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 The Southern Poverty
 Law Center

poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

Volume 6, Number 4

A publication of the Southern Poverty Law Center

September/October, 1978

NO.	NAME	ROOM	DATE	CHARGE	AMOUNT
5	FLOJW				
8	DEES JR				
11	JACKSON				
18	CHANCELLOR				
22	TUCKER				
24	CARROLL	J L 31	10-050	68-13	
32	WILLIAMS	H R 01	10-050	87-81	
35	HOWARD	D A 01	10-050	87-81	
36	DAVIS	D L 01	10-050	87-81	
37	MATKINS	B C 01	10-050	87-94	
38	GRANT	J H 01			
40	BROOKS	L S 01	10-050	33-01	
43	TEAGUE	A K 01	10-050	31-58	
44	BALSKE	D N 01	10-050	87-87	
45	ELLNANN	S J 01	10-050	33-45	

TOTALS (A) 283.00 (B) 16.00 (C) 84.00 (D) 178.00

COMPUTATION OF OUR LIABILITY IN THE ABSENCE OF OTHER GROUP INSURANCE

1. MAJOR MEDICAL TOTAL COVERED CHARGE (A) 283.00

2. LESS BASE PLAN (B) 16.00

3. LESS DEDUCTIBLE (C) 84.00

4. MAJOR MEDICAL BENEFIT (D) 178.00

Treat poor, hospitals are told

NASHVILLE — A recent legal aid case here may significantly improve the access of indigents to health care at hospitals which have received Hill-Burton program funds from the Federal government.

The case, *Newsom v. Vanderbilt University Hospital*, was handled by attorney Gordon Bonnyman of Legal Services of Nashville, with financial support from the Southern Poverty Law Center. Andy Schnieder of the National Health Law Program of Washington, D.C., was co-counsel with Bonnyman.

Callie Mae Newsom was a working mother of five children when she was hospitalized in 1971 for complications resulting from her last pregnancy. She had been too ill to work before she entered the hospital, and her only source of support for herself and her children

(Continued on Page 3)

The high cost of medical care is a problem of crisis proportions for poor people. An important victory in Tennessee may have significant effect nationwide on the delivery of health services to indigents.

Blacks lack political access, suit contends

OPELIKA, Ala. — Twenty-five years ago Mae Jean Randolph stood on a dusty road wondering why she couldn't roller skate in front of her house, too. What made it hard to understand was that the pavement stopped tantalizingly short of her home in both directions. So she and her little friends used to carry their skates up to the far end of the block, where the pavement was, to play.

Mae Jean is black. She is now thirty years old. The patch of dirt road where her friends and family lived was surrounded on every side by white neighborhoods with paved streets and sidewalks and all the other amenities of small-town life. But those are realities that are hard for a five-year-old to grasp.

Now, a quarter of a century later, and less than a week before Southern Poverty Law Center attorneys went to trial in Opelika in the most extensive

voting rights case they have undertaken, Mae Jean's street has been paved.

At issue in the suit, filed by the Lee County Voters' League and the local chapter of the National Association for the Advancement of Colored People, is Opelika's three-man, "at-large" commission form of government. The suit charges that the minority status of black voters in Opelika, coupled with racially polarized voting, dilutes black political strength and makes it impossible for a black to be elected to the existing city government. Plaintiffs asked the court to substitute for it a five-member mayor-council government with district elections.

No black has ever been elected to the presently constituted government, though in the last decade several black candidates have run. Only a handful of blacks sit on the many city boards,

which are filled by appointments by the all-white commission.

During the six-day trial Center attorneys Stephen Ellmann and John Carroll, with the assistance of expert witnesses, detailed racially discriminatory practices in every phase of official city life and described the pervasive racism within which the commission itself operates.

A chief witness for the plaintiffs was Dr. Alex Willingham, associate professor of political science at Atlanta University, who testified about the obstacles blacks encounter in their attempts to gain political access. Willingham said that because the day-to-day operation of city government is quite informal and the commissioners live segregated social lives, blacks cannot expect to play a major part in decisionmaking. In such a context blacks lack the oppor-

tunity to influence commission thinking over a cup of coffee or at halftime during a football game, he said.

