heirs of the late Circuit Judge E.F. Hildreth began foreclosure proceedings against the Woolridges, claiming the family owed more than a quarter-million dollars.

The incredible debt began 20 years ago on a $3,000 loan. The Woolridges said they borrowed the money from the judge in 1952 to help plant cotton on their farm.

"We made 500 bales some years," Woolridge says. "Each year we would take it to the judge, but he would never give me a receipt."

The Woolridges began getting receipts only in 1969, and court records show that the family delivered more than $70,000 worth of cotton to the judge from 1969 through 1972.

The Woolridges estimate that they paid the judge close to a million dollars in cotton over the 20 years before his death. They were shocked when his heirs filed a claim against them for $289,000, and the Woolridges filed for bankruptcy then were ordered to vacate the property.

They went to Selma attorney Henry Sanders of the Emergency Land Fund, and he began a lawsuit on their behalf. The Woolridges and the judge's heirs have now settled out of court.

A new cotton crop is ready for harvest on the Woolridge farm.

SPLC will aid four groups in anti-death work

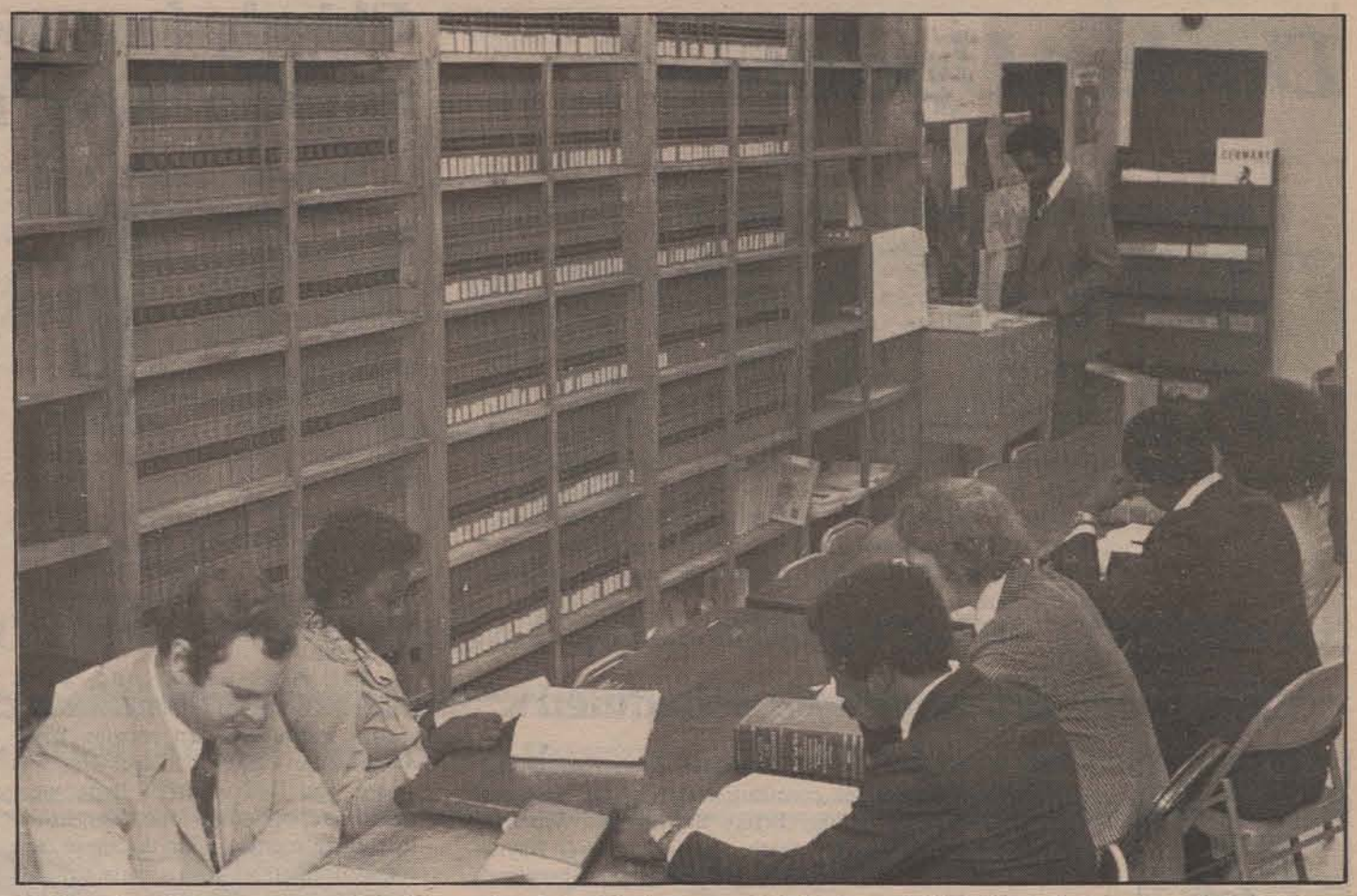
The Southern Poverty Law Center has entered cooperative agreements with and is providing financial assistance to several organizations doing significant work to prevent executions in this country. The groups and their projects are:

