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poverty law Report

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

Volume 6, Number 3 A publication of the Southern Poverty Law Center June/July, 1978

July trial set

Lawsuit seeks district government for Opelika

OPELIKA, Ala. – Southern Poverty Law Center attorneys will go to trial here in July to correct a hundred years of unfair treatment of black and poor people by the City of Opelika.

Opelika, a medium-sized Alabama city with a manufacturing-based economy, has a three-member city commission form of government, with the members elected at large. In reality, the government has been a club for white businessmen, and the people who have been elected over the years have always been affluent local citizens. Repeated efforts by black candidates to win a seat on the commission have failed.

The Opelika city government, therefore, has ignored the needs of black people. City studies and surveys themselves show mile after mile of dirt streets in black neighborhoods.

City recreation officials run a well-organized and effective recreation program, but there is one major facility in a white area and one major facility in a black area, and the white facility has many more programs and activities offered than at the black facility.

Storm sewers, sanitary sewers and street lights are deficient in black areas of Opelika. The composition of the boards and commissions of Opelika government is practically all-white, all upper or middle-class.

Center attorney Stephen Ellmann is managing this suit, which seeks to replace the three-member commission with a council form of government in which the council representatives would be elected from specific districts and would thus be responsive to the voters.

Photo by Kelly Dowe

In many areas of Opelika, the blacktop ends where the black housing begins.

Death law upheld; decision to be appealed

Southern Poverty Law Center attorneys suffered a serious setback last month when the Alabama Supreme Court upheld, in the case of Jerry Wayne Jacobs, the constitutionality of the Alabama death penalty law. Though there are many more appeals ahead for Jacobs, the decision was a disappointing one, and it pointed out the urgency of the activities of those people fighting the death penalty today.

Center attorneys Morris Dees and John Carroll had basically argued that Alabama's law was a bad one because a jury considering the fate of a defendant charged with a death penalty crime had only two choices: the jury could acquit the defendant, even though the individual jurors might believe he was guilty of some crime but not one deserving death, or they could convict him, in which case they had to pronounce a death sentence, even though the individual jurors might believe a lesser sentence was the proper one.

To attorneys Dees and Carroll, and to two Alabama Supreme Court Justices who strongly dissented from their court's decision, this law seems much like what the United States Supreme Court tried to eliminate in its decision in July, 1976.

The U.S. Supreme Court had said that the death penalty could be imposed in certain conditions, but that jurors deciding whether a defendant would live or die should be able to consider the degree of guilt, and whether there are aggravating or mitigating factors which might influence the life or death decision. The Alabama law allows none of this discretion. The Jacobs case will be appealed to the U.S. Supreme Court.

Center attorneys also lost a decision involving John L. Jacobs, the brother of Jerry Wayne, who was convicted in 1977 for the same crime, the robbery and murder of a man the two brothers had given a ride to after leaving a pool hall.

The Alabama law requires that any lawyer appointed to represent a defendant in a death penalty trial must have at least five years active experience in the practice of criminal law. The lawyer appointed to represent John Jacobs, while an able civil lawyer with 12 years experience, had only handled a few criminal cases in his career, admitted that he did not want the appointment, and had never attended one of the Alabama bar's continuing legal education sessions which dealt with new developments in the criminal law.

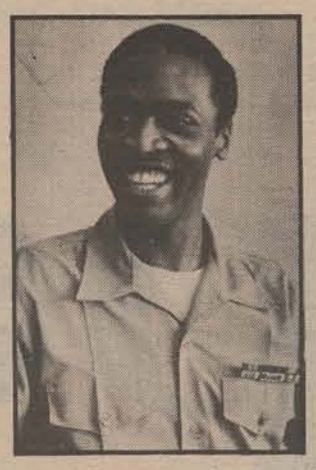
Nevertheless, the Court of Criminal Appeals affirmed John Jacob's conviction. That decision will also be appealed.

The cases of both of the Jacobs brothers illustrate the difficulty involved in legal efforts against the death penalty. Public opinion, public officials and the public's representatives in the nation's lawmaking bodies have demonstrated almost two-to-one support for executions, and the courts in most cases are reluctant to interfere with what often seems a race to fill up death rows and to see which state can be the next to execute someone.