Blacks face another obstacle in the issueless campaigns that characterize commission elections, Willingham charged. The consensus nature of Opelika politics offers little opportunity for minority leaders to enlist support from a particular commissioner or candidate and to use that support for bargaining or publicity purposes.

Willingham testified to the existence of racially-polarized voting in commission elections, singling out a race a few years back in which there was an extraordinary turnout of both black and white voters over the prospect of a black candidate being elected.

Center attorneys also criticized Opelika's record regarding employment and

(Continued on Page 4)

Center expands work, seeks broader influence

As legal director of the Southern Poverty Law Center, I want to welcome the new readers of the *Poverty Law Report*. In an effort to expand its educational programs, the SPLC has added to its newsletter mailing list the names of several thousand public defenders, legal aid groups, public interest and activist attorneys, public interest and law reform organizations, and law school deans, professors and librarians.

The Southern Poverty Law Center recently announced a major accomplishment for a public interest organization: our endowment program finally reached its goal and can now provide the major support for our legal activities. The remaining support will come from a small, select group of past Center supporters whose concern for the legal rights of others is so great that they have continued their regular contributions.

The Center is thus able to end its direct mail fundraising, which was becoming ever more expensive both in budget costs and in the energy of our staff.

To those who have not had previous contact with the Center, I would like to state briefly our history, principles and activities.

The Center was founded in 1971 to advance the legal rights of the poor. During the past seven years, we have been involved in more than 150 lawsuits. All have involved some aspect of discrimination based on class, race or sex. Some have been of only local importance, while there have been a few dozen with significant national implications. A few have resulted in landmark decisions.

The cases, to cite a few examples, include the integration of the Alabama State Troopers; the integration of Montgomery parks and YMCA facilities; the sexual integration of police forces and prison guard forces; the restructuring of discriminatory jury composition procedures; the reapportionment of the Alabama legislature; the end of forced sterilization of poor black women; the establishment of the principle of equal pay and equal benefits for equal work performed by women in the uniformed military services; the right to due process for juveniles in mental commitment cases; and others.

In recent years, the Center has continued to handle civil rights cases. But we have also turned increasingly toward significant criminal law cases, especially where the death penalty is involved. The death penalty is always imposed on the

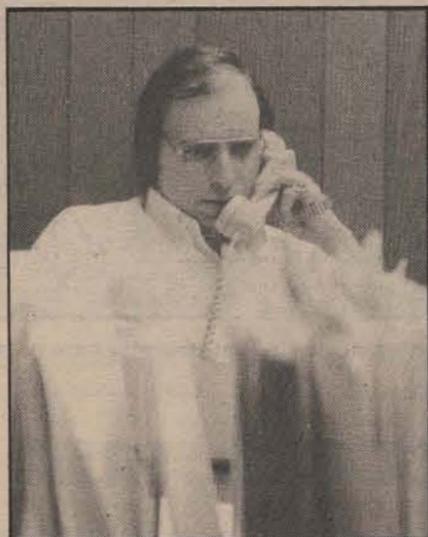
poor, friendless and powerless. The attorneys of the Southern Poverty Law Center believe that the death penalty is morally wrong, but even if that were not the case, we would have to oppose its use because of the discriminatory, arbitrary ways in which it is imposed.

Death penalty cases present special challenges to attorneys. They are rare enough that few private lawyers ever try enough of them to develop the special skills which are required. And yet there are too many capital murder cases for any one group of lawyers, no matter how energetic and dedicated, to handle. During the past few years, the Center has been trying selected death penalty cases, testing innovative trial techniques and strategies and developing a pool of expertise which can be shared with other lawyers and with those who are active in law and prison reform.

These techniques, when properly and thoughtfully used, work. But they do not often mean acquittal. It is an unhappy and frustrating fact of life for the criminal lawyer that the capital murder defendant is almost always guilty, and often of horrible, senseless crimes. In these circumstances, victory is not measured by the old values of acquittal or conviction, but by whether the client receives something less than a death sentence.

