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\* \* \* \* \*

Appellant,

VS.

E.K. McDANIEL, WARDEN, and  
CATHERINE CORTEZ MASTO,  
ATTORNEY GENERAL FOR THE STATE  
OF NEVADA,

### Respondents.

Electronically Filed  
May 12 2011 04:47 p.m.  
Case No. 57469 Tracie K. Lindeman

## APPELLANT'S APPENDIX

Appeal from Order Denying Petition  
for Writ of Habeas Corpus (Post-Conviction)  
Eighth Judicial District Court, Clark County

VOLUME 11 OF 14

FRANNY A. FORSMAN  
Federal Public Defender  
MIKE CHARLTON  
Assistant Federal Public Defender  
Nevada Bar No. 11025C  
411 E. Bonneville Ave., Suite 250  
Las Vegas, Nevada 89101  
(702) 388-6577  
[Mike Charlton@fd.org](mailto:Mike_Charlton@fd.org)

Attorneys for Appellant

C. N. 7148\*Date 10-9-51STATE OF ALABAMA  
DEPARTMENT OF PUBLIC WELFARE

## APPLICATION FOR AID TO DEPENDENT CHILDREN

Name Maggie Dudley Address 406- 13<sup>th</sup> Street So.  
Clanton Ala.  
 County Chilton Race C. Sex F

I hereby make application for aid to dependent children in behalf of the following children:

Name	Relationship to Applicant	Sex	Birthdate	Grade in School
<u>Sam Howard, Jr.</u>	<u>gr. nephew</u>	<u>M</u>	<u>(4)</u>	
<u>Diane Howard</u>	<u>gr. niece</u>	<u>F</u>	<u>(2)</u>	

I have read or someone has read to me the eligibility requirements for this kind of aid. I believe that the children can meet these requirements.

I understand my duty to help furnish information needed to establish eligibility for aid. I agree to furnish this information.

I will notify the county welfare department of any change in address.

If the children are given aid, I agree to tell the county welfare department right away if any extra income or resources are received. I will also tell the welfare department of the receipt of any property in addition to what is owned at the time of this application.

SIGNATURE OF APPLICANT Maggie DudleyADDRESS 406- 13<sup>th</sup> St. Clanton, Ala.  
(Mailing)

\*\*WITNESS \_\_\_\_\_ ADDRESS OF WITNESS \_\_\_\_\_

\*Date on which applicant completes form.

\*\*Necessary only if applicant signs by mark.

000063

*Grantee Rel. receives OAP.*

STATE OF ALABAMA  
DEPARTMENT OF PENSIONS AND SECURITY

Statement of  
INCOME AND RESOURCES

Name Diane + Sam Jr. Hanks  
Category Ave.  
Case No. 7148

Every applicant and recipient must fill out and sign this statement of income and resources. When a husband and wife live together, each must show on this paper complete and accurate information concerning his or her income, contributions, resources, and property which he or she expects to have available during the coming twelve months. This also includes his or her share of joint income. If aid is for dependent children, their income and resources must be listed on a separate sheet, signed by parent or parents, and attached to this form.

## GROSS INCOME FROM:

	MAN'S INCOME (Individual or His Share of Joint Income)	WOMAN'S INCOME (Individual or Her Share of Joint Income)
	Amount	Amount
Wages	<u>Children</u>	
Roomers and Boarders		
Rent from Property	<u>None</u>	
Leases (coal, oil, etc.)		
Business (Specify)		
OASI (Social Security)	<u>no</u>	
Veteran's Benefits		
Military Payment	<u>income</u>	
Dependency Allotment		
Other Benefits		
All Other Income (Specify)		

## II. CONTRIBUTIONS:

	FOR MAN		FOR WOMAN	
	By Whom	Money Value or Quantity	By Whom	Money Value or Quantity
Shelter	<u>paid by Grantee</u>			
Lights				
Water				
Fuel				
Household Supplies				
Home Produce				
Food				
Clothing				
Insurance				
Medical Expenses				
Cash				
Incidentals				
All Other (Specify)				

000064





## PUBLIC ASSISTANCE BUDGET

County ChiltonWorker WoodsworthApplicant Maggie DudleyCase No. 7148Date 1-11-54Category A.D.C.

A. Persons Included		B. Basic Requirements		C. Special Needs		D. Net Income and Resources	
Name	Age	Basic Items	Cost	Items	Cost	Sources	Amount
Adults:			\$		\$	CASH:	\$
						Wages	
						Farming	
						Other Business	
Children:						Pensions, Benefits	
Infant. thru 3 yrs.						Money	
						Bonds	
						Stocks	
						Insurance	
4 thru 9 yrs.						Contributions	
<u>DIANE</u>	<u>4</u>		<u>20.00</u>	<u>INS.</u>	<u>.50</u>	Other	
<u>SAM</u>	<u>6</u>		<u>20.00</u>	<u>INS.</u>	<u>.50</u>		
10 thru 12 yrs.				<u>ED.</u>	<u>.50</u>		
Girl 13 thru 17						IN-KIND	
						Shelter	
						Home Produce	
						Household Supplies	
Boy 13 thru 17						Fuel	
						Lights	
						Water	
						Other	
		Group Exp. \$	<u>9.10</u>				
		Shelter	<u>\$ supplied</u>				
TOTAL			<u>\$49.10</u>	TOTAL	<u>\$1.50</u>	TOTAL	<u>\$-0-</u>
E. Total Living Cost (Total B plus C)			<u>\$50.60</u>	F. Budget Deficit (Total E minus D)			<u>\$50.60</u> <u>51.00</u>

G. Explanation of Special Needs, Other Remarks:

LITHO-SKINNER

000067

AA002505



# PUBLIC ASSISTANCE BUDGET

County Shelton

Worker Miller

Applicant Maggie Sadley, Grant

Date 1-4-55

Case No. 2148

Category A B C

A. Persons Included		B. Basic Requirements	C. Special Needs		D. Net Income and Resources	
Name	Age	Total-Individual Expenses	Items	Cost	Sources	Amount
Adults:		\$		\$	CASH:	\$
					Wages	
					Farming	
					Other Business	
Children:					Pensions, Benefits	
Infant. thru 5 yrs.					Money	
<u>John</u>	<u>2</u>	<u>20.00</u>	<u>Shoes</u>	<u>.50</u>	Bonds	
					Stocks	
					Insurance	
					Contributions	
					Other	
6 thru 12 yrs.						
<u>John</u>	<u>6</u>	<u>20.00</u>	<u>Shoes</u>	<u>.50</u>		
			<u>Shoes</u>	<u>.50</u>		
13 thru 17 yrs.					IN-KIND:	
					Shelter	
					Home Produce	
					Household Supplies	
					Fuel	
					Lights	
					Water	
					Other	
		Group Exp. \$ <u>9.10</u>				
		Shelter \$ <u>Supplied</u>				
TOTAL		\$ <u>19.10</u>	TOTAL	\$ <u>1.50</u>	TOTAL	\$ <u>none</u>
E. Total Living Cost (Total B plus C)		\$ <u>50.60</u>	F. Budget Deficit (Total E minus D)		\$ <u>51</u>	

G. Explanation of Special Needs, Other Remarks:

206280- 139- {Trinity Nat'l. Dis.  
206278 138- {Memorial Univ. Dis. Co.

000069



Neck Kenson

Ala. DFW-43 Revised October, 1953

# PUBLIC ASSISTANCE BUDGET

County \_\_\_\_\_

Worker Ogleby

Applicant Maggie Dudley, Grantee Case No. 7148

Date 11-01-53

Category OPC

A. Persons Included		B. Basic Requirements		C. Special Needs		D. Net Income and Resources		
Name	Age	Basic Items	Cost	Items	Cost	Sources	Amount	
Adults:			\$		\$	CASH:	\$	
						Wages		
						Farming		
						Other Business		
Children:						Pensions, Benefits		
Infnt. thru 3 yrs.						Money		
						Bonds		
						Stocks		
						Insurance		
4 thru 9 yrs.				Sup.	.50	Contributions		
<u>Diane</u>	<u>4</u>		<u>20.00</u>	"	<u>.50</u>	Other		
<u>Sam</u>	<u>6</u>		<u>20.00</u>	<u>2.00</u>	<u>.50</u>			
10 thru 12 yrs.								
Girl 13 thru 17						IN-KIND		
						Shelter		
						Home Produce		
						Household Supplies		
Boy 13 thru 17						Fuel		
						Lights		
						Water		
						Other		
		Group Exp.	\$ <u>9.10</u>					
		Shelter	\$ <u>Supplies</u>					
TOTAL			\$ <u>49.10</u>	TOTAL		\$ <u>1.50</u>	TOTAL	\$ <u>None</u>
E. Total Living Cost (Total B plus C)			\$ <u>50.60</u>	F. Budget Deficit (Total E minus D)			\$ <u>51</u>	

G. Explanation of Special Needs, Other Remarks:

LITNO-SKINNER

4390 = \$22

000070

AA002508



## INDIVIDUAL OR FAMILY BUDGET

County C. LintonWorker MillerApplicant Maggie Dudley (Hester)Case No. 7148Date 2-7-56Category ade

A. Persons Included		B. Basic Requirements		C. Special Needs		D. Net Income and Resources	
Name	Age	Basic Items	Cost	Items	Cost	Sources	Amount
Adults:			\$		\$	CASH:	\$
						Wages	
						Farming	
						Other Business	
Children:						Pensions, Benefits	
Infant thru 3 yrs.						Money	
						Bonds	
						Stocks	
						Insurance	
4 thru 9 yrs.						Contributions	
<u>Diane.</u>	<u>6.</u>		<u>20.00</u>	<u>Ins.</u>	<u>.50</u>	Other	
<u>Sam Jr.</u>	<u>7.</u>		<u>20.00</u>	<u>Ed.</u>	<u>.50</u>		
				<u>Ed.</u>	<u>.50</u>		
				<u>Ins.</u>	<u>.50</u>		
10 thru 12 yrs.							
Girl 13 thru 17						IN-KIND	
						Shelter	
						Home Produce	
						Household Supplies	
Boy 13 thru 17						Fuel	
						Lights	
						Water	
						Other	
		Group Exp.	\$ <u>4.10</u>				
		Shelter	\$ <u>Supplied</u>				
		TOTAL	\$ <u>49.10.</u>	TOTAL	\$ <u>2.00</u>	TOTAL	\$ <u>none.</u>
E. Total Living Cost (Total B plus C)		\$ <u>51.10.</u>		F. Budget Deficit (Total E minus D)		\$ <u>51.</u>	

## G. Explanation of Special Needs, Other Remarks:

Memorial Ser. Co. current  
 206296- 15-  
 206280- 13 } Sam Jr.  
 206297- 15- }  
 206298- 13 } Diane-  
28 1/3

000072

### III. PERSONAL PROPERTY:

	OF MAN (Individual or His Share if Joint Ownership)	OF WOMAN (Individual or Her Share if Joint Ownership)
Money:	Amount	Amount
In Bank	\$ _____	\$ _____
In Postal Savings	\$ _____	\$ _____
Out at Loan	\$ _____	\$ _____
Elsewhere	\$ _____	\$ _____
Life Insurance (cash value)	\$ _____	\$ _____
Bonds	\$ _____	\$ _____
Livestock	\$ _____	\$ _____
Car or Truck	\$ _____	\$ _____
Tractor	\$ _____	\$ _____
Timber (Assessed with land)	Yes _____ No _____	Yes _____ No _____
All Other Personal Property	\$ _____	\$ _____
(Except usual personal belongings	\$ _____	\$ _____
and household furnishings)	\$ _____	\$ _____
(Specify)	\$ _____	\$ _____

### IV. REAL PROPERTY:

	OF MAN (Individual Ownership)	OF WOMAN (Individual Ownership)	MAN AND WOMAN (Joint Ownership)
Homestead	Amount	Amount	Amount
Assessed value	\$ _____	\$ _____	\$ _____
Legal Debt	\$ _____	\$ _____	\$ _____
All Other Real Property			
Assessed value	\$ _____	\$ _____	\$ _____
Legal Debt	\$ _____	\$ _____	\$ _____

The only real or personal property either or both of us have disposed of during the past twelve months is as follows:

\_\_\_\_\_ to \_\_\_\_\_ for \$ \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_ for \$ \_\_\_\_\_

I understand the State of Alabama has a law imposing a penalty of imprisonment and/or fine on anyone giving false information, or withholding information in order to help himself or another person receive public aid or a larger amount of aid than he or the other person is entitled to receive.