(Continued on Page 3)

Roy Patterson's struggle continues

In the eight years since the Southern Poverty Law Center was created as a non-profit organization to protect and advance the legal rights of the poor, there have been hundreds of cases argued by Center attorneys. Some of the cases have become famous. They made it possible for black people to work and live and play in places that had always been off limits to them. They guaranteed that women could have an equal chance and equal pay at some jobs that had been closed to them. They have saved Joan Little and others from execution. They have forced an end to fraudulent loan systems and rip-off construction companies which preyed on the poor. For every case which came to the public's attention, there were dozens of others which attracted little attention but which similarly protected a poor person's home or job or freedom. SPLC attorneys have a hard choice picking one case which they feel is the most important of all they have ever handled. But they agree on the Center's most frustrating case, that of Roy Lee Patterson, who is now spending his third year in Georgia jails. . .



Sgt. Roy Lee Patterson's story begins on a Sunday evening, May 4, 1975. Patterson, his wife, Virginia, and their six-month-old son, Bruce, were driving from their home in Albany, Ga., to I-75, which passes near the small town of Cordele as it runs northward. Following in another car was Patterson's brother, Joe, and mother, Mrs. Bessie Patterson.

Both cars stopped at a Cordele gas station. Georgia State Trooper James Young pulled up and began to harass Joe Patterson about a broken light on his automobile, and one thing led to another, and Young handcuffed Joe Patterson to take him to jail, for a broken light and for being insolent to a white state trooper.

Roy Patterson, Virginia Patterson and Mrs. Bessie Patterson were stunned and upset. Their protests made Trooper Young madder. "Shut your goddam mouth," Mrs. Bessie Patterson would later testify that Young had said to them.

The trooper took Joe Patterson to jail, and Roy and his family followed. At the Cordele Police Station, Roy Patterson asked Trooper Young for the charges against his brother. The trooper again told him to keep quiet, and Patterson turned to his wife, said, "I'm going to get a lawyer," and started walking away. Roy Patterson later testified that Young leaped after him, grabbed his left arm, slapped a handcuff on his wrist, and pulled his gun.

Roy Lee Patterson is a U.S. Marine Corps Sergeant and a Vietnam veteran. In 1975, he was 25 years old, a slim, muscular man with trained, quick reflexes, and he and Trooper Young fought over the drawn gun. A Cordele policeman who was present, W. R. Haralson, joined in the fight. In a few moments, Young and Haralson were dead. The Pattersons fled the police station, but were captured shortly thereafter.

Patterson was tried for capital murder and convicted. His own calm statement to the jury – "I'm sorry it happened. I didn't mean to hurt anybody. I just went down there to inquire what they were going to do with my brother . . . I was only defending my life." – may have saved him from the electric chair, but he was sentenced to life imprisonment.

Morris Dees, the SPLC's Chief Trial Counsel, says Patterson's trial was one of the most unfair he has ever seen. Cordele is a small community, and the jurors chosen in the case certainly knew what the community expected them to do with a black man who had killed two white law officers.

At each day of trial, the courtroom was lined with uniformed state troopers and police officers. The families of the two dead men sat a few rows from the jury box and weeped. Defense objections to trial proceedings were ignored, and important evidence which might have shown the angle of the bullets fired and thus supported Patterson's story of self-defense was declared lost by the prosecution.

John L. Carroll, now the Center's legal director but at that time a staff attorney, was run off the road one evening by a concerned Cordele citizen.

Three years have passed since Patterson's trial. His lawyers have appealed his case in the circuit court where he was convicted, in the Georgia appeals courts, and in the Georgia Supreme Court. Roy Patterson cannot find a Georgia judge to correct the errors of his trial. He cannot find a judge to give him a new trial before impartial jurors who will listen to his testimony of self-defense. His case is now going into the federal courts.

Patterson, meanwhile, has spent most of the past two and one-half years in the County Jail at Cordele. This jail is a literal fortress, with thick walls and bars and ringed with high fences. It has a reputation for being escape-proof. But while Roy Patterson was there, there were two escapes. They were strange escapes, and it is odd that Patterson's cell door happened to be unlocked each time. Someone, it would seem, would like to see Roy Patterson run. But he hasn't run. "I am not a murderer," Patterson has said, and he is waiting on the courts to give him justice.

John Carroll has a lot in common with Roy Patterson. Like Patterson, Carroll is a Marine veteran. In the years since they met following Patterson's arrest, they have become good friends. They visit in Patterson's cell and talk about his case, and about their families, and about sports. Though Patterson is jailed, he and his family remain close. Carroll's wife is pregnant, and each man always solicitiously inquires about the other's family life. Carroll is a few years older, but he is also a slim and wiry man, and if it weren't for the fact that Patterson is black and Carroll is white, they might pass for blood brothers.