Toward this end, the Center assists local attorneys in selected death penalty cases, sends information (see article on page 3) to others, and conducts death penalty defense seminars. If you are an attorney who needs help in any of these areas, please contact us.

John Carroll
Legal Director



CARROLL

First graduates of Miles College law program admitted to Alabama bar

BRIMINGHAM — A significant milestone was reached here recently at the predominantly black Miles College as the first three graduates of its law school were admitted to the Alabama Bar.

The four-year, evening law school program was begun in 1974 to increase the number of black lawyers in Alabama. Though the state has 3,500 attorneys and a black population of more than 1 million, there are still fewer than 100 black lawyers in Alabama.

The Miles law program was begun with the advice and backing of the

Southern Poverty Law Center, and Miles President W. Clyde Williams is currently engaged in a nationwide drive to attract the support necessary to have the school accredited.

At the moment, it is the only law school curriculum leading to the J.D. degree at a predominantly black college in Alabama. Only four predominantly black institutions in the nation have fully accredited law schools. They are Howard University, North Carolina Central University, Southern University and Texas Southern University.

poverty law Report

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Staff, operational changes announced by Law Center

The following personnel changes have occurred at the Southern Poverty Law Center:

Michael Fidlow, executive director since the organization's founding in 1971, resigned in August to become president of the Anacapa Fund, a liberal direct mail fund raising company in Santa Barbara, Calif.

"Much of the success of the Center is due to the years Mike spent with us, managing the non-legal affairs of the Center, allowing the lawyers the time and freedom to pursue casework," said Morris S. Dees, SPLC co-founder.

Fidlow is an expert at direct mail fund-raising and publishing. He previously directed the book club operations of Doubleday Books in New York, and has raised funds for various political causes. He is a New York native.

Some of Fidlow's responsibilities at the SPLC will be assumed by JoAnn Chancellor, who is being promoted to Center Administrator. Ms. Chancellor has been with the Center since 1974 as Operations Director.

Her new responsibilities include business and personnel management. She earlier worked for 10 years as purchasing agent and schedule manager for Fuller and Dees, a Montgomery publishing house.

In another change, Randall Williams, Center investigator and editor of the *Poverty Law Report* for the past two years, has left to become editor of *Southern Exchange*, a new regional magazine based in Chapel Hill, North Carolina. Williams is a former newspaper reporter.

He is succeeded by Bill Stanton, who recently received his Master's Degree in history from Emory University in Atlanta, Ga. Stanton previously worked on the Southern Governmental Monitoring Project of the Southern Regional Council, and assisted the Southern Poverty Law Center in the trial of two single member redistricting cases involving local governments in Alabama. Stanton is an Arkansas native.

Finally, law students Elizabeth Samuels and Steven Stark have com-

pleted summer clerkships at the SPLC. Ms. Samuels is a second-year student at the University of Chicago Law School. She is a Harvard graduate and has worked as a news reporter and as a researcher for an economics consulting firm. At the SPLC, she assisted in cases involving single member redistricting, sex discrimination, capital murder, and prison conditions.

Stark, also a Harvard graduate and also a former newspaper reporter, is a third-year student at Yale Law School. He previously was issues coordinator in the Jimmy Carter presidential campaign and currently serves on the National Commission on Juvenile Justice. At the SPLC, he wrote motions for various cases, and assisted in cases involving single-member redistricting and prison conditions.

Death law stands, state court decides

MONTGOMERY — Southern Poverty Law Center attorneys lost in an effort last month before the Alabama Supreme Court to have the state's death penalty law declared unconstitutional.

Legal Director John Carroll argued that the U.S. Supreme Court's July decision to strike down the death penalty statute in Ohio invalidated the Alabama law as well because of the similarity in the wording of the two statutes.