- (1) I agree to notify the Department of Pensions and Security immediately if I receive additional income, resources, contributions, or property.
- (2) I certify that I have listed in this statement all my income and all my resources (including those I expect to receive during the next twelve months), except the usual personal belongings and household furnishings, and that all the foregoing representations are true.

(Signature of Man)	Applicant	(Yes or No)	Recipient	(Yes or No)	(Date)
(Signature of Woman)	Applicant	(Yes or No)	Recipient	(Yes or No)	1-12-60 (Date)

If signed by mark:

Witness \_\_\_\_\_ Address \_\_\_\_\_ Date \_\_\_\_\_

000073

III. PERSONAL PROPERTY:	OF MAN	OF WOMAN
	(Individual or His Share if Joint Ownership)	(Individual or Her Share if Joint Ownership)
Money:	Amount	Amount
In Bank	\$ _____	\$ _____
In Postal Savings	\$ _____	\$ _____
Out at Loan	\$ _____	\$ _____
Elsewhere	\$ _____	\$ _____
Life Insurance (cash value)	\$ _____	\$ _____
Bonds	\$ _____	\$ _____
Livestock	\$ _____	\$ _____
Car or Truck	\$ _____	\$ _____
Tractor	\$ _____	\$ _____
Timber (Assessed with land)	Yes _____ No _____	Yes _____ No _____
All Other Personal Property	\$ _____	\$ _____
(Except usual personal belongings	\$ _____	\$ _____
and household furnishings)	\$ _____	\$ _____
(Specify)	\$ _____	\$ _____

IV. REAL PROPERTY:	OF MAN (Individual Ownership)	OF WOMAN (Individual Ownership)	MAN AND WOMAN (Joint Ownership)
<b>Homestead</b>	<b>Amount</b>	<b>Amount</b>	<b>Amount</b>
Assessed value	\$ <u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
Legal Debt	\$ <u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<b>All Other Real Property</b>			
Assessed value	\$ <u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
Legal Debt	\$ <u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>

\_\_\_\_\_ to \_\_\_\_\_ for \$ \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_ for \$ \_\_\_\_\_

(2) I certify that I have listed in this statement all my income and all my resources (including those I expect to receive during the next twelve months), except the usual personal belongings and household furnishings, and that all the foregoing representations are true.

**If signed by mark:**

Witness \_\_\_\_\_ Address \_\_\_\_\_ Date \_\_\_\_\_

# INDIVIDUAL OR FAMILY BUDGET

County Chilton

Worker J. J. Selby

Applicant Maggie Dandridge (Krentz) Case No. 7148 Date 1-7-58

Category 2 De

A. Persons Included		B. Basic Requirements		C. Special Needs		D. Net Income and Resources	
Name	Age	Basic Items	Cost	Items	Cost	Sources	Amount
Adults:			\$		\$	CASH:	\$
						Wages	
						Farming	
						Other Business	
Children:						Pensions, Benefits	
Infant thru 3 yrs.						Money	
						Bonds	
						Stocks	
						Insurance	
4 thru 9 yrs.						Contributions	
<u>Mariane</u>	<u>8</u>		<u>20.00</u>	<u>Ed.</u>	<u>50</u>	Other	
<u>Sim. Jr.</u>	<u>9</u>	<u>4<sup>th</sup> grade</u>	<u>20.00</u>	<u>Ed.</u>	<u>50</u>		
10 thru 12 yrs.							
Girl 13 thru 17						IN-KIND	
						Shelter	
						Home Produce	
Boy 13 thru 17						Household Supplies	
						Fuel	
						Lights	
						Water	
						Other	
		Group Exp.	\$ <u>9.10</u>				
		Shelter	\$ <u>2.00</u>				
		TOTAL	\$ <u>47.10</u>	TOTAL	\$ <u>12.00</u>	TOTAL	\$ <u>None</u>
E. Total Living Cost (Total B plus C)		\$ <u>57.10</u>		F. Budget Deficit (Total E minus D)		\$ <u>52</u>	

G. Explanation of Special Needs, Other Remarks:

All other real property

Assessed value

\$ None

Legal Debt

\$ \_\_\_\_\_

The only real or personal property either or both of us have disposed of during the past twelve months is as follows:

\_\_\_\_\_ to \_\_\_\_\_ for \$ \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_ for \$ \_\_\_\_\_

I understand the State of Alabama has a law imposing a penalty of imprisonment and/or fine on anyone giving false information, or withholding information in order to help himself or another person receive public aid or a larger amount of aid than he or the other person is entitled to receive.

(1) I agree to notify the Department of Pensions and Security immediately if I receive additional income, resources, contributions, or property.

(2) I certify that I have listed in this statement all my income and all my resources (including the cash I expect to receive during the next twelve months), except the usual personal belongings and household furnishings, and that all the foregoing representations are true.

000075

EXHIBIT 172

EXHIBIT 172

State of Florida     }}

Palm Beach County }}

**Declaration of Carl Denny Abbott**

I, Carl Denny Abbott, declare the following to be true and correct, based on my personal recollection.

1. I am providing this declaration to counsel representing Sam Howard, who was sentenced to death in Nevada in 1983. Mr. Howard's attorneys contacted me because of my knowledge of the Alabama Industrial School for Negro Children, a former reform school in Alabama. I am told Mr. Howard spent time at that facility as a child. I became very familiar with this reform school, which was located in Mt. Meigs, Alabama, during the 1960's and 1970's.
2. I have a Bachelor's degree in sociology from Huntingdon College in Montgomery, Alabama. I earned a Master's degree in criminology from Florida State University. In 1961, I began work as a Youth Counselor, which was also called a probation officer, for the Family Court in Montgomery County, Alabama. I was the Chief Probation Officer for this court from 1963 to 1972. My job responsibilities included supervising children who were adjudicated delinquent by the court and placed on probation. As Chief Probation Officer, in addition to carrying a caseload, I also supervised probation officers in the department. As part of my course work to earn a Master's degree, I wrote a thesis which was titled, "Anxiety Levels of Delinquent Negro Boys." The thesis was based upon data I collected from African-American boys who came through the Family Court system in Montgomery County, Alabama.
3. After leaving Alabama in 1972, I became a regional director for the Bureau of Detention with the Florida Department of Youth Services. My responsibilities for this position included supervising six juvenile detention centers / training schools in Florida. During my four years with this agency, I researched the manner in which juvenile detention centers and training schools were managed and worked to establish a means to evaluate the effectiveness of juvenile programs. My efforts included assisting in the design an evaluation for state juvenile justice programs. This evaluation method was later put to use by programs throughout the United States. I was also involved in writing a comprehensive youth service plan for the National Association of Counties, which provided county officials suggestions and guidelines for developing various programs for the youth they serviced.
4. After working for three years with the Florida Department of Youth Services, I served for a year as the program manager for children services programs in Broward County, Florida. I then became director of Child's Advocacy, an organization funded through a grant from the Department of Justice. I have testified as an expert witness in state court regarding the



adequacy and effectiveness, as well as the failings, of state training schools and juvenile detention centers. I testified before the United State's Congress on two occasions, as well as before a number of state legislative bodies. Additionally, I have taught college courses in criminology and juvenile justice in both Alabama and Florida.

5. During my eleven years with the Family Court in Montgomery County, Alabama, I spoke to many children who had been committed to the Alabama Industrial School for Negro Children. This facility was located in Mt. Meigs, which is part of Montgomery County. I visited this facility approximately once or twice a month during my eleven years with the Family Court. The primary purpose for my visits was to transport children who had been committed to the institution by the juvenile court. In addition to visiting the reform school at Mt. Meigs, I also visited other such schools in Alabama on a regular basis, including those for white boys and one for white girls, as the juvenile facilities were not yet integrated. Because I spent significant time at each of the reform schools in Alabama, I was able to witness the vast differences between how white children and African-American children were treated. The discrepancies in the quality of the facilities, as well as the education and rehabilitation programs offered, were extreme. The effect of being incarcerated at a place like Mt. Meigs, as compared to the facilities and programs available to the white children, were obvious.
6. The Alabama Industrial School for Negro Children, or "Mt. Meigs", was not a school of education or a rehabilitation center, but rather a penal farm for children. Until about 1970, there was no counseling, rehabilitation, or recreation programs, and the education and vocational training the school claimed to provide were totally inadequate. There was no real effort to provide any of these services for the children. Mt. Meigs was really nothing more than a slave camp for kids. There were boys and girls at Mt. Meigs during the 1960's.
7. In addition to frequent visits to Mt. Meigs to transport children there, as a probation officer I was responsible for supervising the children, as part of an aftercare program, after they were discharged from Mt. Meigs and returned to Montgomery County. Almost from the beginning of my time as a probation officer in Alabama, I received complaints from children and their families regarding how they were treated at Mt. Meigs.
8. I was told, and I observed, that all of the children at Mt. Meigs spent more than half of each day working in the fields, picking cotton or cucumbers and hoeing vegetable crops. While they worked in the fields, the children were under the control of men who were uneducated and sometimes illiterate. Some of the men in charge of the children were convicted felons. Children described for me how these adult supervisors threatened and intimidated them. The children were often beaten with sticks, broom handles, hoe handles, and rubber fan belts.
9. The farming operations at Mt. Meigs were not conducted as a means to provide vocational therapy for the children; but rather to generate revenue for the school. The children at Mt. Meigs worked in the fields, under extremely harsh conditions, while children enrolled in Alabama public schools were in class. No matter what time of day it was, when I visited Mt.

Meigs I saw children working in the fields or traveling to and from the fields.