Last year, in a hearing in the Circuit Court in Cordele, Roy Patterson was briefly reunited with his wife and his son; his infant daughter was too small to be present. The Pattersons made as much as they could of the limited embrace the moment allowed them. Carroll tried to conceal it, but the emotion touched him, too. His parting handshake with Patterson that day had more in it than what one usually sees between attorney and client.

There is a final difference between Carroll and Patterson of which Carroll is all too aware, and it troubles him most: when their visits are over, and the cell doors close, Carroll is outside, and Patterson is inside.

Carroll sits at his desk in Montgomery writing the motions and legal arguments he hopes will one day win Patterson a new trial. The courts always move slowly, but in Patterson's case, it seems to Carroll that they are standing still.

And then there is the nagging fear about the consequences should Patterson win a new trial. Given the continuing views of white south Georgians, he runs the risk of getting convicted again and being re-sentenced to life in prison. It is a risk that must be taken. Certainly, Patterson wants to take it. "I am not a murderer," he told his first jury. And he feels that the jury next time will realize that.

James Young never should have been a Georgia State Trooper in the first place. Four months before he was hired, a George judge reduced a driving-while-intoxicated conviction Young had incurred. The judge testified that he did so just so Young's application with the troopers would not be jeopardized.

At another time after his hiring, Young was suspended from the troopers for 30 days because of a shooting incident that occurred while Young was in trooper uniform and drinking.

Three years ago, Young had bragged to friends in the Fitzgerald, Ga., Moose Lodge about arresting a black man for speeding, beating him in the mouth and then saying to him, "you goddam son of a bitch, you bleed one drop of blood on my patrol car, and I'll blow your goddam brains out." One of the men to whom Young had told this story said Young grinned widely as he told how it sounded as "the nigger gurgled as he swallowed his blood."

A black Cordele barber told attorneys that Young had once stopped him and held his trooper pistol to the barber's head, clicking the hammer several times. The gun was empty; Young was having fun with a black man. None of these incidents about Young's past were allowed into evidence at Patterson's trial.

But the conclusion from all of this is clear: on a Sunday night in May of 1975, James Young asserted his white racist authority on Joe Patterson. Roy Patterson made the mistake of questioning Young, and then of having the impudence to head out after an attorney. James Young made the mistake of pulling a gun on Roy Patterson. W. R. Haralson made the mistake of being present.

These events would have made a bad B-grade movie if they weren't true. They fit the historical legacy of white lawmen (some of them) and black people. The events began simply enough and then escalated, out of control, because James Young was a racist with a badge. And Roy Patterson is paying, one day at a time, for a series of events which would never have started as a result of his own actions, but which he couldn't stop once they were underway.

This is the Center's most frustrating case.

Mail for Roy Patterson should be sent to him in care of the Georgia State Prison, Star Route, Reidsville, GA 30453. Include the number, 719-0-108358, 6-4, after Patterson's name in the address.

Detroit murders show 1977 decrease

DETROIT – People in Detroit are not killing each other as much as they used to, and the police are trying to figure out why.

In 1977, 196 fewer persons were slain here than the year before. The 27 percent drop is the largest one-year reduction Detroit has ever recorded.

Sgt. Harvey Harris, who holds a doctorate in police administration and teaches at Wayne State University, said the improved economy might be a key.

"People had more money in 1977," he said. "They were out spending money, which is a great tension release. They were happy, and you don't kill people when you're happy."

The homicide decline cannot be attributed to capital punishment. Michigan is one of the states which does not have a death penalty.

Brown lung victims seek compensation

By Nick Kotz
(Reprinted from the Washington Post)

OTIS EDWARDS picks up the bronze-and-walnut plaque presented to him by J. P. Stevens Co., the textile manufacturer. Slowly, he reads aloud the engraved words "Awarded in recognition of 41 years of loyal and faithful service." Seated in the living room of his small frame home in Roanoke Rapids, N.C., Edwards chuckles softly. "Ain't that something? When I had to quit, they gave me this plaque and two hand towels and two wash cloths." He stops talking to catch his breath. "And for that they ruined my health, and they're trying to destroy what's left of my life."