But the Alabama court disagreed, ruling that the Ohio decision did not affect the Alabama law. Center attorneys now plan to test the constitutionality of the Alabama death penalty when they appeal the separate murder convictions of Jerry Wayne Jacobs and John Evans to the U.S. Supreme Court later this year.

(Evans is one of two Alabama death row inmates who said they wanted to die; Evans is allowing his appeal to go forward so he can have the time to lobby for a change from electrocution to a form of execution which would leave his bodily organs in a condition usable for science or for donation.)

According to Carroll, the same rigidity regarding the consideration of mitigating circumstances exists in the Alabama law as was struck down in the Ohio decision.

Legal materials offered in death penalty cases

The Southern Poverty Law Center has prepared a package of materials for use in death penalty defense cases. Lawyers who have pending capital cases or who think they may take such cases in the future can order these materials for the cost of copying and postage.

"Motions for Capital Cases" is especially recommended. Kent Stribling is a Jackson, Miss., lawyer who recently used the book, and he called it "extremely helpful in our preparation for the defense of this case."

Stribling represented a 23-year-old black defendant accused of the murder-robbery of a 16-year-old white youth. Stribling was able to work out a plea bargain in the case, despite the fact that "the aggravating circumstances were tremendously strong in comparison to the mitigating circumstances."

Also available from the SPLC are a memorandum on the legal arguments supporting the granting of state funds to pay for experts to assist in the defense of an indigent, and an article explaining the techniques and theories of jury selection. The latter article was written by jury selection expert Cathy Bennett.

To order these materials, write to the SPLC, 1001 S. Hull Street, Montgomery, Alabama 36104.

Death-row reform sought

MONTGOMERY — An inmate awaiting execution in an Alabama prison has filed suit here challenging the system of confinement on death row. Possibly the first suit of its kind, *Jacobs v. Locke* contests the practice by which condemned prisoners are summarily placed in total isolation without any official assessment of the security risks or other problems they present.

Southern Poverty Law Center attorneys, representing the plaintiff, will ask federal court to require the Board of Corrections to begin classifying death-row inmates — as it has classified other prisoners all along.

Presently, each inmate sentenced to death in the Alabama prison system is confined to a "lock-down" situation, in isolation, for 23½ hours a day. For these prisoners, the only time spent out of their cells is an optional 30-minute daily exercise period, which few take advantage of because it, too, is in isolation.

The suit maintains that numerous other areas of death-row life are likewise unduly restricted. Unlike the general prison population, death-row inmates are not permitted to attend religious services or to use recreational facilities. Limits are put on the number of magazines allowed in their cells and on articles they purchase from the prison store.

Earlier this year, inmates on death row at Alabama's Holman Prison participated in a hunger strike to protest these conditions.

Although prison officials insist the restrictions on death-row prisoners are necessary for security reasons, John Carroll, SPLC Legal Director, disagrees. "I think when you balance the psychological destruction against the security needs — and all the literature says there is a tremendous amount of psychological damage done to the inmate — security needs don't hold water," he said.

The suit seeks to have the classification system used to separate inmates in the general population extended to inmates on death row. The case goes to trial this fall. It will not be the first time the Alabama prison system has been before the courts. In 1975 U.S. District Judge Frank M. Johnson, Jr., in an order outlining sweeping and detailed changes, called Alabama prisons "unfit for human habitation."

Study questions public defenders

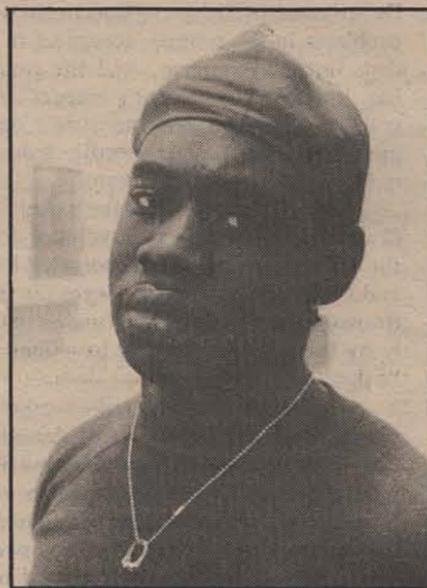
WASHINGTON — Forty-nine percent of the criminal defendants who are assigned a public defender by the court believe that the lawyer sides with the prosecution, a federal study shows.