10. There were no established standards for discipline or punishment at Mt. Meigs. Corporal punishment, in its most extreme form, was inflicted freely. Some of the adults at Mt. Meigs literally tortured the children there. Many children told me of being severely beaten, to the point of suffering broken bones. I personally saw welts and bruises on the bodies of some children I met, which corroborated their accounts. I remember seeing one child whose skin was literally split open from a beating he received at Mt. Meigs. Additionally, some children told me of being disciplined by having their hands and feet held in boiling water. One girl I spoke to had burn scars on her from such torture. The children told me they were often beaten for minor infractions, such as not picking their prescribed day's quota of cotton.
11. Sometimes children at Mt. Meigs were beaten for no reason at all. I remember learning of something the staff called "the morning bench." Every morning, they would put a child on the bench and beat him in front of the other children, as a reminder to the children of who was in charge and what they could get away with.
12. The facilities at Mt. Meigs were old, dilapidated, and overcrowded. The heating system was inadequate, even though winters in Alabama were often very cold. The children suffered serious discomfort during cold weather. Many of the boys were required to use an outdoor toilet which was filthy, leaky, and foul-smelling. The facilities were so overcrowded that the children had virtually no privacy and only minimal supervision in their dormitories, which often resulted in the sexual abuse of the smaller or weaker children.
13. The clothing assigned to the children at Mt. Meigs was old, adult-sized, discarded Army-surplus clothes. The clothes were so big on the children that they walked around with pants legs that were six inches too long rolled up and the sleeves of their Army fatigues hanging down over their hands. Many children went without shoes, even while working in the fields.
14. There was a Board of Directors who was responsible for overseeing the operations at Mt. Meigs. Based upon my own observations and information I was provided by children who were sent to Mt. Meigs, these Directors did nothing to encourage or promote anything positive for the children there. Most of the Directors actually profited from their relationship with the reform school. Many of these Directors, all of whom were white, owned farms near the Mt. Meigs campus. When it came time to harvest their crops, they depended on the staff at Mt. Meigs to provide children (and state owned farm equipment) to work in their own fields. The same members of the Board of Directors were usually on hand when hogs were butchered at the farm. I heard stories of how they pulled their trucks up and took possession of hogs. This was food that should have gone to the children. Instead, it went to the adults who were responsible for seeing to the well-being of these children. In effect, the Directors used the children at Mt. Meigs as slave laborers.

15. During all my years as a probation officer in Alabama, I never heard one story of a child having a positive or beneficial experience at Mt. Meigs. Children who are sent to regular training schools are always impacted, one way or the other. Often the children are affected in a combination of ways, both positive and negative. The children at Mt. Meigs were all affected in a negative way. It seemed no one left there rehabilitated in any way. In fact, the children sent there left Mt. Meigs in much worse condition than prior to their stay there. There was a very high rate of recidivism among children who had been at Mt. Meigs. The entire purpose of that school was to enslave children and conduct a farm operation. Unfortunately, at that time there was no place else to send African-American children, as the training schools were not desegregated. Furthermore, at least as far as Montgomery County was concerned, the judge who sentenced kids to these training schools was racist. He always said he would never send a black boy to a training school for whites and he would not send a white child to a training school for blacks.
16. According to Alabama state law, no child under the age of twelve could be committed to Mt. Meigs. The age range of children there should have been twelve to seventeen. However, I remember learning there were children incarcerated at Mt. Meigs who were not yet twelve years old. It literally was a dumping ground for young kids with no place else to go, a glorified orphanage of sorts. Some of the older children at Mt. Meigs had been adjudicated delinquent for serious, even violent offenses. The younger children were exposed to the older, violent offenders every day and learned from them. The younger and smaller children were also taken advantage of by these more experienced offenders.
17. On many occasions after speaking to children about their experiences at Mt. Meigs, I complained through official channels about conditions there. At that time, the agency that had statutory authority for investigation of complaints about Mt. Meigs was the State Department of Pensions and Security. This was basically what we now refer to as a state welfare department. My complaints did not produce any changes. As a matter of fact, the response from Pensions and Security for each of my complaints was that the complaint was unfounded. I found this to be very frustrating, because I had evidence that children were being abused and neglected at the facility.
18. In 1969, I was approached by three girls who had been incarcerated at Mt. Meigs. These children, who had to have been afraid to even discuss what had happened at Mt. Meigs, showed a significant amount of courage to come my office. I do not know why they chose me, a white man in authority, as the person they would tell. The girls told me horrifying stories of physical and sexual abuse by the staff, as well as every imaginable kind of neglect. One of the stories I vividly recall – to this day – is them telling me of having their hands held in boiling water as punishment. One of the girls had scars on her hands from the burns she received. I phoned Ira Dement, an attorney in Montgomery. We deposed these girls right away.
19. By this time I was so concerned about the mistreatment and neglect of the children at Mt.

Meigs that I initiated a federal lawsuit over conditions there. When the lawsuit finally settled, years later, a number of improvements were made at Mt. Meigs. For example, the first written standards for corporal punishment were issued, and staff members were confined to striking the children with a prescribed wooden paddle. The extensive farming operation was entirely discontinued. The outdoor toilet and three of the boys' dormitories were torn down and new facilities were constructed. The vocational and educational programs were upgraded, and the first orientation, counseling, and rehabilitation programs were begun. Full-time cottage parents were hired, so that the boys had constant supervision in their dormitories.

20. I tried to be an advocate for the children in Alabama. My work was not well-received. I remember the judge who presided over the Montgomery County Family Court was especially displeased with me for being involved with the lawsuit. He suspended me for fifteen days after the 1969 lawsuit was filed. This is the same judge who threatened me and members of my staff that if we ever addressed a black man as "Mr." or a black woman as "Mrs", he'd fire us.
21. I filed a second lawsuit in 1972, after learning social service agencies in Alabama were still treating African-American children different from their white counterparts. I was assigned to the case of a fifteen year old African-American boy who was incarcerated in the detention center in Montgomery. Emmett Player was charged with escaping from the Mt. Meigs reform school. Records indicated Emmett had been at the Mt. Meigs facility for five years. Since Emmett was fifteen years old and the mandatory minimum age for being placed at Mt. Meigs was twelve, I knew the records must be wrong. I contacted Mt. Meigs and was told the records were accurate, Emmett had been placed at Mt. Meigs when he was ten years old. Emmett's mother had died when he was ten and his father was in prison at the time. As far as county officials knew, Emmett had no other family. He was sent to Mt. Meigs. I tried to find a home for Emmett myself, but hit one obstacle after another. I found the group homes, who all received money from the government, did not take in black children. In the 1972 class-action lawsuit, an attorney and I sued all of these agencies (many were church-run) and the local sheriff. I was soon fired from my county job.
22. After leaving the family court in Montgomery County, I was hired by Marian Wright Edelman and Justine Polier, both civil rights and children's rights activists, to research juvenile detention facilities in Alabama. I found children were still being locked up with adult offenders, in many counties in Alabama. The local jails did not meet the minimum standards set forth for prisoners.
23. It is my experience with Mt. Meigs that children who were sent there left changed. The children, many of whom were poor or orphaned, were treated like slaves by the African-American staff and the white Board of Directors. The children were encouraged to fight, and were abused in every way imaginable. I learned that many former children of Mt. Meigs ended up in jail and prison, likely as a result of their treatment while at Mt. Meigs. The

children were never taught right from wrong and received no education or tools that would help them once they left Mt. Meigs. Instead, they learned violence from the authorities in charge of their care.

24. I was not contacted by counsel representing Sam Howard prior to his Nevada capital murder trial. If Mr. Howard's defense team had contacted me, I would have provided them with all of the information presented in this declaration.

I affirm the foregoing information is true and correct, signed this 3 <sup>Page 7</sup> ~~of November, 2008.~~ *December*

Carl Denny Abbott  
Carl Denny Abbott

# EXHIBIT 173

# EXHIBIT 173

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CHARLES JEROME STOCKTON, A  
Negro Child of the age of  
Fourteen years, et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

CIVIL ACTION NO. 2834-N

Plaintiff - Intervenor,

vs.

ALABAMA INDUSTRIAL SCHOOL FOR  
NEGRO CHILDREN, A Corporation,  
et al.,

Defendants.

DEPOSITION OF MR. E. B. HOLLOWAY, taken pursuant to  
notice on behalf of the Plaintiff-Intervenor, in the Grand Jury  
Room, 2nd Floor, Federal Building, Montgomery, Alabama, before  
Mrs. Dorothy Greenlee Jackson, Reporter and Notary Public, State  
of Alabama at Large, on Friday, December 19, 1969, commencing  
at 1:40 P. M.

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JACKSON & WILSON  
ASSOCIATED STENOTYPE REPORTERS  
MONTGOMERY, ALABAMA

MM000349

AA002523



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#### APPEARANCES

Frank D. Allen, Jr., Esq., Civil Rights Division,  
Department of Justice, Washington, D. C., and  
Wm. H. Thomas, Esq., Assistant U. S. Attorney, and  
Ira DeMent, Esq., U. S. Attorney, Montgomery, Alabama,  
Attorneys for the Plaintiff-Intervenor.

T. W. Thagard, Jr., Esq., and Maury D. Smith, Esq.,  
Goodwyn, Smith & Bowman, Bell Bldg., Montgomery,  
Alabama, Attorneys for the Defendants.

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#### STIPULATION

It is stipulated and agreed by and between Counsel representing the parties that the deposition of MR. E. B. HOLLOWAY may be taken before Mrs. Dorothy Greenlee Jackson, Reporter and Notary Public for the State of Alabama at Large, without the formality of a commission; and all formality with respect to other procedural requirements is waived; that objections to questions, other than objections as to the form of the questions, need not be made at this time but may be reserved for a ruling at such time as the deposition may be offered in evidence or used for any other purpose by either party as provided for under the Federal Rules of Civil Procedure.

It is further stipulated and agreed that the signature of the witness to this deposition is hereby waived.

MR. E. B. HOLLOWAY, of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. ALLEN:

Q Would you state your name, please?

A E. B. Holloway.

MR. ALLEN: Now, before we go any further, before I ask you any questions, or ask you for any records, would you -- is your position the same on these people as far as representing them, as the others?

MR. THAGARD: I represent them only with this proceeding, and the only advice I have given them is in connection with this proceeding.

MR. ALLEN: Do you represent Mr. Holloway here, now?

MR. THAGARD: I represent him in this suit, yes, but as to anything that might be contemplated by the Government in the future, I do not, and I have apprised him of his right to consult another attorney if he wished, and to have another attorney

present here today.

Q Mr. Holloway, do you understand that I am going to ask you questions for which I would like to have truthful answers, but that you understand that you also have the right, anytime you feel the answer to a question could be used against you in court, you have the right to refuse to answer that question. Now, do you understand that?

A If I think it would hurt me?

Q Suppose, if you think it would incriminate you or could be used against you in some way.

A I don't have to answer it?

Q Yes, sir. Now, are you satisfied with the representation that you have here today, the counsel that you have?

A Yes, I am satisfied.

Q What is your occupation?

A Superintendent of the Alabama Industrial School.

MR. THAGARD: Mr. Holloway, speak up. Mrs. Jackson has to take down everything you say, and if she doesn't hear you it doesn't get down.