The 67-year-old Edwards is sick, struggling for breath against a crippling and mysterious disease technically called *byssinosis* and known as "brown lung" – an incapacitating illness similar to the coal miner's "black lung." Brown lung, caused by inhaled cotton dust, already has struck an estimated 35,000 current and former textile workers. Potential victims are 230,000 workers exposed daily to high levels of cotton dust throughout the industry, which includes the textile mills centered in North and South Carolina, as well as cottonseed oil plants and cotton gins. Overall, nearly a million people work in these industries.

Edwards may be sick but he is not beaten. He has become an activist, battling textile manufacturers, giant insurance companies and their political allies, who not only are resisting afflicted workers' claims for compensation but also oppose proposed federal regulations to limit the cotton dust permitted in the mills. The fight is being carried on by the Carolina Brown Lung Association, representing afflicted retirees and thousands of mill workers who still have their health.

Southern Poverty Law Center associate attorney Candace Carraway is working in North and South Carolina to coordinate the legal cases of disabled mill workers whose former employers refuse to admit that poor working conditions rob the breath of people like Otis Edwards. As writer Kotz points out in his article, the battle over Brown Lung has implications for workers in other dangerous industries.

The Brown Lung Association has only a thousand active members, and so far only several hundred sick textile workers have filed for workman's compensation benefits. But their fight has wide-ranging significance for millions of industrial workers throughout the nation – for those who get neurological disorders from Kepone, suffer sterility from the pesticide Dibromochloropropane (DBCP), become victims of asbestosis and lung cancer from working with asbestos, and contract an array of other deadly illnesses from working with such toxic substances as lead, mercury, silica and benzene.

At fundamental issue are the values which govern our industrialized society. Leaders of the textile and other industries contend that overzealous reformers, with claims based on inadequate evidence, would bankrupt business. As Sadler Love, vice president of the American Textile Manufacturers Institute (ATMI), which represents 6,000 mills with 950,000 workers, has remarked: "The problem has been grossly exaggerated. We just don't think the cost and expense of installing the equipment is warranted by the medical situation" in the case of brown lung disease.

There is no doubt that installing intricate ventilation systems and taking other actions necessary to lessen cotton dust would be costly. But reformers counter that the highest values of our society demand that we be concerned primarily with individual life, that workers must be protected from serious health hazards and that victims of industrial diseases must be supported when they are disabled.

If the 10-year battle over brown lung is any guide, the reformers and workers like Edwards have a long way to go. The textile industry consistently has undercut research into brown lung and has fought government efforts to clean up the workplace. Medical researchers have been barred from textile plants and forced out of their jobs. Insurance companies have balked at paying claims even in medically clear-cut cases such as Edwards'.

WHEN OTIS Edwards went to work in the mills in 1928 he considered himself one of the luckier black men in Roanoke Rapids. In 1928 few blacks were hired by the mills, and Edwards' take-home pay of $9.15 for a 55-hour work week was more than most of his friends could earn. After years of menial labor – hauling coal to the boiler room – Edwards got what seemed like a big break. He moved inside the mill to the card room, where his job was to feed raw cotton into carding machines, which stretch the cotton fibers and remove dirt and dust. This is the first step in transforming cotton into yarn.

Edwards liked his job despite the dustiness which he says, "made it look like it was snowing most of the time." On Saturday cleanup day, the cotton lint swirled in the air like a blizzard as he manned an airhose to blow lint off the ceiling and 100 carding machines.

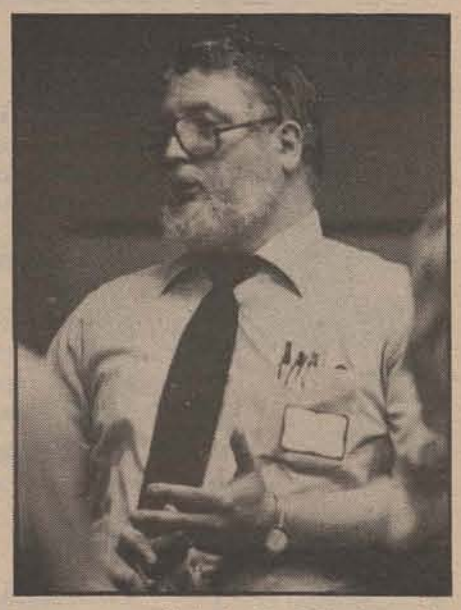


Photo by Frank Blechman, Jr.