Ruling on Ross is asked

NEW ORLEANS — Two years after Southern Poverty Law Center attorney John Carroll asked the Louisiana Supreme Court to invalidate the confession of rape defendant Johnny Ross on the ground that he was a juvenile not accompanied by an adult, the Court did make that decision.

Unfortunately, it wasn't in Ross's case, and Carroll has now filed a petition for habeas corpus asking the Louisiana Supreme Court to extend their newly stated principle retroactively to Ross.

Ross, 15 at the time he was sentenced to death for rape, was once the youngest inmate on death row in the United States. His sentence was reduced to 20 years when the Louisiana law allowing execution for rape was struck down by the U.S. Supreme Court. But Ross insists that he is innocent, and his appeal for a new trial goes on.



ROSS

Health care for poor affirmed

(Continued from Page 1)
was public assistance.

Her treatment at Vanderbilt University Hospital ran six days beyond the period covered by Tennessee Medicaid, so she was billed approximately \$800 for services not included in the Medicaid coverage. Mrs. Newsom explained that she could not pay as she was still too sick to work. Even after she had recovered enough to return to her job as a full-time aide at Coverbottom Developmental Center, her income was still so low that she had to have public assistance to provide basic necessities for her family.

The hospital insisted that she pay anyway and eventually hired a collection agency which, in 1973, coerced her into signing an installment note on which she subsequently defaulted. In 1975 she was taken to court by the collection agency, and she appealed for legal assistance.

Vanderbilt University Hospital, meanwhile, had received more than \$3 million in Federal Hill-Burton funds in return for assurance that a reasonable volume of free or below-cost health services would be provided to indigent persons — persons just like Mrs. Newsom.

Bonnyman filed suit on her behalf, alleging that the hospital either had no standards to decide how these services would be provided to indigents or that the hospital refused to inform the poor people who needed the services that they were, in fact, available. The complaint also alleged that the hospital misrepresented its volume of delivery of services to indigents.

On June 1, 1978, U.S. District Judge L. Clure Morton found that Vanderbilt University had failed to comply with its obligations under the Hill-Burton Act and had failed to accurately report its indigent-care practices to state and Federal regulatory agencies as the act requires.

Morton found that Vanderbilt University was in effect not providing free care to any indigents. His ruling recognizes the private right to free health care under the Hill-Burton Act, thus giving a poor person the right to come into a Hill-Burton hospital and make and enforce a claim for services.

Rules sought to halt abuse of segregation

MONTGOMERY — Attorneys for the Southern Poverty Law Center argued in August before U.S. District Judge Frank M. Johnson, Jr., that the Alabama Board of Corrections discriminates against blacks in its application of punitive segregation as a disciplinary device in the state's prisons.

The class action lawsuit, *McCray v. Bennett*, was filed on behalf of a black inmate and contends specifically that the absence of formal guidelines for the use of punitive segregation gives prison authorities too much discretion in the disciplining of prisoners.

Too often, Center attorneys charged, the release of an inmate from confinement depends upon his "attitude" and other nebulous, arbitrary factors. In most instances, this situation boils down to a black inmate at the mercy of an all-white disciplinary review board with broad powers.

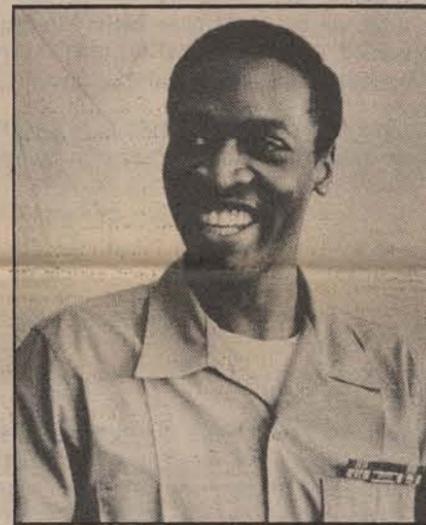
(It was not until 1976 that there was an oversight board within the prison system to review punitive segregation at all; that board was established by an earlier Johnson ruling.)