– The National Anti-Death Penalty Committee of the National Lawyer's Guild, which will serve as a resource center and library of death penalty materials, as coordinator of lawyers and law students to do anti-death penalty work, and as an agent for workshops and seminars to demonstrate the use of successful legal tactics.

– The NAACP Legal Defense Fund, which is the leader in death penalty appellate work in the country today.

– The ACLU's Capital Punishment Project, which leads the lobbying and public opinion fight against the death penalty.

– The Law Students' Civil Rights Research Council, which will place law students in the offices of private attorneys appointed by courts to represent indigents charged with capital offenses. The students will do legal research, assist in the preparation and presentation of motions and assist during trials. In its first phase, the project will involve four students, two each in Alabama and Georgia.



Miles students have access to a large library, but more blacks are needed. Professor Cellie Miller is in background of this photo.

First black law class to graduate; school plans for accreditation drive

BIRMINGHAM – Though only four years old, the Miles College School of Law already has more black students enrolled than at the other four Alabama law schools combined.

The statistic is doubly important when viewed against the fact that there are only 62 black attorneys in the state, out of a total of 3,500 licensed lawyers, and that the black population of Alabama is more than 1 million.

The Miles Law School is currently, with the financial support and advice of the Southern Poverty Law Center, engaged in a nationwide drive to attract the support necessary to get the school accredited.

Among the persons who have agreed to serve on a national advisory panel for that campaign are: Jack Greenberg, General Counsel of the NAACP Legal Defense Fund; U.S. Senator Gary Hart of Colorado; Washington civil rights attorney Charles Morgan Jr.; Birmingham Circuit Judge Charles M. Nice; Birmingham attorney Clifford Fulford; and Pamela S. Horowitz, legislative counsel to the ACLU in Washington. Additional prominent persons are expected to accept.

The Miles Law School began as not much more than a dream, but its first class of 22 graduates, 16 of them black, will be taking the Alabama Bar Exam in February.

Sixty-four students in underclasses are now enrolled at the school, and the faculty has grown from three part-time instructors to three full-time and four part-time instructors today.

Most of the students have jobs and attend classes at night. Their reasons for wanting a law degree range from practical goals such as career advancement to the more idealistic concern of helping safeguard the rights of the underprivileged.

Miles College is a nationally known educational institution. Beginning in 1905, it has served as the principal four-year collegiate institution open to blacks in the metropolitan Birmingham area. Though its enrollment remains predominantly black, admission is open to all qualified persons regardless of race.

Miles Law School Dean Ralph Cook, left and Miles College President Dr. Clyde Williams.

Study finds no deterrent value in capitol punishment

WASHINGTON – The author of a major new statistical study on the death penalty reports that murderers are rarely if ever deterred by the threat of execution.

Dr. Brian Forst, a Washington researcher writing in the University of Minnesota Law Review, said there is no basis for the currently popular support for the death penalty, but that there is some evidence that a high murder conviction rate and prison sentences for murderers does have a deterrent effect.

Forst, a senior research analyst at the Institute for Law and Social Research, studied murder statistics for 32 states between 1960 and 1970.

During those 10 years, the murder rate increased nationally, but the number of executions steadily dwindled and came to an absolute halt in 1967, not to resume until last January in Utah.

If capital punishment deters murder, according to Forst, one would expect the murder rate to increase the most in the states where the risk of execution went down the most, in other words in states which formerly executed but stopped.