Dr. Leo Heaphy discussed the diagnosis and prevalence of Brown Lung disease at a recent workshop for South Carolina attorneys. Dr. Heaphy is a member of the North Carolina Industrial Commission's Textile Occupational Disease Panel and has researched Brown Lung. He is a frequent critic of the medical community's unwillingness to get involved with industrial diseases and its refusal to fight industry intimidation.

On his days off, Edwards roamed the Carolina Piedmont, an avid hunter of rabbits, a lean, hard-muscled man who could lope several miles through the fields without drawing a heavy breath.

But in 1963, after 20 years in the card room, Edwards noticed that on Monday mornings at work he would feel a sharp tightness in his chest, along with some coughing and shortness of breath. By Tuesday his symptoms would be gone. But he grew progressively worse, and by the late 60's the coughing and chest tightness were chronic. He gasped for breath in the mill; after working for 30 minutes he had to rush to the door to suck in cleaner outdoor air.

A local doctor tested him for tuberculosis, then diagnosed his problem as bronchitis and prescribed penicillin. It did not help. Edwards had to stop hunting and could only work for a few minutes at a time in his garden. He kept going at the mill, trying to make it until retirement age, but in 1973, at age 62, "that dust had got to me and I just couldn't take it any more."

He took early retirement, which meant he had to support his family on reduced social security benefits of $55 a week, much less than his $112 take-home pay from J. P. Stevens, and not enough to pay his mounting medical, hospital and drug bills. He had to sleep, as he still does, semi-upright in a hospital bed, a tank of oxygen by his side to use when he cannot catch his breath.

Three years later a friend urged Edwards to visit a clinic sponsored by the Brown Lung Association, where he was told that his decade of illness was typical of the progressive ravages of byssinosis (after *byssus*, the Greek word for cotton). Edwards was relieved to know, finally, the cause of his illness, and he was heartened somewhat by the belief that J. P. Stevens and the Liberty Mutual Insurance Co. soon would be paying his heavy medical bills and compensating him for lost wages.

(Continued on Page 4)

Death penalty law is upheld in Alabama

(Continued from Page 1)

When the next execution comes, it will almost certainly come in the South. There are almost 500 death row inmates in the nation today, and all but about 175 are in Southern states. For some of the condemned, time is running out.

Though the Southern Poverty Law Center and the NAACP Legal Defense Fund, and a few other groups, are actively mounting legal battles against the death penalty, appeals can only be carried so far. Ultimately, there will be more executions.

Groups like the ACLU and the Southern Coalition on Jails and Prisons are working hard to reverse public support for executions, but the increasingly conservative, scared and vindictive mood of the nation makes the going slow and difficult.

SPLC Legal Director John Carroll says people want the death penalty so badly because they think it will work miracles.

"I have a feeling that people are getting impatient. People just want an execution. They see the death penalty as a panacea for the crime problem and they just want it carried out," he said.

When will it stop? Carroll has no answer for that question.

The Supreme Court has said that the definition of "cruel and unusual punishment" may be determined by "evolving standards of decency." It was once common to burn witches, to brand adulterers, to whip thieves. Those practices eventually became repugnant and ended. In time, the United States may join Canada, Great Britain, New Zealand and the Scandanavian nations in abolishing executions.

Meanwhile, the death rows continue to swell. There may be 1,000 persons awaiting execution by 1980.

Lawsuit filed to improve death row

ATMORE, Ala. – Death Row inmates at Alabama's Holman Prison participated in a hunger strike earlier this year to protest the conditions under which they await their deaths in the electric chair.

The Southern Poverty Law Center has now filed suit on behalf of those inmates to correct the grievances which they were protesting.

Alabama's prisons have been in the courts before. U.S. Dist. Judge Frank M. Johnson, Jr., ordered sweeping reforms throughout the entire prison system in 1975. He called the prisons "unfit for human habitation."

Death row inmates, however, live in conditions worse than those of any other prisoners. Members of the general prison population actually have a certain, limited freedom within the prison walls. They have access to recreation, jobs and education, and have contact with other inmates and with visitors.

Death row inmates are housed in strict isolation. They can communicate with each other only by yelling between cells. They have practically no exercise opportunities, limited visitation, and many other restrictions which are not placed on other inmates.