Prison records reveal a pattern of discrimination in the employment of punitive segregation. Of 95 cases involving insubordination examined by a review board in the last year, only three cases involved whites. For their alleged insubordination, some blacks have served up to 240 days in the doghouse, prison slang for isolation cells.

The records show further that the same offense committed by two different men, one white and one black, draws widely differing punishments. Early in 1978, a black inmate in one of the state's prisons served four months in isolation for "aiding and abetting the violation of institutional rules," while a white inmate identically charged served only 33 days.

The lawsuit asks that the discriminatory practices be stopped and that guidelines for the use of punitive segregation be written.

Johnson's decision is forthcoming.



PATTERSON

Evidence shows jury system bias

MACON, Ga. — U.S. District Judge Wilbur D. Owens, Jr., has reopened discovery in the case of Roy Patterson, a black Marine sergeant represented by the Southern Poverty Law Center in his capital murder trial three years ago. Patterson was sentenced to life imprisonment.

Judge Owens noted that Patterson's challenge to the composition of the traverse jury box had been timely, but that the trial court had not allowed presentation of evidence on the subject.

Patterson's trial for the murder of two white law enforcement officers — there was strong evidence of self-defense — was held in Crisp County, so SPLC investigators went to the Crisp County Courthouse in Cordele recently to determine the racial composition of the jury boxes there.

The percentage of black jurors was 11 percent in 1971, 12 percent in 1973, and 18 percent in 1975 (Crisp County juries are recompiled every two years). But the population of Crisp County is 34 percent black (for the ages eligible for jury service). These figures indicate that even in 1975, when Patterson was tried, only about half as many blacks were serving on Crisp County juries as would have been proportionate to the population.

Blacks locked out of power by system, plaintiffs charge

(Continued from Page 1)

appointment procedures and the delivery of municipal services, citing discriminatory practices.

The city's hiring policy is loose, arbitrary, and open to discrimination. There are no educational or skill requirements for hiring to any Opelika jobs. Once hired, an employee's chance for advancement is basically at the discretion of individual department heads. Similarly, the discipline and discharge of the employee is primarily a discretionary function.

On paper at least, the employment picture for blacks in Opelika has improved over the past decade, but generally, black employees of the city fall into two categories. There are those blacks who occupy "laborer" and other menial positions, and then there are those who are employed by the city but who are paid with Federal funds, such as housing authority, community development, and CETA personnel.

(Defendants' explanations ranged from the lame to the absurd. The superintendent of the light and power department told the court that he had trouble recruiting blacks because of their fear of electricity.)

The appointment process for city board positions is as closed and discriminatory to blacks as is the city's employment policy, plaintiffs argued. "The board appointments in the city of Opelika are a classic example of tokenism," attorney Ellmann said. "The city is, slowly, opening up single seats on its boards to blacks — but once it does so, Opelika evidently feels it need go no further," he concluded. Most boards remain entirely white even today.

The appointment process is self-contained and perfunctory. An appointment is made by the commissioner who is responsible for liaison to the board in question. Some informal discussion with the other commissioners may occur, and then the appointee is formally confirmed at a commission meeting. In recent years the Lee County Voters' League has sent a list of names of qualified blacks to the commission for consideration for board vacancies, but the lists have been ignored and gone unanswered. Not until shortly before trial was any formal input sought from black leaders.

Although discrimination is readily apparent in every aspect of Opelika life, it appears flagrantly in the area of municipal services. The city still operates segregated cemeteries and continues to refer to a black one on its official map as the "Colored Cemetery." Lots for the black and white cemeteries are sold at different places and at different prices. "Even the charges for opening a grave are different," Ellmann said.

