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poverty law Report

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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Ms. Higginbotham

Maid cleared in tot's death

JASPER, Ga. – The State of Georgia has agreed to drop first-degree murder charges against Ms. Peggy Higginbotham, a black maid accused of killing the small child of her white employer.

Ms. Higginbotham's arrest seventeen months ago shocked the black community in this small mountain town in the northern part of the state, where she was an upstanding citizen and active member of the Baptist church, whose members promptly posted her bond.

Ms. Higginbotham's attorney contacted the Southern Poverty Law Center for assistance, and Center lawyers, convinced of her innocence, arranged for Ms. Higginbotham to take a polygraph examination. The tests conclusively proved her lack of involvement in the child's death and were presented to the district attorney.

More polygraph tests given her by the Georgia Bureau of Investigation corroborated these findings, and the D.A. agreed to drop charges.

Ms. Higginbotham strongly protested her innocence all along and denied ever beating or hurting the child. The weight of Southern history is on her side. Authentic reports of black domestic workers ever harming their employer's children are extremely rare.

Complaint charges

WIC operation violates guidelines

MONTGOMERY – One of the ironies of the Great Society was that the federal government had to wage the War on Poverty in the South through a network of uncommitted state-rights bureaucrats unsympathetic to its goals.

The Southern Poverty Law Center has filed a complaint in federal court here on behalf of plaintiffs who face a similarly unresponsive bureaucracy.

The complaint seeks to compel the State of Alabama to provide services to all persons who qualify for the Women, Infant, and Children (WIC) Supplemental Food Program, created by Congress in 1974. Defendants include Department of Agriculture Secretary Bob Bergland, chief federal administrator of the program; the Alabama Department of Public Health; and the director of the Alabama WIC program.

Ideally, the WIC program is designed to supplement the diets of low-income breast-feeding mothers, postpartum or pregnant women, infants, and children who are certified as being at "nutritional risk."

WIC officials are required to screen potential clients, arrange a supplemental food schedule, and assist the clients for the future with nutrition education. While on the program, the client is monitored.

The program has major flaws in Alabama. "What this case is about is a failure at every level to carry out the program Congress mandated," said Center attorney Stephen Ellmann, who is handling the case.

Only 46 of the state's 67 counties are covered by WIC presently. Even the figure of 46 counties is bloated, since several offices have just become operational. The remainder are scheduled to open within the year.

Ellmann critizes the structure of the WIC program, especially its loose federal-state relationship, but he is particularly critical of the way the Alabama WIC functions in disregard of the guidelines Congress has drawn up.

"The federal government seems guilty of a lack of interest in enforcing the program's regulations, but it's the state that's not getting the program out to the people," Ellmann said.

WIC officials in the Alabama Department of Health administer the program locally through the counties of the state. Under the law, an agency of a county government, usually the health department, and private non-profit organizations may apply on equal terms to the State Department of Public Health to serve as the local administering arm of the WIC program.

In Alabama the state public health department, apparently trying to protect its own bureaucratic bailiwick, has discouraged private organizations from applying. Only two of the 46 functional WIC agencies are private organizations. When private agencies do apply, their applications often do not receive meaningful consideration – even where the private applications reflect planning and resources superior to those of public agencies.

One private applicant which has been rejected as the county agent for WIC is a plaintiff in the complaint. The true victims of the state's decision, however, are those women and children in need of WIC benefits – and the suit's plaintiffs include individuals from this

(Continued to Page 4)

Federal poverty funds frequently go unclaimed by indifferent Southern officials; at best the monies are often applied carelessly. The SPLC has filed complaint against the State of Alabama for its operation of a nutrition program for women, infants, and children.

Legal Aid

Communication with State urged in death case

Legal Aid *is a rotating column for SPLC attorneys.*

By Morris Dees

In the great majority of death-penalty cases, the weight of evidence against the defendant is condemning. The state usually has a solid case backed up by a valid confession. The crime is usually a senseless killing.

In such circumstances the threat of a death verdict is considerable. The prosecutor, politically sensitive to a vindictive community, pursues the death penalty vigorously, supported in his pursuit by the victim's family. On occasions the court is overtly hostile.

Although it clearly is in the best interests of the defendant to get a life sentence, it is difficult for a defense attorney who tries death cases infrequently to obtain that verdict from the court.

This article deals with the hopeless cases in which the defendant desires to settle for a life sentence but is initially opposed by the prosecutor and the victim's family.