A Superintendent of the Alabama Industrial School for Negro children at Mount Meigs, Alabama.

Q How long have you held that position?

A I have been in this position ever since '52.

Q Did you have another position at Mount Meigs prior to that?

A I was Assistant Superintendent and supervisor of the farm.

Q How long were you supervisor of the farm?

A Five years.

Q Prior to that were you at Mount Meigs?

A No, I wasn't at Mount Meigs.

Q Would you describe for us your educational background?

A I graduated in general agriculture from the Tuskegee Institute.

Q Did you have any other college training?

A I have been to summer schools, taking courses in family relations, extension methods, and things of that nature.

Q Where was that?

A Tuskegee.

Q Do you have any other degrees, other than Bachelor --

A (Interrupting) No.

Q Do you have a Bachelor's Degree?

A I don't have a Bachelor's Degree. At that time Tuskegee wasn't giving that degree.

Q Do you have one now?

A No.

Q Do you maintain a farm at Mount Meigs?

A Yes.

Q How many acres are in cultivation?

A We have approximately fifteen hundred acres in cultivation.

Q What is grown? Could you break down your different crops and tell me approximately how many acres in each one?

A I couldn't hardly tell you how many acres in each one now because we grow some cotton, some things that we grow, it all depends on how much the Government lets you grow, cotton, corn, sweet potatoes, all types of vegetables, sugar cane and oats, and cucumbers, and we have grown some soy beans and things of that nature, all types of vegetables.

Q How many acres of cotton did you plant this past season?

A We planted one hundred eighty-two.

Q How many bales did you make?

A How many bales? Well, we haven't got through picking it yet. I cannot tell you how many we will make.

Q How many did you plant this year?

A How many -- how much cotton did we plant last year?

Q Yes, sir.

A I believe it was two hundred, I believe it was two

hundred acres last year.

Q Do you know how many bales you made last year?

A I made two hundred bales.

Q Now, who picked the cotton?

A The boys.

Q Did the girls pick any of it?

A They picked some.

Q Do you know how many acres of cucumbers you planted?

A When, last year?

Q Well, give it to me both seasons, last year and this year, too.

A This year I planted about seventy acres.

Q How many last year?

A Last year we planted around fifty acres.

Q Do you sell your cucumbers?

A Yes, we sell them.

Q Is there anything else you raise that you sell?

A We don't sell any food other than the cucumbers; everything else we eat up.

Q I assume you sell the cotton?

A Yes, we sell the cotton.

Q Do you maintain a dairy there?

A Yes, we have a dairy, small dairy.

Q How many dairy cows do you have?

A We don't have but, at the present time we are not milking but about thirty-five dairy cattle right now, because we are buying milk from Hall Brothers.

Q You milk thirty-five cows?

A Yes.

Q Do you have any beef cattle?

A Yes, we have beef cattle.

Q How many head?

A About one hundred fifty head.

Q Do you buy your meat or is it all produced here?

A We have been producing for the past two years all the meat we use.

Q How about the milk? When did you start buying the milk from Hall Brothers?

A We have been buying milk several years on the school lunch program.

Q Now, do you consume the milk that you get there at the dairy?

A Yes, we use that for cooking.

Q You use it for cooking?

A Cooking, mostly.

Q Do you use it to drink?

A No, we don't use it to drink, we just use it for cooking.

Q Was there a time you used it to drink?

A There was a time we used it to drink.

Q How long ago?

A Maybe four, five -- five or six years ago. Of course, our herd is clean, free of tuberculosis and all that. We had recent tests made.

Q Is all the milking done by hand?

A Yes, all the milking was done by hand.

Q You don't have any automatic milkers?

A We don't have any automatic milkers.

Q Who does the milking?

A The boys.

Q How many boys does it take to milk those thirty-five head a day?

A Oh, we use about ten.

Q Do the same boys milk every day, or do they alternate on a schedule?

A Well, they alternate.

Q Do you use ten --

A (Interrupting) Ten today and ten tomorrow.

Q Do you have any pasteurization equipment?



A Pasteurizing? No, we don't have any pasteurizing, we don't have anything but raw milk.

Q What other livestock do you raise there?

A Oh, we raise hogs, we raise sheep.

Q Do you raise any kind of poultry?

A Yes, we was raising poultry, but we don't now.

Q When did you stop?

A We stopped this year, yes, this year, because the boys, they began to steal my poultry so bad and take it out and sell it, and so I stopped that.

Q The boys at the school took the poultry out and sold it?

A Yes, they would steal it and sell it to anybody coming along the road that would buy it from them.

Q How do the boys get out to the road?

A Oh, we don't have any fence; we don't have any fence around the place at all. The place is more like a boarding school. We don't have any fence or anything of that nature. A boy can walk off anytime they want to.

Q Now, do you use the boys to pick the cucumbers?

A Yes.

Q Do you use girls?

A No, girls have never been in the cucumber field.

Q Do the boys work in any other field where you raise vegetables, or anything else?

A Yes, they work in the sweet potatoes, peas, where we have them picking vegetables.

Q Do the boys have to work with the beef cattle?

A Very little. They fix, they repair fence and things of that nature.

Q Now, do you have a discipline committee out there?

A Do I have? We have recently organized a discipline committee.

Q When was that organized?

A We have been having it going about six months.

Q Whose idea was it to organize a discipline committee?

A Well, we talked with the counselors, and several of us got together and thought we had better organize one.

Q What does the discipline committee do?

A They, as all this comes up between the counselors and principal and all that, they set the punishment for boys and girls that is supposed to be punished; everybody is supposed to report to them. They set what should be done.

Q You mean they set the punishment, they have set up rules as to punishment for specific offenses, or do they set the punishment for individual children as the need arises?

A As the things arise.

Q Now, is punishment administered by people apart from the discipline committee?

A No.

Q Staff members?

A It is not administered only by the person that is designated by the discipline committee.

Q All right. Who have they designated to do this?

A Mr. O'Dea and me and the principal of the school.

Q You are the only three that is to administer punishment?

A And the counselor if he is on duty, that particular counselor if he is on duty.

Q By counselor, do you mean Mr. McNear?

A McNear.

Q Or Mrs. Turner?

A Yes.

Q And Mr. Davis, is that right?

A Mr. Davis, that is right.

Q Those three can administer punishment?

A Yes, when they are on duty, they are designated in charge of things.

Q Do you have night supervisors in the dorm?

A Yes, we have night supervisors.

Q Can they administer punishment?

A No, we tell them don't do no punishment. They used to at one time. We stopped them completely. They report that to the office, to the -- just to the committee.

Q When did you stop having them punish?

A We started on it, we started that about a year -- but we had started about a year on that.

Q Well, can Mr. Glover administer punishment?

A No, not now he can't. I mean he used to, but not now he can't.

Q Was there a time he could administer punishment?

A Maybe there was a time when he used to, but since we got this organization thing set up, no more punishment. This thing must be sent to the discipline committee before anything is done.

Q Now, I don't know if I asked you or not, it is not clear in my mind when the discipline committee was formed.

A About six or seven months ago, well, last year I believe was when we started on it.

Q Six months ago?

A Yes. I know we got it organized six months ago, because we come in and talked it over, and decided to organize.

Q Now, at what point now was it at that point six months ago, when it was organized, that you stopped other people from administering punishment, or was that subsequent to the organization of the discipline committee?

A No. What we did was call them all in and explained to them what we were trying to do.

Q When was that?

A That is after we had the organizational meeting, and we started from there, telling them what to do, be sure you write down what happened, and all that; if he doesn't -- can't write, come and tell Mr. McNear and all, and they do the writing for them.

Q What did you tell them they should write down?

A What ever the charges was against the boy, what did he do. The boy may have chopped another one with a hoe, something like that, he may have cut another one.

Q Okay. Now, you said to come and tell them if they couldn't write. Do you have any staff members there that can't write?

A I have people working on the farm that can't write.

Q How many?

A Oh, there is about three or four there now that couldn't write.

Q Are those people who supervise the boys on the farm?

A On the farm, yes.

Q Now, was there a time when they were authorized to administer punishment to the boys?

A What, those people on the farm?

Q Right.

A When I first went there, they were doing these things, see, and then, of course, I had them to stop.

Q When did you have them to stop?

A Oh, maybe after I was there about five or six years, that we had them to stop that and started telling the man who was in charge of the farm at that time wait until they saw me, and tell me, and then we tried to make some discipline about the whole matter, see whether it would work with a bunch of boys or not.

Q Was that five or six years after you came or after you became superintendent?

A That was five or six years after I came there.

Q Now, was there any change made with respect to these people that you -- these three people on the farm after the organization of the discipline committee?

A Was any change made?

Q Right.

A What do you mean?

Q Well, like did you make any change in any of the rules with regard to punishment at that time?

A At that time they was supposed to report to me, or the man in charge on the farm at that time.

Q Who is the man in charge on the farm?

A I don't know. I had several fellows on there, a fellow named Billop, and several other fellows, other fellow I cannot think of his name right now, but --

Q (Interrupting) Is Mr. Billop the one that is in charge on the farm now?

A No.

Q Who is in charge now?

A Mr. Campbell -- Patrick Campbell C-a-m-p-b-e-l-l.

Q Now, at this time what kind of punishment are authorized to be administered to the boys, or to the girls either, for that matter?

A Well, there is a boy down there for fighting and going on, we would give him maybe five licks with a paddle.

Q Five licks for fighting?

A Yes.

Q What other kind of punishment besides paddling?

A Paddling -- sometimes we cut their privilege from

going to parties and going to places like that.

Q Now, are there any offenses you can get more than five licks for?

A No, that is about the worst thing they can do is fight, you know.

Q Were there any other offenses that you can get any licks for?

A Nothing you can get any punishment for but fighting.

Q Nothing you can get any punishment for, any corporal punishment?

A Any corporal punishment.

Q Now, when did you formulate that rule?

A We formulated that rule when we started, first started with the people out there with our discipline committee.

Q Now that was about six months ago?

A It is a little further back than six months ago, we started forming this, we formed the discipline committee, and then we say we cut down on everything but fighting. Boys will be brought in for fighting, we give them five licks, that is all.

Q Okay. I am not sure it is clear in my mind when you formulated that rule about the only thing that you can get paddled for is fighting. Now, when exactly was that formed, if you can tell us?



A It is about six months ago.

Q Six months ago. Okay. Prior to that time what offenses could you get punished, get hit for?

A Prior to that time, what, now?

Q Prior to that time what offenses could you be given corporal punishment for?

A Well, fighting has always been about the principal thing they got punishment, corporal punishment for.

Q How about cutting their privileges?

A One of the things being where they are not supposed to be, breaking up property, stuff like that, stealing.

Q What -- you say that is the principal thing, but what else, is there anything else you could get licks for prior to six months ago, other than fighting?

A Well, anything else that we give, any given any licks for, we stopped all that kind of stuff.

Q Stopped all what kind of stuff?

A Just letting anybody just punish a boy for just any little thing, you know.

Q When did you stop that?

A When the discipline committee come up and Mr. Andrew reported to them, I wanted to get this over to the folks, cut down, and let's do exactly what we said, because anybody who is

caught mistreating the children, they would be turned off.