The municipally sponsored recrea-

tion program is basically segregated also. Half of the two dozen or so athletic leagues are either all white or all black, and a number of the others have, at best, token integration. The facilities which the city operates are unequal. Those in the black parts of town have fewer tennis courts and other playground fixtures than in the white areas, and the activity programs are less comprehensive at the black recreation centers.

While both white and black recreation parks have swimming pools, the usage fee for the pool in the black neighborhood is significantly lower than its counterpart in the white part of town, possibly to induce black children to stay home and swim.

Center attorneys demonstrated that municipal services are delivered on a discriminatory and inequitable basis in other respects, too. Unpaved roads, poorly resurfaced streets, and inferior drainage systems characterize black neighborhoods in Opelika. When the defendants argued that, in the case of unpaved roads at least, the city bears no responsibility, since by law paving is done on an assessment basis, Ellmann argued that Opelika has for many years subsidized paving work all over town.

Liberal payment terms, including a nominal interest rate and the decision of the city not to account for engineering costs in assessment charges, amount to a subsidy for those who could afford assessment anyway, he said.

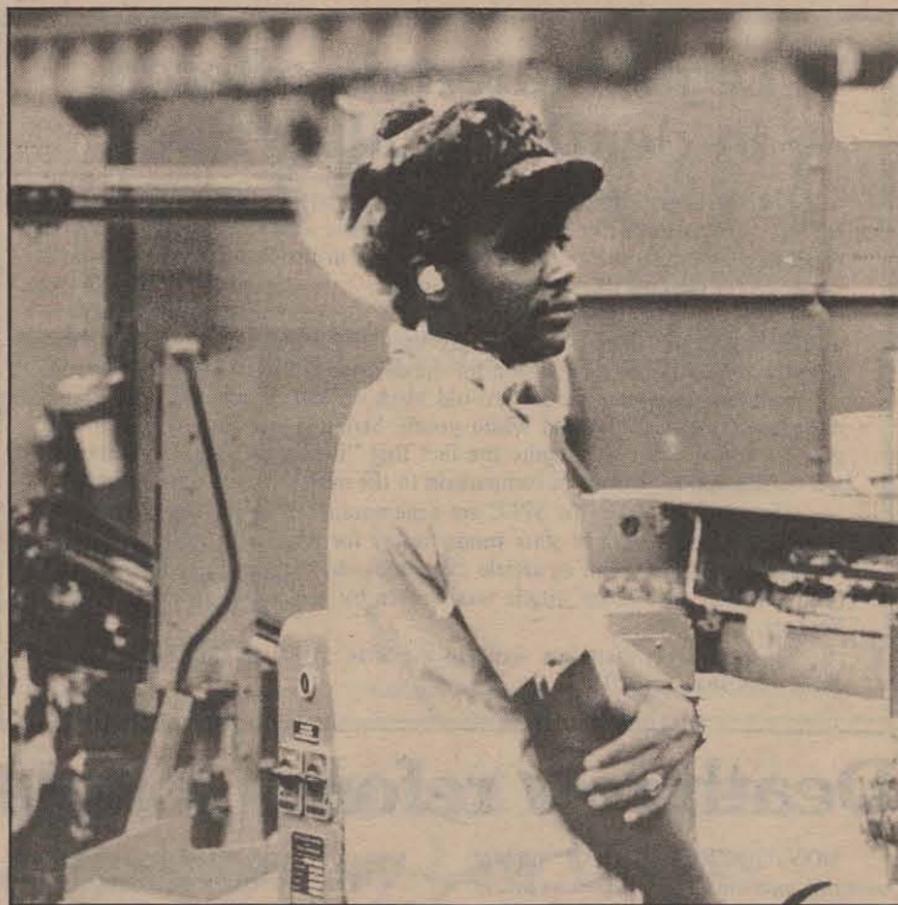
Preliminary field surveys of Opelika by Center researchers indicated considerable discrepancies in the quality of the city's drainage system and in the condition and maintenance of unpaved roads. Furthermore the surveys indicated that most residents on these dirt roads were black.