The possibility of settling a death case for life depends largely on the state in which the case is being tried. Among death-penalty states there are generally three types of life sentences: life without parole; life with a fixed-year-minimum, such as 25 years; or ordinary life where the defendant is eligible for parole after serving 7-10 years.

In states like Arkansas, where a life sentence in a capital case is life without possibility of parole; or Florida, where life in a capital case means the defendant must serve a minimum of 25 years, it is not impossible to convince the victim's family to agree on a life sentence. Their primary concern, if they are interested in something less than a death sentence, is to insure that the defendant is not out on the streets in seven to ten years.

A popular myth holds that the criminal-justice system ignores the victims of crime and their families, but in capital cases the prosecutor constantly consults the family, and their wishes are normally respected in the state's decision whether to seek the death penalty. We find that it is absolutely essential in death cases to get the approval of the victim's family for a life sentence.

Regrettably, there is no prescription for settling a death case, but we have discovered a few fundamental principles that should be helpful to others.

At our first meeting with the prosecutor, the court, court officials, and law enforcement officials involved in the case, we inform them that the defendant will settle for a life sentence. Thereafter we keep up a steady stream of pressure, both actual and subtle, on anyone in a position to influence the acceptability of a life-sentence plea.

We always try to keep the channels of communication open between the prosecutor and us. That doesn't mean that we acquiesce to everything he does. The prosecutor must be confronted when he has mistreated the defendant.

Usually confrontations aren't necessary, and under normal circumstances chances for settlement depend significantly on the relations developed between the opposing attorneys. If the prosecutor respects the effort being made to save a client's life, he is more likely to agree to a life sentence for the defendant.

It is equally important to keep the lines of communication open between the victim's family and the defendant's attorney. We find that a victim's family develops some sort of emotional bond with the defendant that can be turned into sympathy.

In order to arouse sympat y for the defendant, the feelings of the victim's family must be treated delicately, because the family negatively views the defense counsel as an extension of the defendant.

They believe the defense attorney is completely self-serving and is willing to see the defendant go loose as long as he makes a name for himself. The bitterest letter I have ever received came from the mother of a young woman who was allegedly brutally raped and murdered by our client. She wrote that I had sunk to his level because I had defended him.

Our first efforts to communicate with the victim's family are often misunderstood. On more than one occasion a relative of a murder victim has reported to the prosecutor that we tried to pressure the family into dropping the case.

Things like that are bound to happen, but we have found it best for the defense attorney to establish personal contact with a key member of the victim's family early in the proceedings. Usually there are opportunities for this at the preliminary hearing or at some pretrial court appearance.

The best idea is just to walk up to the family, introduce yourself as the attorney for the defendant, express your sincere concern about their lost loved-one, assure them that your role is to represent the defendant within the bounds of the law, and say that you have nothing at all against them. This usually prompts some conversation and provides an opportunity to gauge the family's feelings.

Half the battle is won as soon as the victim's family realizes that the defense attorney is reasonable.

Sometimes it is necessary or convenient to go to the victim's home to meet the family initially. If possible, two members of our defense team go together so that if a misunderstanding later develops over the intentions of our visit, it is not the family's word versus mine or that of another defense attorney. At a later opportunity it is sometimes helpful to have a relative of the defendant talk with a relative of the victim.

Of the trial proceedings, the pre-

(Continued to Page 4)

Mental health suit reopened

MONTGOMERY – The Alabama Department of Mental Health is headed back into federal district court here over alleged non-compliance with a six-year old rulings of U.S. Dist. Judge Frank M. Johnson, Jr., that ordered sweeping, fundamental changes in mental health and mental retardation treatment in the state.

The U.S. Department of Justice and the Mental Health Law Project of Washington, D.C., serving as amici curiae, and the Southern Poverty Law Center, representing the plaintiff case, are suing the Mental Health Department for supplemental relief in the operation of the department's mental retardation program. This phase of the case goes to trial late in November.

The scope of the case has just been expanded through a motion to reopen discovery on the mental health programs of the state. Judge Johnson has granted this motion and ordered discovery to begin immediately after the trial of the mental retardation phase of the case.

An earlier ruling by Judge Johnson set up human rights committees which have monitored implementation of the court order at the mental health and retardation institutions. Last fall one of the committees issued an interim report, based on an in-house study at one state institution, which showed substantial non-compliance.

"Many wards look like dungeons," the report grimly said. "Lighting is very poor; floors . . . exude a persistent stench; walls are marred and dirty, rooms are small, and yet they frequently house two to three patients; furnishings are dilapidated, broken, sparse, torn, and unfit for human use."