Q Okay. Prior to the discipline committee, what was the most number of licks that you know about anybody getting hit?

A Oh, ten.

Q Ten?

A Yes.

Q Who did that?

A A fellow named Garfield Judkins.

Q Garfield Judkins?

A Judkins.

Q What was his capacity?

A He was a supervisor out there in the field.

Q Is he still there?

A No, I turned him off that day.

Q You mean you fired him?

A Yes.

Q What did you fire him for?

A For being cruel to my children.

Q Have you fired anybody else for being cruel to the children?

A For what I thought was cruel.

Q Tell me who and for what exactly, what specific act?

A Well, a big boy jumped on one of the workers, and the

man hit him, so I turned him off. I told him he wasn't supposed to hit a child.

Q When was that?

A It has been about five or six years ago, I don't remember just when it was right now, but the fellow who was turned off was named Lancaster.

Q Named Lancaster?

A Yes.

Q What was his capacity?

A He was a night supervisor at the dormitory.

Q Anybody else that you fired for mistreatment?

A No. I haven't fired anybody else for mistreatment.

Q Now, have you ever paddled anybody?

A Yes, I have paddled somebody.

Q What is the most number of times you have paddled anybody?

A The most number of times?

Q Yes, the most number of licks you have given them?

A Oh, about ten.

Q What was the difference between the ten that you gave somebody and the ten that this guy you fired gave them?

A What was the difference between that?

Q Yes.

A Well, I authorized the folks at that time not to be fighting, if a child hit you, just come and tell me, you see. Then the ten that I gave him was for a boy cutting another boy, and we had to take ten or twelve stitches on him, and I gave him ten licks for it.

Q How many other times have you given anybody as many as ten licks?

A Oh, I don't remember any other time.

Q What is the usual number of licks that you give somebody?

A Oh, when I did punish them I would give them five, something like that.

Q What do you hit them with?

A With a paddle.

Q Did you bring your paddle with you?

A Yes, it is in there.

Q May I see that?

MR. SMITH: We are going to produce it, yes, sir.

A This is the one we are using now and that is the one what we were using, right there.

MR. ALLEN: Okay. Will you mark this paddle as

Plaintiff-Intervenor's Exhibit 1?

(At this time the Reporter marked a

paddle "Plf't Intevenor Ex 1 test  
Mr. Holloway 12/19/69 DGJackson Reptr";  
said exhibit accompanies this transcript  
and is made a part thereof.)

Q Now, Mr. Holloway, this object has been marked by the  
Reporter Plaintiff-Intervenor's Exhibit 1, which is a -- which  
you just handed me. What was that? State what that is for the  
record.

A That is a paddle.

Q A paddle?

A Yes.

Q Has that been used by you at your school?

A It has been used by me and the principal, yes.

Q Okay. How many others are there out there like that?

A Not any more like that.

Q Were there more like that at one time?

A More like this?

Q Yes, sir.

A No, there wasn't any more like that one right there,  
because we kept a --

Q (Interrupting) I beg your pardon?

A No, there was not any more, that was the only one out  
there.

Q But I was asking you were there more like that out there at one time, I mean in the past, have there been more out there like that?

A No, not any more like that, some about like this right here.

MR. SMITH: I would say, just ask him was there any other paddles.

A Like that one.

MR. ALLEN: Please mark this as Plaintiff-Intervenor's Exhibit 2.

(At this time the Reporter marks paddle "Plf Intervenor Ex 2 test Mr. Holloway 12/19/69 DGJackson Reprtr"; said exhibit accompanies this transcript and is made a part thereof.)

Q When you said more like this one, you just pointed to one that has been marked Plaintiff-Intervenor's Exhibit 2, is that right?

A That is right.

Q Is that the paddle that is used by you now?

A That is the paddle. I don't spank anybody now.

Q You don't --

MR. SMITH: (Interrupting) What did you say?

A I said I haven't spanked anybody. I called in the school principal; he is supposed to do it. Most of the time I don't spank them. I usually get some other type of punishment, if I can figure out some other type of punishment. So, that is the whole situation.

Q All right. Now are there any more out there like Plaintiff-Intervenor's Exhibit 2?

A Yes.

Q There are?

A Yes.

Q How many others?

A I think they told me they had twelve like that.

Q Who told you that?

A Mr. O'Dea brought them in and showed them to me.

Q Now, did you bring with you any more, any other paddles, or any other kind of sticks or ropes or anything like that?

A We don't use anything like that; we don't have anything like that.

Q You don't have any like that?

A No.

Q Do you know Mr. Ed Dubose?

A Yes.

Q Is he employed by you?

A Yes.

Q Does Mr. Dubose carry a stick?

A Yes, he has a stick.

Q He does?

A Yes.

Q Did you bring that stick with you?

A I didn't bring that stick with me because that is his walking stick.

Q That is his walking stick?

A That is right.

Q How long is that stick?

A Oh, I don't know how long that stick is; it is as long as this, or longer. He has got a walking stick.

Q Well, isn't it a hoe handle, an old hoe handle?

A I don't know whether it has been an old hoe handle or not, but I know it is a stick like that.

Q Does it have a metal tip on the end?

A No, what I have seen hasn't a metal tip on it.

Q You haven't seen one with a metal tip on it?

A No, I haven't seen one with a metal tip on it.

Q Do you know whether or not Mr. Glover has a paddle?

A Mr. Glover?

Q Right.



A I am sure he has one Mr. O'Dea issued him, like that.

Q Which one?

A On top.

Q Like Number 2?

A That is right.

Q You don't think he has one that is any larger than that?

A He is not supposed to have one any larger than that.

Q Now, was there a time when staff members out there had paddles that were larger than this Number 2?

A There maybe was, maybe they had made them themselves. But when we issued them, they wasn't any bigger than that there.

Q Well, do you know that there are no more out there any bigger than this?

A I know there is not any out there any bigger than that being used, because I have told the folks, "don't use them any bigger than that."

Q Okay. Now, who uses the size paddle out there now -- let me ask you this, who uses a paddle out there?

A Right now there is supposed to be myself, Mr. O'Dea and the principal of the school is supposed to use them.

Q Now, do I understand it is your rule that nobody else is supposed to use them?

A That is right.

Q How long has that been the rule?

A That has been, we made that about six months ago, I believe it was.

Q Before that time could other people use paddles?

A Other people maybe used paddles besides me.

Q Do you have any rules about where they are supposed to be hit, what part of the body?

A We -- right across the buttocks.

Q On the --

A (Interrupting) The behind.

Q The buttocks?

A Yes.

Q Is that a rule that you have told to these other people?

A We have told the people we don't want anybody hit side of the head or hit anywhere else but across there.

Q How long has that been the rule?

A We made that all when we made these paddles and all, beforehand we tell them, "don't hit nobody across the head, or nothing like that."

Q How long has that been the rule? Has it been the rule since you started the discipline committee?

A Yes, it has been the rule since we started the discipline committee, and the rule before the discipline committee.

Q How long has it been the rule?

A I don't remember just how long. I have been out there a long time, I cannot remember all that kind of stuff.

. . . At this time an off-the-record discussion was had . . .

Q Mr. Holloway, prior to the time that you had, you formulated the discipline committee, did you have a formalized discipline program that outlined specific punishments for specific infractions of rules?

A No, we didn't have, we didn't have a formalized disciplinary program, but we have always told the folks not to be cruel to the children.

Q Do you recall whether that has been recommended to you by the Department of Pensions and Security, that you do formulate a program like that?

A Well, just now I don't, I can't definitely remember myself, but they could have.

Q You don't recall whether that was recommended to you back in 1960?

A It could have, I am not going to say it wasn't because 1960 is a long time.

Q Do you recall whether or not a similar recommendation was made to you in 1968?

A It could have been, I don't say it wasn't.

Q But you don't remember?

A I cannot remember, it has been so long I cannot remember.

Q Do you have now any manual of operation?

A Any manual of operation?

Q Right, which describes the operation of the school and what, you know what you do there and what your purposes and objectives and so forth are?

A We have a booklet there that will tell you about everything.

Q I have just been handed a booklet here which I will ask be marked as Plaintiff-Intervenor Exhibit 3.

(At this time the Reporter marks document "Plf-Intevenor Ex 3 test Mr. Holloway 12/19/69 DGJackson Reprtr"; said exhibit accompanies this transcript and is made a part thereof.)

Q Now, this booklet, Mr. Holloway, that has been marked Plaintiff-Intervenor Exhibit 3, is that the booklet to which you just referred?

A Yes, sir.

Q I will hand it to you. Do you have any booklet other than that, that would be a manual of operation?

A No, we don't have any booklet other than that.

Q When did you print this one up?

A That was made up this past summer, I think it was.

Q This past summer?

A Yes.

Q Prior to that time did you have any type of booklet?

A We did have an older booklet. I don't know where any of them are. You see this was made up in our printing shop there.

Q Now, does this include all the information that was in your older book that you had before this one?

A I think so.

Q Does it include more information?

A I think it does. We are doing more things now than we did then.

Q You said -- did you print this up at the school?

A Yes, sir.

Q It was in your print shop?

A Yes, sir, that is right.

Q What kind of printing equipment do you have there in

that shop?

A I don't know nothing about printing equipment, offset I believe they call it.

Q Do you have anything other than offset printing?

A Yes, we have shoe repair.

Q I mean in the print shop?

A In the print shop?

Q Print shop.

A I can't tell you, they have got several types -- I can't tell you anything about it, they have several types there.

Q You have a school out there, do you not?

A Yes, we have a school.

Q How many teachers do you have in the school?

A Fourteen.

Q Fourteen?

A Yes, sir.

Q Does that count the principal?

A And the principal would be fifteen, with him.

Q Fifteen; does the principal do any teaching?

A He doesn't do any teaching.

Q You have fourteen teaching?

A That is right.

Q How many children do you have out there now?

A We don't have but two hundred eighty-seven now, but we used to carry four hundred.

Q You have only got two hundred eighty-seven now?

A At times, it got down to two hundred eighty-seven.

Q Is that both boys and girls?

A That is both boys and girls. We have sixty-four girls and we have two hundred twenty-five boys.

Q That is as of today?

A As of today.

Q How many did you have out there as of approximately about the first of February?

A Well, about one hundred twenty-seven girls and three hundred fifty-one boys.

Q What number of boys do you think you can adequately take care of out there?

A Well, if I get the proper supervision, why we can take care of two or three hundred boys, but we don't get the proposition we have, doing like we been doing, don't have money to operate on, we cannot do it. If we can sit those boys -- this thing up, maybe this man be responsible for twenty-five, this one twenty-five, that one twenty-five, and he would be with them all day, we could go in business, but as long as I don't have enough money to do that, I make shift like we been doing, we

cannot do it.

Q How many can you take care of now?

A Well, we could take care of three hundred without the girls.

Q I mean how many could you take care of with the girls?

A I wouldn't want any more girls if I could get around it.

Q How many girls can you take care of now?

A Now?

Q Right. Do you have adequate facilities and service for?

A Well --

Q Maybe I should ask you, do you have adequate facilities for any girls?