Forst found that the opposite happened. "It is apparent that those states in which the actual use of capital punishment ceased during the 1960s experienced no greater increase in the murder rate than did the states that did not use capital punishment in the first place," he said.

Though he found no connection between capital punishment and the murder rate, Forst did find a link between the murder rate and convictions and prison terms. The largest murder rate increases occurred in states with a poor record of capturing and convicting killers.

Eighth Amendment

The Eighth Amendment protects citizens against cruel and unusual punishment.

Docket Update

Patterson conviction upheld

ATLANTA, Ga. – The Georgia Supreme Court has affirmed the conviction and life sentence of Marine Sgt. Roy Lee Patterson, convicted two years ago in the shooting deaths of two Georgia law enforcement officers. Sgt. Patterson insists that he acted in self-defense to protect his life and that of his wife and infant child. SPLC attorneys will now appeal Patterson's case to United States District Court in Georgia. Patterson, meanwhile, has been transfered from the Crisp County Jail in Cordele to one of the Georgia State prisons. Until his processing into the prison system is complete and he has been assigned a prison address, personal mail for Sgt. Patterson should be sent to the Southern Poverty Law Center. His attorneys will deliver it to him.

Death penalty argument scheduled

MONTGOMERY – SPLC attorneys John Carroll and Morris Dees will argue the constitutionality of the Alabama death penalty law in January before the Alabama Supreme Court. The case involves the death sentence of Jerry Wayne Jacobs, one of two brothers found guilty of the robbery and murder of a Blount County, Alabama, man. The Alabama Court of Criminal Appeals, which upheld the conviction and sentence of Jerry Wayne Jacobs, has meanwhile sent the case of John L. Jacobs back for a lower court hearing on a point raised by Dees during the appeal. In Alabama, some 16 persons are on death row, and at least that many more have been indicted for capital murder and await trial; most are black, all are poor.

Bail case goes to higher court

NASHVILLE, Tenn. – A Chancery Court judge has ruled, not unexpectedly, against a challenge to the use of professional bondsmen. The ruling clears the way for arguments before the Tennessee Supreme Court, which earlier attempted to set forth a court rule which would have had the same effect as that sought by the current lawsuit. Attorneys for Legal Services of Nashville will now try to persuade the court that the nature of the bail system is such that it can and should be regulated by court rule, thus allowing the needed change even if the legislature refuses to act. The way the system now operates in Tennessee, people of relative wealth do not have to stay in jail pending trial, while poor people have to sit in jail even though they may later be found innocent at trial. Poor people are further penalized, without regard to guilt or innocence, because the fee paid to bondsmen, if the poor person can afford the fee to begin with, is not refundable. Thus, a person might be acquitted of a charge but in effect have to pay a fine anyway in the form of a bondsman's fee. The current lawsuit, *Clark v. Thomas,* asks the courts to set up a system using refundable deposits as bail. This case has been developed through the assistance of the Southern Poverty Law Center.

Dawson Five case postponed

DAWSON, Ga. – The trial of the "Dawson Five" has been postponed pending an appeal by the state prosecutor of a judge's ruling throwing out alleged confessions in the case. Roosevelt and Henderson Watson, James and Johnny Jackson and J.D. Davenport are accused of slaying a white customer in a rural store during a robbery here in early 1976. The state prosecutor claimed the young men had confessed to the crime. But the local circuit judge said those confessions would not be allowed after defense attorney Millard Farmer introduced testimony showing the "confessions" were obtained at the point of a gun held by a deputy sheriff. The defendants were, among other things, forced to wade in a pond in freezing weather and threatened with castration. The state has also dropped its demand for the death penalty. Attorney Farmer is the head of the Atlanta-based Team Defense Project, which was funded in its first year by the Southern Poverty Law Center but which now operates on its own. The SPLC, however, has promised to provide funds for the Dawson case as long as it continues. Persons who would like to contribute directly to the case should write to Farmer at the Team Defense Project, 15 Peachtree St. NE, Atlanta, Ga. 30303.

Elderly fear move from nursing home may be fatal

(continued from page 1)

into Edgefield to prepare for the proposed move, his feet shake uncontrollably.

Albert Chaker is more fortunate, however, than Edward Williamson, another Edgefield patient. When Multnomah County Commission Chairman Donald E. Clark announced plans to close Edgefield, Williamson burst into uncontrollable sobs, saying: "They're going to throw us out; they gonna throw us out."