Plaintiff asks relief for women cops

MONTGOMERY – The Montgomery Police Department continues to make it difficult for the city's female police officers to be both women and cops.

In 1975 the Southern Poverty Law Center filed suit on behalf of a young female clerk in the police department who had been denied employment as a police officer with the city solely because of her sex.

Nearly three years later the Center has been asked to re-open the case on behalf of a highly commended police officer, Ms. Bertha Mills, whose resignation was requested after she became pregnant and was no longer able to perform her regular duties.

Center attorney Stephen Ellmann filed a motion in U.S. District Court to re-open discovery that Johnson granted late last month.

The motion filed by the Center points out the department's failure to place pregnant officers on administrative leave until they are able to resume work. Male officers with disability unrelated to their jobs as policemen have been allowed such leave.

The city's requirements that pregnant officers leave work, and then – when their accumulated leave time is exhausted – go off the payroll, has another discriminatory twist. Leave time in the department accrues at a basic rate of two days per month. As a result, a woman officer who was hired after (and because of) the court's 1976 order barring further discrimination is almost certain to exhaust her leave time while she is off work.

The city does not dispute a number of charges in the motion but maintains that the regulations are required for efficient operations.

The motion filed by the Center seeks an order barring further discrimination and requests reinstatement with back pay for officers forced to resign during pregnancy.

When Ms. Mills, the plaintiff, requested light work during her pregnancy disability, she was told that no desk positions were available and the department was "not going to make the desk a maternity ward."

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Ross passes Jaycee course to better self

DeQUINCY, La. – Johnny Ross passed a course in communication dynamics offered by the Louisiana Jaycees in recent weeks. Two-and-a-half years ago Ross sat in an empty cell on Louisiana's death row, making him at that time the youngest person in the United States condemned to die.

In between those times, the U.S. Supreme Court struck down the Louisiana capital punishment law under which Ross was sentenced, and he was released into the general population.

Ross enrolled in the Jaycee course and similar programs on his own initiative and exhibited model conduct as an inmate at Angola prison, widely regarded as one of the roughest institutions in the South.

Because of his excellent behavior Ross has been reclassified and is now held in a minimum-security unit here. In a few years he may be eligible for parole.

A client of the Southern Poverty Law Center, Ross became well-known among Center members as his case was followed by the *Poverty Law Report* through the courts, and the support he received from those who wrote him letters helped tremendously in his rehabilitation. A doctor in Washington, D.C., a woman in New York, a group of nuns in Wisconsin, and many others encouraged and reinforced young Ross.

Ross (foreground) at Angola

Unlike him, hundreds of death-row prisoners receive little positive attention from any source, including their families.

As Ross has shown, community support can be important in the rehabilitation of death-row inmates. Several of the Center's clients have expressed a desire to receive letters from the outside.

If you would like to correspond with one of these men, address your mail to one of the inmates listed below, P.O. Box 37, Holman Station, AL 36503.

Among the men on death row whom the Center represents are John L. Jacobs, Jerry Wayne Jacobs, Wallace Norrell Thomas, Wayne Eugene Ritter, John Louis Evans, and James Willie Cochran.

New evidence death penalty discriminatory is presented

MARIETTA, Ga. – New evidence that the death penalty is applied discriminatorily was presented by Southern Poverty Law Center attorneys during the sentencing hearing for Randall Ray Lamb here in late October. Lamb, a 22-year-old white man, was convicted for the slaying of a neighbor, the mother of a friend.

Center attorneys called Dr. William Bowers, a sociologist at Northeastern University, to explain the findings of studies he has conducted concerning the use of capital punishment in Georgia.

Bowers showed that the trend of capricious imposition of the death penalty that the U.S. Supreme Court ruled against in Furman v. Georgia in 1972 has carried over into the post-Furman era.

Bowers' statistics specifically show that blacks who kill whites are much more likely to wind up on death row than are blacks who kill blacks or whites who kill blacks. Bowers' data pertain only to felonious capital murders and discount so-called murders of passion. The statistics state, in effect, that courts attach greater value to the lives of white murder victims than to black victims.

Bowers' testimony also pointed to geographical bias in the imposition of the death penalty. Just as the South is the "Death Belt" of the nation, certain counties of each death-penalty state are disproportionately represented on death row.

Often in those counties D.A.s press harder for capital sentences, which means that an individual convicted of murder there is more likely to be executed for his crime than he would be in a less bloodthirsty county.