A No, we don't have adequate facilities for girls, but we have been making out with what we have.

Q Do the boys and girls out there go to school now every other day?

A They go to school every other day, yes, sir.

Q Is that over a nine month period or twelve month period?

A Nine. Well, it has been nine months, nine months regular school, but since the Title 1 program, since we have been able to have it for the last three summers, we have been going up to one month of school opening with the children who



cannot read and poor readers. We have been giving them the benefit of the doubt, to go -- they go to school four hours a day.

Q Excuse me, were you through?

A I am through, that was all.

Q Was there a time when you had your program set up so that the children were divided into two groups, and one went to school one week and one went to school the next, and alternate weeks of work?

A I never did have that but I tell you what I did have. This one went to school this morning, this one went to school this evening, but the difficulty there was I didn't have supervision, go to the dormitory, carry to the dormitory to change clothes and bring him back to dinner, and to change clothes of both groups, just lack of supervision, so I went back to the old rule of going to school every other day.

Q Has there been a time during cotton picking seasons in the past where the children just took off for a couple of weeks just to pick cotton and didn't go to school?

A No, we go for half a day, everybody. Everybody pick cotton because the cotton at that time was part of the main support of the school.

Q When was that?

A When was that?

Q Yes, sir.

A That was year before last, maybe eight or ten years back.

Q How many vocational teachers do you have out there?

A Let me get you, ask that again, vocational teachers? How many vocational teachers do we have?

Q Yes.

A Just what do you mean now? We have got vocational ag teachers and we have got vocational other teachers like I call them trade teachers. Now, I got a shoe, two men in shoe repair and leather craft. I got one in the printing shop, one in the body shop, one in the auto mechanic, one in electricity and plumbing.

Q Electricity and what?

A Plumbing.

Q One man does both?

A One man does both. He also keeps up with repair of the place.

Q Now, do you have anybody else teaching a trade type course or trade?

A Barbering.

Q One man barber?

A We have got two men in the barber shop.

Q Oh, I see. You said something about vocational ag; do you have a vocational ag teacher?

A No, we don't have a vocational ag teacher. I just wanted to distinguish between the two, because we don't have a vocational ag teacher.

Q But you have some other people now who supervise the boys working on the farm?

A We have mostly supervisors of the boys that work on the farm.

Q Is Mr. Glover one of those?

A Mr. Glover is one of those.

Q Mr. Harris?

A Yes, Mr. Harris.

Q Is there another?

A Mr. Baldwin.

Q Mr. --

A Baldwin.

Q Is there any others?

A Not that I can think of.

Q Are there any others that work in the dairy?

A No, we don't have -- we got one man that see after all the cows in the pasture and, that. And, of course, the girls,

they have sewing, cooking, housekeeping, laundry and things of that nature, cosmetology, I think they have that.

Q How many instructors or supervisors do you have over there for the girls?

A Let's see, I got two sewing teachers, one lady in the laundry, two ladies in the cosmetology, one lady, two ladies in the kitchen.

Q And two ladies --

A (Interrupting) Two ladies supervise, matrons over them, and things of that nature.

Q Do you ever use any volunteer instructors or people from outside the campus who volunteer to come in and conduct programs?

A I haven't been that lucky. Nobody offers that kind of service but preachers that come on Sunday.

Q Have you gone out to find anybody like that?

A We have asked people with the various clubs and all.

Q What clubs have you asked?

A The women's federated clubs, we always been working close with them. They started the school, and we asked them.

Q Any others?

A No, I haven't asked any others, because --

Q (Interrupting) Are you visited occasionally by people

from the Department of Pensions and Security?

A Yes.

Q How often?

A Oh, I don't know how often. Sometimes they come once a month and then sometimes three or four months.

Q Do they make reports to you on their visits or do they make reports on the visits which they give you a copy of?

A They make reports of the visits which they give us a copy of.

Q Is that done once a year?

A Yes, sir.

Q Mr. Holloway, do you know what stretching is?

A What?

Q Do you know what stretching is?

A I don't know what that is.

Q You don't know?

A No.

Q Do you know what "booting up" is?

A I do hear the children bend over, I haven't seen anybody do it, but I don't --

Q (Interrupting) You have heard about it?

A I have heard about booting up, but I haven't heard about stretching. I don't know what that is.

MR. ALLEN: I believe that is all.

MR. SMITH: We have no questions at this time.

MR. ALLEN: Mr. Holloway, you have the right, if you so choose, when the deposition has been typed up, to read it and to sign it before it is filed with the Court, and you can, however, you don't have to, you can waive that, but it is your choice. Ordinarily we, the lawyers, usually agree that it can be waived, but it is up to you. You don't have to waive.

MR. HOLLOWAY: All right.

MR. SMITH: This is customary, Mr. Holloway, this lady, Mrs. Jackson is very competent and she will accurately, in my opinion, record everything that you have said, the questions that have been asked you and the answers that you have given in reply.

MR. HOLLOWAY: All right.

MR. SMITH: You may or may not waive it. If you want to take the deposition and read it over and then sign it, that is all right but you may waive doing that.

MR. HOLLOWAY: All right, I am willing to waive it.

FURTHER DEPONENT SAITH NOT.

## REPORTER'S CERTIFICATE

STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Mrs. Dorothy Greenlee Jackson, Reporter and Notary Public for the State of Alabama at Large, do hereby certify that on Friday, December 19, 1969, in the Grand Jury Room, 2nd Floor, Federal Building, Montgomery, Alabama, pursuant to notice, on behalf of the Plaintiff-Intervenor, I reported the deposition of MR. E. B. HOLLOWAY, who was first duly sworn by me to speak the truth, the whole truth and nothing but the truth in the matter of Charles Jerome Stockton, a Negro Child of the age of Fourteen years, et al., Plaintiffs, and United States of America, Plaintiff-Intervenor, vs. Alabama Industrial School for Negro Children, a Corporation, et al., Defendants, Civil Action No. 2834-N, now pending in the District Court of the United States for the Middle District of Alabama, Northern Division; that the foregoing thirty-nine (39) typewritten pages contain a true and correct transcription of the examination of said witness by Counsel for the parties, to the best of my ability, skill, knowledge and belief; and that the reading and signing of the deposition by the witness was waived by witness and parties set out herein.

I further certify that I am neither of kin nor of counsel

to the parties to said cause, nor in any manner interested in  
the results thereof.

This 26th day of December, 1969.

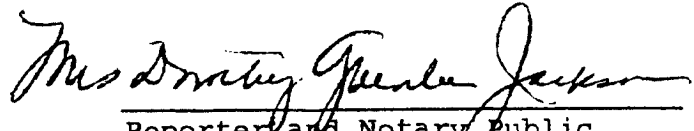
  
Reporter and Notary Public,  
State of Alabama at Large.



EXHIBIT 174

EXHIBIT 174

State of Alabama     }}

Calhoun County     }}

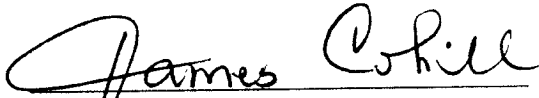
# DECLARATION OF JAMES COHILL

I, JAMES COHILL, hereby declare as follows:

1. I worked at the Alabama Industrial School for Negro Children from 1961 until late 1964. The reform school was located in Mt. Meigs, Alabama, and was simply referred to as "Mt. Meigs." During my time working at Mt. Meigs, I was a vocational teacher; I taught woodworking and construction. Some of my students provided maintenance on the buildings at the Mt. Meigs campus. They also worked on the farm machinery and tractors. There were a lot of tractors. In addition to teaching the students, I also had counseling responsibilities. My work at Mt. Meigs was so long ago that I do not remember the names of many of the students.
2. The children who lived at Mt. Meigs ranged in age from six to eighteen years. The youngest boys, ages six to eleven, lived in a building we called "the little boys home". The rest of the boys lived in dormitories. Both boys and girls lived at Mt. Meigs. The girls lived on the other end of the campus from the boys.
3. I remember the Director of Mt. Meigs, E. B. Holloway, and one of his assistants handled the whippings of the boys. The boys were whipped in front of their peers and the staff, on something called the "Discipline Bench", which was located outside the cafeteria. Sometimes boys were whipped on their way to breakfast. Boys were whipped if they tried to run away or if they got in some other trouble.
4. The children attended school for only four to seven months of the year, depending on how much they were needed for field work. There was a huge farming operation at Mt. Meigs and it was run like the old southern system of agriculture. The boys lined up and walked to the fields, worked all day, then walked back to the campus. I remember they tended to rows of cotton that had to have been a mile long. I remember the boys had to shower and change clothes after working the cotton fields, because they came out with poison on their clothes, from when the crops were sprayed with pesticides. I do not know what kind of chemicals were used on the crops.
5. Although Mt. Meigs was supposed to be a place where kids in trouble came to be rehabilitated and educated, this was not what really happened there. E. B. Holloway had only one focus: to make money. It was common knowledge the income from the farm was shared between Mr. Holloway and one of the Board of Directors, a white landowner whose farm was located across the highway from the campus. The school was not provided all the income earned as a result of the children's labor.

6. I remember on several occasions Mr. Holloway had me build cotton bins to transport the crop to the cotton gin. I worked with the boys to manufacture the equipment Mr. Holloway requested, and then the equipment we made would simply disappear from Mt. Meigs. I had no doubt the bins had been given to the neighboring landowner. There were other times when I was told to have some of the boys who worked with me repair tractors owned by members of the Board of Directors.
7. There were other things that happened at Mt. Meigs that seemed inappropriate. I remember noticing discrepancies in the record-keeping. Our students would make things that later were unaccounted for. For example, there was a cannery at Mt. Meigs that was worked by the girls. The girls who lived at Mt. Meigs processed all the vegetables grown on the farm. I was friends with the man who kept records of the cannery's production. Only about fifty percent of the canned food was actually used for the inmates. When my friend did inventory of the canned foods, the other fifty percent of their production was missing. As far as we could determine, Mt. Meigs was not paid anything for these canned goods.
8. I was always proud of the work my students did to keep the campus as nice as possible. Most all of the renovations and improvements made to Mt. Meigs were done by my boys. We were even asked to do some of the renovations at the Governor's Mansion.
9. Children sent to Mt. Meigs often stayed there a long time because the counties that sent them there did not want them back because they were Black. In order for a child to be released from Mt. Meigs, their incarceration /conduct record was reviewed. But even if a child had a good record while at Mt. Meigs, their county had to have a home and placement plan lined up for them in order for them to be released. Many counties just didn't do anything to have the children returned to their parents. Some of the children were just left there by the parents.
10. After spending time at Mt. Meigs, many of the boys went on to serve time in prison. They were not able to settle down and stay out of trouble. By the time they were adults, this was the only kind of life these boys knew how to live. Unfortunately, there was only room for about fifty of the boys to learn a vocation at Mt. Meigs. The other children did not learn anything positive from their time at Mt. Meigs, and they were no better off when they left Mt. Meigs than when they arrived.
11. Some of the children at Mt. Meigs sniffed glue and other substances they could get access to. I remember finding a student unconscious after he sniffed glue. Sometimes these children had to be taken to local hospitals for treatment.
12. I was not contacted before by the attorneys who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Anniston, Alabama, on the 3 of December, 2008.