Center attorneys John Carroll and Stephen Ellmann are now collecting evidence in this case. The work so far has involved on-site inspection, correspondence and discussion with the inmates, and testimony from several prison officials.

Carroll says that inmates awaiting death ought to at least receive the best treatment a prison can provide. "Alabama's death row does just the opposite," he said.

Death penalty vetoed in Northern Ireland

LONDON – The British Government has rejected a Protestant demand that capital punishment be restored in Northern Ireland to combat terrorism.

Docket Update

Habeas petition filed for Ross

ANGOLA, La. – The legal fight to win a new trial for Johnny Ross, once the youngest person on death row in the United States, continues. Ross's Southern Poverty Law Center attorneys had filed a habeas petition asking for a new trial on the ground that he had been improperly advised by a court-appointed lawyer at an earlier stage of his case. But that petition was denied, and his case now goes back to the Louisiana Supreme Court for further hearings. Ross's original death sentence has been reduced to 20 years, but he maintains his innocence of the rape for which he was convicted. His address is: Johnny M. Ross, No. 84505, Camp H, Louisiana State Penitentiary, Angola, LA 70712.

Bond sought for Clemmie Moultrie

COLUMBIA, S.C. – Attorneys for Joseph Clemmie Moultrie, the 62-year-old black man who killed a deputy sheriff during a gunfight which began when a landlord and other officials tried to evict Moultrie from the house he thought he had been buying over the past 20 years, have petitioned the South Carolina Supreme Court to set an appeal bond for the old man. Moultrie escaped the death penalty in his recent trial in Beaufort, S.C., but he was sentenced to a 30-year term, the maximum allowed for manslaughter, in the case. Southern Poverty Law Center attorneys, along with lawyer Mike McCloskie of Beaufort, asked the court to set a bond so Moultrie can be free while his appeal proceeds through the courts. Moultrie had never been in trouble before the tragic events of last fall, and his health is not good. His attorneys believe the trial judge's refusal to allow the jury to consider Moultrie's claim of self-defense will eventually win him a new trial. Persons who would like to write to Moultrie can do so at the following address: Joseph Clemmie Moultrie, Central Correctional Institute, Evaluation and Reception Center, Columbia, S.C. 29201.

Nutrition program overcomes obstacles

Not every legal victory is won in court. Sometimes a great deal can be accomplished through less dramatic steps, particularly when citizens find themselves confronted, not with deliberate persecution, but simply a government agency's reluctance to meet thier requests.

The Alabama Coalition Against Hunger recently won one of these quiet victories, with the assistance of the Southern Poverty Law Center. The Coalition monitors the operation of the Women, Infants and Children (WIC) supplemental food program in this state. The WIC program provides poor women, infants and children with food they need to ward off both health problems and the potential of long-lasting mental retardation.

Although Alabama's WIC program is expanding, it has been slow coming into operation. Many of Alabama's counties still have no program at all. Despite this, Alabama has frequently failed to spend all of the WIC funds to which it is entitled – with the result that the unspent funds are redistributed to states with more effective programs.

The Coalition which itself receives Federal funds to monitor and assist the WIC program, sought to obtain a range of information about the program. Among the items which the Committee needed were monthly reports to the state by the county WIC programs, the monthly reports by the state to the Federal government, and other material basic to an analysis of the program's operations.

When state officials made clear that much of this information might not be handed over, the Coalition, with the assistance of the Center, asserted its right to what it sought. In a letter to the program's administrator, Center attorney Stephen Ellmann argued that the release of the information was mandated by state law, and confirmed by the Federal policy as well.

In the end, Ellmann says, "The bulk of the information was released, partly because it legally had to be, but also because in the course of our contacts with the program administrators they gradually accepted that our requests were reasonable."

Random searches declared illegal

MONTGOMERY – U. S. Dist. Judge Frank M. Johnson has ruled unconstitutional a mass search by police of spectators at a recent rock concert here, and has enjoined city officials from authorizing such searches in the future.

The lawsuit was handled by Southern Poverty Law Center attorneys John Carroll and Stephen J. Ellmann and Montgomery attorney Howard Mandell on behalf of the Alabama Civil Liberties Union.

The lawsuit arose from a December performance in Montgomery of the Charlie Daniels Band. Mayor Emory Folmar and police officials, in an attempt to end alleged widespread drug usage at rock concerts at the city's civic center, had devised a strategy of "random searches" to prevent contraband from being taken inside the concert hall.