Bowers presented similar evidence in Florida in the post-conviction proceedings of John Spenkelink, who now stands to be the first person executed against his will in the U.S. since 1967.

At press time the jury deciding Lamb's sentence had not yet reached a decision.

Experts examine life on death row

Discovery continues in the suit filed by the Center on behalf of the prisoners on Alabama's death row challenging conditions there. Experts in several areas of prison life have been sent into the prison by the Center to gather and analyze information.

Studies are being conducted on the psychological impact of close and prolonged confinement, on food-service preparation, and on correctional policies.

The Center will rely heavily on the testimony of expert witnesses at the trial which is expected to occur in December or January.

Southern death rows fill up; execution possible

MONTGOMERY – If antebellum slavery's chief legacy to the South was the devaluation of human life – white and black – then the region's main inheritance from the postwar phenomenon of lynching must be its appetite for legalized killings.

Whatever the interplay of forces, it is a fact that a huge majority of the persons awaiting execution in the U.S. live on death rows of the South. Their numbers grow by scores each year.

Nine out of 10 people in the nation who have been condemned to die are on death rows in the states of the Old Confederacy. This figure shot up to its present level in July when the U.S. Supreme Court struck down Ohio's death-penalty statute and 101 non-Southerners went off death row.

The execution-prone South is selective in sending people to the chair. They are the poor, the black, and the powerless, particularly the black.

In a region where blacks make up less than a quarter of the population, half of its death-row population is black; in a region where black-on-white murders are less than 10% of the capital murders committed by blacks, more than three-fourths of the blacks on death row are there for killing whites.

In 1972 in *Furman v. Georgia* the U.S. Supreme Court ruled against what it called the "arbitrary and capricious" imposition of the death penalty, but in its Bicentennial decision, *Gregg v. Georgia*, the Court formally reopened the door to discriminatory enforcement of capital punishment laws.

Since the wave of capital punishment statutes that followed this decision, Southern states have sentenced people to death in earnest.

For the first victims of those laws and for individuals sentenced under court-sanctioned pre-1976 statutes, the appellate process has almost run its course.

In addition to the death-penalty work of the Southern Poverty Law Center, there are other organized efforts to prevent these possible executions in the South and to abolish the death penalty altogether.

Important work is being done by the Southern Death Penalty Information Center in Chapel Hill, North Carolina. Its director, Alan McGregor, compiles data on all aspects of capital punishment from a network of organizers in most of the Southern states.

McGregor thinks it will become progressively more difficult to maintain constant pressure against executions because of the large number of individuals entering the final stages of the appellate process.

"As long as we just had Georgia, Florida, and Texas pressing us with the imminent threat of executions we could handle the situation," McGregor said, "but as soon as other states get in on this, we'll be in a real mess."

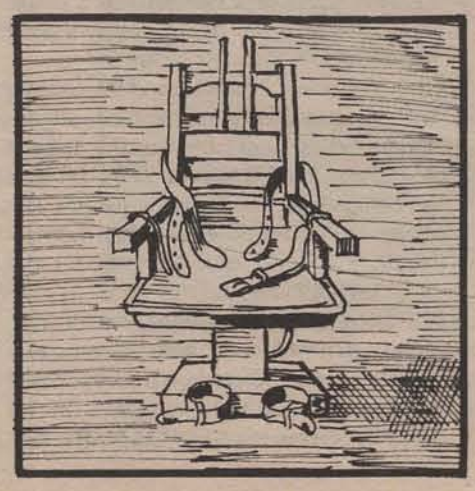
Under the least favorable time frame the first execution in the South may occur as early as mid-January. He is John Spenkelink, one of 115 persons on death row in Florida.

Whatever he was at the time of the murder for which he is sentenced, Spenkelink now is a community organizer on death row. A prison reformer in Florida describes him as the one who "keeps things on an even keel on the row." He is said to have become a Christian since his conviction.

He writes letters for illiterate inmates and keeps track of who's getting harassed by prison authorities and of which prisoners need visits from the outside (for those who have no family).

The death-penalty as a political issue in Florida has quietened temporarily. Last month's gubernatorial campaign focused intensely on capital punishment, thanks to one of the candidates. He was defeated, but his loss was not a repudiation of the death penalty, say some opponents of capital punishment there. The victor in the primary was simply a tamer advocate of executions.