  
James Cohill

# EXHIBIT 175

# EXHIBIT 175

State of Alabama            }}

County of Mobile         }}

DECLARATION OF LARRY KENNEDY

I, Larry Kennedy, hereby declare as follows:

1. When I was about eleven years old, I was sent to a reform school in Mt Meigs, Alabama. I was sent to Mt. Meigs after being caught stealing a bicycle and running away from home. I don't remember going to court or being officially sentenced in juvenile court. I did not know how long I was going to have to stay at Mt. Meigs. I was there from 1962 until I escaped in 1964. I was out for about six months, then the juvenile court in Mobile sent me back. I stayed at Mt. Meigs until being released in 1967. I remember learning the minimum age for confinement at Mt. Meigs was twelve years when I was there.
2. Mt. Meigs was hell. The place was run by Black staff members, and they treated us worse than I had ever been treated by a white person. The people in charge of Mt. Meigs were brutal. Most of them had prison records.
3. The boys at Mt. Meigs were beaten frequently by the people in charge. One supervisor, Tom Glover, planned fistfights between boys. He picked the inmates he wanted to fight and held several fights every day.
4. You could get beaten at Mt. Meigs for not picking enough cotton or even for accidentally cutting a stalk of cotton while you were chopping weeds in the field. I saw beatings constantly. I was beaten until I got sick. They had two men holding me down, who were told to stretch me out. I was beaten with tractor fan belts. Mr Reddick had a fan belt and a hickory stick. A guy we called Wild Child beat me so bad one night his wife begged him to stop. She said "leave that child alone." I actually thought he was trying to kill me that night. He beat me because I sneaked out of the dorm, went to the orchard and got some pears. You were beaten until you screamed or passed out.
5. A lot of boys were raped at Mt. Meigs by staff members and by other boys. Director Holloway and Mr. Glover knew about the sexual assaults; it was common knowledge. They did nothing to stop it. Mr Von, the school principal, was one of the men having sex with the boys. There were stories of female staff members also taking advantage of boys at Mt. Migs.

6. I personally witnessed sexual assaults on inmates by other inmates. The assaults took place everywhere at Mt. Meigs, in the dorms and in the barn. It was a matter of strong inmates taking advantage of weaker ones. A lot of these things happened because they put young boys, twelve and thirteen years old, in dorms with the older boys, ages seventeen to nineteen. Some of the older guys were problem inmates and tough. They took advantage of the younger, smaller kids.
7. The kids at Mt. Meigs went to school half a day. The lessons were on a first or second grade level; never higher than sixth grade. The teachers never told us if we passed or failed. There were no report cards. I never saw any graduations. School was held in the chapel where we also went to church. The rest of the time we worked in the fields.
8. In the fields, we raised cotton, corn, cucumbers, and other vegetables. The crops were sprayed while we were in the fields. A tank on a tractor was filled from a big drum in the field. When the tractor came through with the pesticide, we stood aside while it sprayed six rows at a time. When the tractor passed, we went right back to work. We were also exposed to the chemicals that were sprayed from planes flying overhead. Sometimes the planes came in so low, we had to get down on the ground. I remember the pesticides were usually a clear liquid. It was wet, with a very strong smell.
9. In addition to the cotton fields, they sprayed the vegetable gardens and the grass on the sides of the cotton rows. The sewage ditch was also sprayed. Besides the pesticides, something we called the mosquito truck came through the property, blowing out a white smoke.
10. When we worked in the fields, the crops were still wet with pesticides and the poison burned our skin. I had headaches, a runny nose, and runny eyes from being exposed to the poison. I also suffered fevers and problems with my sleep. It was hard to wake me up in the mornings. I also had a lot of symptoms that were similar to having a cold with a hard cough and my eyes running. At no time did I ever get treatment for any of these problems and I never was provided any medication. I did not have these problems before I went to mt. Meigs.
11. The plants that were sprayed were the same ones we were fed. We were being poisoned twice by the spraying: we got soaked with the poison in the fields and we were fed the poisons through the food. I heard the poison was DDT.
12. A lot of us were sent to the cotton fields every day. If we did not pick enough cotton to satisfy the guards, we were beaten. At the end of the day, the men in charge inspected the sacks we used to pick cotton. Our sacks would be hit with a stick. If the stick did not bounce back after hitting your sack, you were beaten. I remember

being hit with sticks and fan belts taken from cars. One supervisor whipped us with a bullwhip.

13. The fields were not the only place we were exposed to what may have been poisonous chemicals. The sewage ditch ran right behind the dorms where we slept. This open ditch was how raw sewage was sent away from the buildings. It was called the "shit ditch." They sprayed this ditch with chemicals. Us kids had to chop the grass around the ditch and then clear the shit out of the ditch with hoes.
14. The food they fed us at Mt. Meigs was horrible. I saw worms in the greens; it was obvious the people in the kitchen were not washing the food before giving it to us. The ground corn had boll weevils and dirt in it. There was also dirt in the grits. We went hungry a lot of the time. That is the reason I snuck out of the dorm one night to pick pears in the orchard, the night Wild Child almost killed me.
15. There was no chance for rehabilitation at Mt. Meigs. It was not a safe environment for children. Instead, we had a tremendous burden to be perfect. For instance, if you accidentally chopped down a cotton plant, you were beaten on the leg and thigh.
16. A lot of kids ran away from Mt. Meigs. I tried to run away several times. When you were caught, your shoes were taken and an X was cut into your hair. We got other punishments for trying to run away. When the kids being punished were not working, we were not allowed to spend time with them. I remember one punishment was we were forced to sit on a rock pile for long periods of time. Sometimes the rocks were blazing hot. Other times we were forced to sit on the rock pile in the winter. Many boys were barefoot with ice on the ground. One boy ran away and was shot and killed. I don't know if he was killed on the farm or in town.
17. Sometimes the families of the boys sent to Mt. Meigs became aware of the abuse and neglect that took place there. If they did not complain it was because a lot of families were poor and unable to care for them anyway. In my case, my family just let me go. My brother was there at the same time I was.
18. We got visits once a month at Mt. Meigs, on the first Sunday of the month. Each time before the day of the visits, Mr. Holloway held a meeting and gave us his rules for visits. Basically, he told us not to say anything bad about Mt. Meigs to our visitors. He threatened us and we knew to take his threats seriously. Mr. Holloway's threats reminded us that we would be whipped first thing Monday morning, on the bench in front of the whole camp, as a message of what happened to kids who disobeyed him. That is, if Mr. Holloway could wait until Monday morning to punish you.



19. It seemed Mr. Holloway was more cautious of beating boys whose family visited often. He did not want to get caught abusing the kids under his supervision.
20. The kids at Mt. Meigs knew to not tell their families about the beatings and rapes. If you told your folks about being beaten or about being raped, they might complain to Mr. Holloway about the abuse. Mr. Holloway would then get back at you for telling.
21. Some kids wrote letters home, but I had no one to write to. I heard stories of how the staff had a say in what you did and did not write in letters. I figured it was just a way of life that letters would be censored like they were by the staff at Mt. Meigs. At the time, I never thought about it, though.
22. I learned to be a crook while I was at Mt. Meigs. The supervisor, Tom Glover, had me do a lot of stealing for him. He had me steal things like fertilizer, sacks of pecans, farm chemicals, soda for the plants and even livestock. For instance, I would take a pig and hide it in a particular spot. Later that night, Mr. Glover would pick it up. I did the same thing with the other stuff he asked me to steal. The staff who worked there were known to take property and use it for themselves. They also sold the crops and probably kept the money.
23. We were slaves at Mt. Meigs, with no control over any aspect of our lives. You would think a place like Mt. Meigs would be a rehabilitative, safe place for children. Instead they placed a tremendous burden on us to be perfect and the place was run like a plantation. As an adult, I realize just how much that place messed me up. It affected the rest of my life. It has taken me until my 50's to realize I can be something else besides what I learned to be at Mt. Meigs.
24. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the \_\_\_\_th of November, 2008.

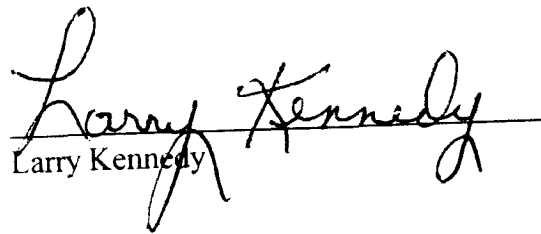
  
Larry Kennedy

EXHIBIT 176

EXHIBIT 176

### **Declaration of James Green**

I, James Green, declare the following to be true and correct, based on my personal recollection.

1. I am an investigator employed with the Law Offices of the Federal Public Defender for the District of Nevada.
2. I have served as an investigator for capital cases since 1988, beginning at the Mississippi Capital Defense Resource Center in Jackson, MS. From 2000 to 2002, I was the Investigator for the Mississippi Office of Capital Post-Conviction Counsel, also in Jackson, MS. From 2002 to 2008, I was an Investigator at the Federal Public Defender Office, Middle District of Alabama, Montgomery, AL in the Capital Habeas Unit. I have worked at the Las Vegas office since June, 2008.
3. In recent months, I have made an effort to investigate the Alabama Industrial School for Negro Children, which was located in Mt. Meigs, Alabama, during the time Samuel Howard, Jr. was a child. Mr. Howard was incarcerated at this facility when he was ages twelve to fifteen, in the early 1960's. This facility is commonly referred to as "Mt. Meigs."
4. I was able to identify several men who were incarcerated at Mt. Meigs as children. When I approached these men for interviews, I quickly found that for every man I spoke to there was literally another dozen men who wanted to talk with me about Mt. Meigs. There simply was not enough time or resources available for me to interview each man who wished to speak to me. I found the men to be very willing to discuss their experiences at Mt. Meigs. I got the impression the interviews may have been therapeutic for some of them. Some of the men asked me to help them establish a support group for former inmates of Mt. Meigs. Many of these men said they now have an understanding as to how devastating an effect their being at Mt. Meigs had on the rest of their lives. They stated how they were affected as children, and continue to be affected, by the abuse they experienced at Mt. Meigs. They related stories of physical violence, sexual violence, physical neglect and emotional neglect. Every man I met had stories of the intense and profound atrocities they witnessed and were victim to at Mt. Meigs. In fact, I did not meet any person who was at Mt. Meigs before the mid 1970's who did not have stories of the inhumane conditions there.
5. I learned that Mt. Meigs was established as a reform school for black youth in Alabama. The reality, though, is that the children were used to operate an extensive farming operation at Mt. Meigs. They labored for hours each day in the fields, no

matter how hot it was, growing cotton and vegetables. Many of the men I met referred to Mt. Meigs as a "slave camp" and to themselves as slaves. During their work in the fields, the children were literally showered with toxic pesticides, which caused immediate physical ailments for many of them. Unfortunately, the children's hard work on the farm did not benefit their own circumstances. There is evidence that a good portion of the crops and livestock were given to persons outside of Mt. Meigs—even at least one individual who served on the Board of Directors for the reform school. Instead of eating fresh crops and meat they tended themselves, the children were fed unsanitary and infested food. Some of the statements described the children performing labor for local farmers.