Brown lung victims organize to seek health compensation

(Continued from Page 3)

He hardly imagined that his struggle was just beginning.

IN HIS WORKMEN'S compensation case, Otis Edwards – who characterizes himself as also an occasional cigarette smoker – was certified as a byssinosis victim by Dr. Mario Battigelli. Dr. Battigelli, a professor at the University of North Carolina Medical School and a member of the byssinosis examining board, is considered by reformers to be conservative in his diagnoses and pro-industry in his sentiments.

Eighteen months after Edwards filed his claim for disability benefits, a hearing officer of the North Carolina Industrial Commission awarded him $20,000 in disability benefits, the maximum permissible at the time Edwards retired, plus payment of all past and future medical expenses.

J. P. Stevens and its insurance carrier, Liberty Mutual, initially appealed. (The company at first had offered to settle with Edwards for $4,478 and, when he rejected that, $7,500. "My health was worth more than that," he says.) But on Dec. 17, Edwards says, Stevens and Liberty Mutual dropped their appeal and he will get his money.

Members of the Brown Lung Association are overjoyed. Of the more than 100 cases they have filed over the past two years, this is the first to yield an award. They are trying to establish a public record so others will be emboldened to fight. But it is still an uphill battle. A federal task force reported last year that the odds are so heavily stacked against claimants, that only 2 per cent of industrial disease victims ever win disability benefits. North and South Carolina and other Southern textile states are way behind the national statistics. North Carolina provides the least benefits in the nation, and South Carolina is third from last.

While the entire workman's compensation system needs overhaul, the immediate problems of relief could be eased if insurance companies took a different attitude. Liberty Mutual, headquartered in Boston, is the nation's largest insurer of workmen's compensation claims. Its $620 million business in such premiums covers about 10 per cent of the nation's workforce and 70 per cent of the textile industry. Liberty Mutual has been well aware of the byssinosis problem, at least since 1971 when it conducted studies of Burlington Mills workers. But from the Carolina Brown Lung Association view, the company tactic is to offer small settlements even in what seem unambiguous cases and, if they are refused, to contest the cases vigorously.

Lucy Taylor, chairman of the North Carolina Brown Lung Association, contends that Liberty Mutual delays, "hoping that we will give up or die. At these compensation hearings you feel like you're on trial for murder instead of the company being on trial for giving you brown lung."

Melvin Bradshaw, Liberty Mutual President, refuses to answer a series of questions posed to him in writing about company policy in handling byssinosis claims.

The only significent remedy for workers already afflicted with brown lung would be an act of Congress providing for a simplified federal system for payment of disability benefits. Congress did this several years ago to compensate coal miners who suffered from black lung, and Rep. Philip Burton (D-Calif.) has proposed similar legislation for brown lung victims. Burton's legislation has gone nowhere in recent sessions of Congress.

TWENTY-FIVE members of the Carolina Brown Lung Association, including Otis Edwards, came to Washington last spring to press for issuance of a tough OSHA standard against cotton dust. In the Labor Department conference room, they poured out their anguished stories, and then Lucy Taylor played tape-recorded testimony from Lewis Harrell, 62, a third generation veteran of the textile mills. Harrell, a brown lung victim, had collapsed and been hospitalized just prior to the Washington trip.

"The cotton dust does you all to pieces from coughing and breathing," his wheezing voice said over the tape. "It's killing thousands of people and we're in the bottom of the bucket so far as getting real recognition for our problems. Anybody hearing me on this tape, think about us – all of us – and do the best you can."

Space limitations prevented the full reprinting of Kotz's article here. It ran in full on page B-1 of the Washington Post on January 1, 1978. Though the article is about Brown Lung, it illuminates a central problem of poor people. When poor people, like these mill workers who labor all their lives and then leave the mill with "a plaque, two hand towels and two wash cloths," come up against the immense power and wealth of corporations, the outcome is never in doubt; never, that is, unless the people form groups like Brown Lung Associations, and unless others support the work being done by SPLC associate attorney Candace Carraway to help them fight.

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President
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Legal Director
John L. Carroll

Staff Attorneys
Morris S. Dees, Jr.
Stephen J. Ellmann
Dennis N. Balske

Associate Attorneys
David Walbert
Candace Carraway

The *Poverty Law Report* is published five times a year by the Southern Poverty Law Center, 1001 S. Hull St., Montgomery, Alabama 36101.

Editor
Randall Williams