That was not the case in the Alabama primary, where a free-for-all gubernatorial campaign was nearly overshadowed by the race for attorney general. The primary's eventual winner campaigned that he wanted to "smell the flesh burn and see the eyeballs pop out" of the people he plans to kill in the electric chair.



Alabama seems now to have the most inflamed climate of all Southern states on the issue of the death penalty. It also has the fastest-expanding death row in the country. In August of last year seven people were on death row here. Now there are 38, with good prospects of that number doubling within the year.

One of the final straws of those who hope to prevent an execution in Alabama is that the death statute has not been tested in the U.S. Supreme Court. SPLC attorney John Carroll is now preparing to submit for a writ of certiorari asking the Court to review the statute.

In Georgia, where at last count 72 people were awaiting execution, high-placed public officials have tried to fan capital-punishment sentiment.

Both the state and federal prison systems there have been racked by riots this year, resulting in the deaths of guards and inmates. Several prisoners have been indicted for the murder of guards and are being prosecuted with the death penalty. The governor obliquely called for executions.

Elsewhere in the South the climate on the death penalty is toned down. "It's like the calm before the storm of Secession must have been," an Alabama observer said. "Everyone's waiting to see what the Fireaters do next."

Morris Dees (left) and Dr. Hans Zeisel, professor of law at the University of Chicago and an authority on capital punishment, go over strategy in their motel room during a death-penalty trial at which Dr. Zeisel was a defense witness.

Complaint notes inefficiency in operation of WIC program

(Continued from page 1)

county and others, representing a class of persons deprived of WIC benefits because of the defendants' violations of law.

The complaint filed by the Center charges that the state's allocation of resources for the WIC program is illogical. Under the present plan the state determines the caseload of each county. The caseload which a given county is assigned often does not appear to mirror the extent of need of the program's benefits in that county.

In actual practice, some counties are funded by the state to provide well over 100% of the allocated caseloads while others serve well under their theoretical load. Yet the current system makes no provision to allow a local WIC agency to request an expansion of its caseload. Ellman said that despite these features, which violate congressional guidelines for the WIC program, the U.S. Department of Agriculture had approved the Alabama state plan of program operations.

Like the decisions about how many persons to serve in each county, the choices of the counties in which to start WIC programs are also faulty. These choices are made according to the state's "affirmative action plan."

The plan is based on infant mortality, immature live births, and the average per capita income. The counties without WIC programs are ranked on each of these criteria, and the criteria are weighted in importance. The overall priority is determined by combining the weighted ranks.

The method is distorted because it is tied to relative rank and counties adjacent in rank may be far different, or hardly different at all, in the actual severity of conditions.

The complaint against the defendants asks that the federal government be barred from approving, and the state barred from adhering, to inadequate operations plans in the future. An initial ruling on the complaint is expected this month.

Pretrial stage crucial in death case

(Continued from page 2)

trial stage is one of the most important phases of a death case. Used strategically, pretrial motions may be more effective than anything else in obtaining a life sentence. Pretrial motions that are heard and argued in half-a-day or less only aid the prosecution.

The pretrial motions should be designed to do much more than obtain the specific relief requested. The motions allow the defense these advantages: to take the momentum from the prosecution and to go on the offensive; to show the prosecution and court early-on to expect a full-fledged fight at every stage of the trial on every material issue; to bring up complex legal issues that require extensive work for the court and prosecutor; to get error into the record before the evidentiary trial begins.

In addition, pretrial motions allow the defense to see the judge in action with no jury present and to assess defense tactics accordingly; to observe the prosecutor's style and his ability to examine witnesses; to let the judge and prosecutor become familiar with the defense lawyers and team members; to work with court officials and law enforcement officers in advance of jury selection; to familiarize the defendant with court procedures and observe his or her demeanor; to allow the defendant to testify, which provides excellent practice for his or her jury testimony; and to ease the tension of the court and prosecution; and, if desirable, to lull them into a sense of routine.

No one factor convinces the prosecutor to accept the idea of a life sentence, but when he recognizes from pretrial motions that the defense means business, the chances for getting a life sentence automatically improve.

Case-by-case experience has helped us improve our plea-bargaining efforts; a few case histories will illustrate the techniques we have discussed here.

In a recent Missouri case, we represented a young man charged with the fatal shooting of four small children. All our preliminary efforts to settle the case for a life sentence failed.

Discovery began, and in preparation for the deposition of the state psychiatrist we put in at least fifty hours studying adolescent psychiatry. Consequently, we were able to weaken his testimony against our client's insanity plea.