To confirm these findings, the Center brought Mr. Allan Paller, a Washington, D.C., civil engineer and expert in municipal services, to Opelika to conduct further studies on road and drainage conditions. Paller has done similar research in more than a dozen such lawsuits across the South. His work confirmed the Center's surveys. For example, after completing a survey of the condition of Opelika's white and black dirt roads, Paller testified that the odds were a million to one that the disparity between the races would have resulted from chance alone. The conclusion, said Paller, was that race is a factor in the Opelika services.

In another area of city services — the city water system — Ellmann and Carroll used two Opelika planning studies to establish the city's unresponsiveness to the needs of blacks.

Evidence of past and present discrimination showed up in a wide range of other city activities: water supply, sewage service, housing, and others.

"What the evidence demonstrates," Ellmann said in conclusion about the suit, "is that the city of Opelika remains unwilling to make a whole-hearted effort to serve the needs of its black citizens, and that it plans to admit blacks into the political life of the city only slowly, and only while city officials continue to hold the reins."



Workers in the textile industry may develop a breathing disease called brown lung due to constant exposure to cotton dust. The SPLC is helping disabled workers win compensation.

Brown lung victims compensated slowly

RALEIGH, N.C. — Compensation for retired textile employees suffering from "brown lung" has been so slow in coming that hundreds of workers have waited years for awards, and several have died before any money has come through.

Nearly 400 retired mill workers who claim they have byssinosis, a lung disease contracted after prolonged exposure to cotton dust, are waiting for examinations and hearings. Others have already settled for amounts much lower than they are eligible for under North Carolina law.

The textile industry is one of the state's largest employers. Liberty Mutual Insurance Co., a Boston firm, is the workmen's compensation carrier for most of the mills in the area.

The delays are for the most part in scheduling medical examinations and commission hearings, and in the appeals each party is liable to make.

The Carolina Brown Lung Association has a \$10,000 contract with the U.S. Department of Labor to document the problems in the process, according to a department spokesman. And the group has threatened to call for a broader federal investigation if the Industrial Commission does not make specific changes in the system within two months.

"The question is, does the Industrial Commission have the responsibility and the authority to make the process work?" said Candace Carraway, a lawyer for the Brown Lung Legal Center, funded partly by the Southern Poverty Law Center. "I think it does."

About 35 retired mill workers, members of the Brown Lung Association, went to the Commission with a list of "gripes" about the compensation process. They complained afterwards that the Commissioners failed to answer their charges, and actually reneged on one earlier promise.

William Stevenson, the Commission's chairman, has said his agency is considering abolishing the panel of doctors who examine people with byssinosis claims because "no one is happy with it."

Carraway said that without the panel, only the "good cases" — people who have never smoked, are not overweight, and have the "Monday chest tightness" that some doctors consider a definitive sign of brown lung — will have a chance of compensation.

"Lawyers will only take the good cases they know they can win, because otherwise, who'll pay for the medical exams?" Carraway said.

Under the present system, the insurance carriers pay for examinations by panel doctors. Another of the workers' complaints has been that the carriers are slow to authorize the exams.

Ohio sentences commuted to life

COLUMBUS, Ohio — The Ohio Supreme Court has reduced to life imprisonment the death sentences of 54 convicted murderers whose appeals were before the Court. The action follows the recent U.S. Supreme Court decisions finding the Ohio death law unconstitutional in the *Bell* and *Lockett* cases. There were 101 men on death row at the time and the remaining 47 sentences will also be reduced as hearings are held.

Trial court judges in Ohio are handling capital cases now as if there were no death penalty. The Ohio ACLU reports that it may well be the next legislative year before the state's death penalty law can be amended.

Ohio legislators are not expected to try to write a new death penalty section which would allow retrial and new jeopardy for the inmates whose sentences were or are being reduced.

CEMETERIES

- 19-Colored Cemetery E-4
- 20-Evergreen Cemetery E-4
- 21-Garden Hill Cemetery E-5
- 22-Rosemere Cemetery E-4

A detail from the 1978 Opelika map.