Edgefield administrator LaVerne Jones tried to console Williamson, but he wouldn't stop crying. "That was on the third, and on the eighteenth of February we packed him out dead," Jones said.

Such phenomena are consistent with numerous studies of the effect of moving elderly institutionalized persons. When the Chicago Home for Incurables was closed and 182 patients there were transferred, scientists found that in the first three months after the move, the actual death rates for patients over 70 were about three and a half times as high as the expected death rates."

The scientists report that death rates rose in anticipation of the relocation as well as after it. The detrimental effects of a relocation are not limited to deaths, either.

Edgefield physician Dr. Robert Done estimates that if the Edgefield residents were sent to nursing homes typical of those which accept welfare patients, between 10 and 15 per cent of the hundred or so infirmary patients who are now able to get out of bed would simply stay in bed. Others would spend more time sitting around and less time mingling with other residents.

Dr. Done believes patients who ended up staying in bed for those reasons would be more likely to die from pnuemonia and that cardiac patients would suffer increased problems.

The adverse effects of relocation can be reduced somewhat if the staff moves with the patients – thus helping to maintain familiar routines, at least – but there are no such plans for Edgefield.

Because the patients at Edgefield are poor and their treatment depends on medicaid and other welfare sources, they have no real choice of new location if Edgefield closes: many private nursing homes which accept welfare patients offer far less adequate care than Edgefield.

Dr. Done says the full-time occupational and physical therapy programs at Edgefield are substantially better than any he has seen in the private sector, at least in homes which accept welfare patients. Edgefield is also superior in having a full-time dietician and doctor's visits four times a week.

Administrator Jones can cite numerous examples of patients who came to Edgefield virtually as "vegetables," but who have made substantial progress in functioning due to the full-time occupational and physical therapy programs.

Residents and their friends and relatives believe that patients are well-treated at Edgefield, which has become their home and has relationships like those of a family. Many patients have effectively adopted staff members as relatives, and commonly insist on introducing visitors to favorite staff members. Staff members typically bring their children to visit residents as they would in the case of a grandparent or aunt.

Dr. Done believes these relationships are not only critical to the prospect of transfer trauma, but are relevant to the level of care and the very survival of patients.

Multnomah County has considered closing Edgefield, however, for several years. The facility is costing the County about $800,000 a year to operate, though county officials could get out of the nursing home business without jeopardizing Edgefield residents if the existing operation were contracted to a private company.

Edgefield's own occupational and physical therapy programs which earn a reputation for rehabilitative success could be expanded to provide outpatient services as well, and would reduce the net expense to the county for those services.

The County, however, wants to close Edgefield and the residents represented in the class action lawsuit have so far been denied an injunction to prevent that from happening.

The case, styled *Bumpus v. Clark,* is on appeal to the Ninth Circuit U.S. Court of Appeals. The lawsuit not only affects Albert Chaker and the other residents of Edgefield, but has major implications for the rights of medicaid and welfare recipients generally, and for the duty of appropriate agencies to avoid or minimize transfer trauma in elderly populations.

Says Albert Chaker: "People can understand me now and it's traumatic to think about going into a strange situation where I can't be understood. I'm all ready if it has to be but I don't want it. I'll go if I have to, but I don't want to go, please, I don't want to go, please."

Sex bias victim sues

TROY, Ala. – Dr. Wilda D. Pickett has over 20 years' teaching experience at the college level, including 11 years at Troy State University, but has not been promoted to the rank of full professor.

Several males who have had doctorate degrees for shorter periods of time than Dr. Pickett and who have less experience than she does have been given such promotions. However, Dr. Pickett is also paid less than males at Troy State whose qualifications and experience are equal to or less than her own.

Southern Poverty Law Center attorney Steve Ellmann has filed suit on Dr. Pickett's behalf against the Troy State administrators.

The lawsuit seeks an injunction preventing the university from using sexually discriminatory practices, the promotion of Dr. Pickett to full professorship and the promotion of other women faculty members who are at lower ranks than similarly situated male faculty members, and back pay for Dr. Pickett in the amount she would have received if she had been paid and promoted on an equal basis with her male colleagues.

The case, styled *Pickett v. Adams,* is being heard by U.S. Dist. Judge Robert Varner of Montgomery. Varner has denied the university's motion to dismiss the complaint, and the case is now in the discovery stage.