At the same time we tried to impress upon the prosecutor the absurdity of executing our young client when the state's own psychiatrist admitted the youth's emotional problem was capable of treatment.

After a month of negotiation the prosecutor yielded in his determination to seek the death penalty, even bypassed his option of life-without-parole, and settled the case for a regular life sentence on two of the homicides. He dropped the charges on the other two.

We faced a similarly persistent prosecutor in Arkansas last year. Only after six weeks of contact with him, a week of pretrial motions, and ten days of jury selection were we able to settle the case for a life sentence.

Before the settlement was reached there was tremendous animosity toward the defense. The sheriff and prosecutor were openly hostile because the defendant, a black, had killed a white deputy sheriff in an escape attempt.

The victim's family, acting on instructions from the prosecutor, refused to talk with us. The court, too, displayed animosity and stated that it would not accept a life-sentence recommendation.

Despite the thoroughly hostile atmosphere, we tried to carry out our basic strategy. As usual, we informed the prosecutor and court at our first meeting that we sought a life sentence.

Later, we made an effort to involve the defendant and his family in the proceedings. Before the trial started the defendant's family pleaded for his life with the prosecutor, who seemed somewhat shaken by their Biblically-based requests for mercy.

The defendant himself was a clean-cut young man of 20 who made a good appearance in the suits we provided.

We brought him into close contact with the prosecutor and court during individual jury voir dire in the judge's chambers. He became such an integral part of the process that the judge's secretary once offered him coffee during a break, a daily custom reserved for the judge and lawyers.

Because of the relaxation of tensions, security was eased from two guards to one after the first few court appearances, and the young man was no longer required to wear handcuffs. The sole guard slept peacefully outside the courtroom.

Our efforts to proceed in a friendly way in our investigation with the sheriff's department paid off, too. The first sign of a break in the demand for the death penalty was when the deputy commented offhand to one of us that the defendant was really not such a bad person and ought not to be executed. Soon the prosecutor also relented and we settled the case.

In a death case we tried with Georgia attorney Millard Farmer we obtained a life sentence because of our negotiations with the victim's family. Our defendant, a black, had shot the owner of a liquor store, a white man, in a robbery.

For ten days during the pretrial motions and jury selection, all of our efforts to settle seemed vain. The store-owner's widow had been openly hostile; the prosecutor appeared intent on a death verdict; the victim's five small children, as they sat on the front row, glared angrily at the defense. Nothing we could say or do affected the prosecution's resolution for a death verdict.

During one break in the proceedings I spoke to the victim's widow about the harm all this was doing to her children and how she could help put an end to the tragedy. She didn't seem to listen.

On another, but parallel, track we tried to introduce the state toxicologist's findings that indicated that there was alcohol in the victim's blood at the time of his death. Aware of the mores of a small Georgia town, we informed the widow's brother-in-law that we would not present this evidence if he would recommend a life sentence.

In less than thirty minutes the case was settled.

To our surprise, that night the family of the deceased invited the defense team to their home for a small gathering. Interestingly, the prosecutor was not invited.

These and many other death cases have been settled by the Center for life sentences; each case called for a slightly different emphasis on our fundamental defense strategy. But a crucial element of every case we've won has been timing. In cases where the client wants a life sentence it is vital to spend constructive time toward this goal early in the proceedings.

Jury exclusion of Houmas is appealed

HOUMA, La. – Up through the 1950's the white power structure of Terrebonne Parish, Louisiana, considered the Houma Indians enough of an identifiable class that there was a separate school system for them – in addition to the one for whites and a third one for blacks.

Now, a short twenty years later, the white ruling class refuses to recognize the class distinctiveness of the Houmas.

The Houmas' official status as a non-class is an issue upon which Southern Poverty Law Center attorneys will appeal to the Louisiana Supreme Court this month the 1977 robbery-murder conviction of Norman Billiot, a Houma Indian.

Center attorneys will argue that Billiot could not receive a fair trial there because Indians are excluded as a recognized class from the grand jury and petit jury rolls, despite the view of the United States Bureau of the Census that Indians comprised four per cent of the population of the parish in 1970.

During the original trial Center attorneys presented evidence through the testimony of an LSU sociologist that Indians in the parish are still ethnically and socially identifiable.

The expert witness testified that a study by a respected anthropologist in the late 1960's also confirmed that Houma Indians in the parish are still a tribal unit. The anthropologist noted at that time, though, that the Houmas had never received federal designation as a tribe.