6. The men I met said they saw children at Mt. Meigs who were there for everything from truancy to murder. I also learned of children being sent to Mt. Meigs even though they committed no crime, simply because they did not have a home. Although the minimum age of a youth to be sent to this reform school was twelve, Mt. Meigs consistently had so many younger children at the facility that they actually had a dorm for the youngsters. The small and innocent children at Mt. Meigs were exposed to older, even violent offenders on a routine basis. I was told repeatedly that it was not uncommon for the boys at Mt. Meigs to be victimized, physically and sexually, by older and bigger children.
7. In addition to child-on-child violence, the juveniles incarcerated at Mt. Meigs were habitually abused by the adults in charge of their care. I was told countless stories of children being beaten, to the point of their flesh ripping open, by guards and even the Director of the facility. The beatings described went beyond corporal punishment, which was practiced in the school and consisted only of paddling. They were described as being more sadistic in nature. From my conversations with the men, some of the "punishments" were administered for no reason at all. Others seem to have been with the intent of controlling the children by instilling fear. For example, beatings were routinely administered in front of the dining hall as the children assembled for breakfast.
8. The former inmates of Mt. Meigs also told me about the rampant sexual abuse of children at the facility, by both adults and other children. Rapes were overlooked by the staff and the children were never offered any sort of therapy for their emotional wounds.
9. The men who spent part of their youth at Mt. Meigs still speak of their experiences with openly deep emotion. It was obviously very painful for many of these men to

speak to me about their past, but they seemed to have a need to express their feelings about what was, obviously, a very traumatic time in their lives.

10. The remaining paragraphs of this declaration document information provided to me by three men who were incarcerated at Mt. Meigs as children. I was unable to obtain declarations from these three men prior to the filing of Mr. Howard's Traverse.

Eugene Simpson

11. On September 5, 2008, I interviewed Eugene Simpson at the Donaldson Correctional Facility in Bessemer, Alabama where he is presently incarcerated. My interview with him was rushed due to a shortage of time remaining for visitation. Time constraints prevented me from writing a comprehensive declaration for Mr. Simpson's signature at the time of our visit. After returning to the office, a more complete statement was drafted and sent to Mr. Simpson, but it has not yet been returned with his signature. I am reporting in this declaration the things Mr. Simpson told me.
12. As a child, Mr. Simpson was sentenced to the reform school at Mt. Meigs. He described his stay at Mt. Meigs as "one of the worst experiences" of his life.
13. Mr. Simpson told me the staff at Mt. Meigs were often poor people with their own horrible problems, who found themselves in a position of power over the boys there. He said the staff at Mt. Meigs were sadistic and violent to the kids under their care.
14. Like so many other men I interviewed about Mt. Meigs, Mr. Simpson told me stories of boys being raped by the adults at Mt. Meigs. Mr. Simpson said there was nothing a boy could do about it, if he was chosen by one of the adults for sex. Some of the boys were even presented as "trophies" to farm supervisors who excelled in the growing and harvesting of crops. The warden or guards decided which boys were chosen to be presented as sex toys for these farm supervisors.
15. Mr. Simpson recalled E.B. Holloway as running Mt. Meigs when he was there and described Holloway as forcing boys to compete in fights, like gladiator contests. If a boy was assaulted, he was forced to fend for himself, as no one would protect him. According to Mr. Simpson, the situation was so dire that the boys really had to look out for themselves in order to survive the abuses at Mt. Meigs. If a boy complained about being assaulted, he was threatened by the staff. Mr. Simpson said once when he told an officer that one of the guards kept putting out a fire the children had built to keep warm. The officer called Mr. Simpson "Nigger" and said if he ever complained again the guard would blow his brains out.

16. Mr. Simpson recalled that the children at Mt. Meigs were so desperate that they sometimes ran away from the facility. He heard stories about some inmates who were listed as escapees from Mt. Meigs, but who had actually been murdered by the staff there.
17. Mr. Simpson told me the children sentenced to time at Mt. Meigs worked hard for the facility, growing cotton, beans, and cucumbers. They had to tend to the crops even while the fields were being sprayed with pesticides. Mr. Simpson described how the boys tried to cover their faces with their shirts, but it was impossible to keep from getting wet. Sometimes their hands broke out in blisters or a rash after being exposed to the pesticides.
18. Mr. Simpson remembered that some of the children at Mt. Meigs were forced to do work at the homes of civilians in the area. Like the other witnesses I spoke to about Mt. Meigs, Mr. Simpson appeared horribly affected by what he experienced there.
19. He noted there was no effort to rehabilitate any of the children. Mr. Simpson said that instead of the boys being taught proper values and ways to succeed in life, they were taught hatred. He stated "it was no surprise to me that many of the guys who were at Mt. Meigs went on to commit violent crimes after they got out. It is how we were taught to live."

Richard Lake

20. On September 5, 2008, I interviewed Richard Lake at the Donaldson Correctional Facility in Bessemer, Alabama. Mr. Lake was the second inmate I visited at Donaldson that day, and my interview with him was rushed due to a shortage of time remaining for visitation. Time constraints prevented me from writing a more comprehensive declaration for Mr. Lake's signature. After returning to the office, a complete statement was drafted and sent to Mr. Lake, but it has not yet been returned with his signature. I am reporting in this declaration the things Mr. Lake told me.
21. Mr. Lake was incarcerated at Mt. Meigs around 1956, at age sixteen. Mr. Lake had been arrested for auto theft, even though he was a passenger in a car that was stolen by someone else. As a result of this arrest, Mr. Lake was sent to Mt. Meigs. Mr. Lake said he was sent to Mt. Meigs even though he was never given a sentence by a judge. He had no idea how long he would be at Mt. Meigs.
22. When he first arrived at Mt. Meigs, Mr. Lake was assigned to the school there because he scored high on tests administered to him. He recalled there were only

three students in his class. Mr. Lake was assigned to work in the fields after he tried to run away from Mt. Meigs. He also got into trouble for having an altercation with the person in charge of handing out shoes.

23. Mr. Lake spent a lot of time working in the fields. He described it as very hard work. The boys were forced to pick cotton very fast, and they could not keep up the pace the guards expected of them. The children worked in the fields all day, no matter how hot it was. During the summer months, the cotton was sprayed with poison while the boys were working in the fields. During the fall, the boys picked the cotton with the leaves still on the plants. Mr. Lake said that most of the boys working in the fields were younger than him. A lot of these younger inmates were housed at something they called the "little boy's home".
24. In addition to working in the cotton fields, inmates had to clear land. Mr. Lake recalled very young kids were required to chop down trees. The boys also had to tear down buildings, swinging twenty-pound sledge hammers. Other boys worked in a syrup factory Mt. Meigs operated. The boys grew sugar cane for the factory. Mr. Lake described this as "hot work."
25. Mr. Lake told me about the children incarcerated at Mt. Meigs being beaten constantly, for the least little thing. Children had to fight to defend themselves. Some children at Mt. Meigs lived in constant fear. Other boys became predators. Mr. Lake recalled a lot of the children sent to Mt. Meigs had done nothing more serious than running away from home or being truant. He said a couple of boys were incarcerated at Mt. Meigs for murder. They were housed with the juveniles who committed minor, non-violent offenses.
26. Mr. Lake saw a lot of children beaten at Mt. Meigs. Mr. Lake was older than most of the children who were picked on by the guards, and he thinks this may be why he was not abused as much as most of the other children. Mr. Lake noted he had spent years on the streets by the time he got to Mt. Meigs, and he was hardened by his experiences. He did not think anything could bother him by that time, but found himself shocked to see how the young boys were treated at Mt. Meigs.
27. Even though Mr. Lake was not put in a position to defend himself from the guards, he did fight with other inmates. He described how the guards established a system at Mt. Meigs where the toughest boy became the "Charge Boy." Some of the Charge Boys were brutal to the other children. They made inmates give them cigarettes, candy, and whatever else they wanted, including sex. When Mr. Lake first arrived at

Mt. Meigs, he was forced to fight the then-current Charge Boy. Mr. Lake beat him and became the new Charge Boy. This kept him safe from being beaten by others.

28. Mr. Lake described how the guards "set up sick games where they had kids fighting each other like gladiators." He noted boys were placed on teams and forced to fight other teams of boys.
29. According to Mr. Lake, in addition to the beatings, boys at Mt. Meigs were raped. Sometimes the rapes were committed by people on the staff; other times they were committed by inmates. He noted there was nothing you could do about it because there was no one to complain to. No one cared about the children at Mt. Meigs.
30. Mr. Lake said most of the boys who were at Mt. Meigs later went to state prison. He spent time in prison since being at Mt. Meigs and reported seeing many of the boys he knew from Mt. Meigs while in prison.
31. Mr. Lake told me that in addition to the non-stop working and the brutality of the guards and inmates, there were other things at Mt. Meigs that made it so horrible. The children were fed grits and fatback with the animal's hair still on it. The food was also infested with bugs, roaches and boll weevils. They had to eat it anyway, as this was their only nourishment.
32. Mr. Lake said Mt. Meigs was "hell." He told me that what made the beatings and other abuses worse was that they were committed by Black people. Mr. Lake was raised in Birmingham, where there were forty or more unsolved bombings in his part of town. Mr. Lake was used to fighting White people and even expected brutality when a White person was put in charge of a Black person. After coming from that sort of environment, it made the violence against the children at Mt. Meigs seem even more horrific to Mr. Lake. He noted, "This was our own people being so abusive to us."

#### Harold Dawkins

33. On December 6, 2008, I met with Harold Dawkins at his home in Mobile, Alabama. After I met with Mr. Dawkins, a cover letter and declaration were sent to him. Mr. Dawkins returned both the cover letter and declaration, but signed the letter and did not sign the declaration. When the declaration was resent to Mr. Dawkins, at the return address on his envelope, the documents came back as undeliverable, no such street. Since I am unable to obtain a properly signed declaration from Mr. Dawkins



prior to the filing of Mr. Howard's Traverse, I am using this declaration to provide the information given to me by Mr. Dawkins.

34. Mr. Dawkins was raised in Mobile. He described his family as being very poor. His mother worked very hard to support Mr. Dawkins and his four siblings. Mr. Dawkins said he hated seeing his mother work so hard and so he tried to help her any way he could. Mr. Dawkins stopped going to school so he could earn money to help his family. As a child, Mr. Dawkins went to the city dump, where he picked up bottles and cans to sell. A few times, he was picked up by the truant officer and returned to school. Mr. Dawkins said his mother wanted him to stay in school, and she sometimes whipped him in order to get the point across. Mr. Dawkins was determined to help her, so he continued to skip school.
35. When Mr. Dawkins was about fourteen years old, he was sent to the reform school in Mt. Meigs because of his truancy. Mr. Dawkins was familiar with Mt. Meigs, as he had seen other kids after they left Mt. Meigs. Some of them were released and some of them had escaped Mt. Meigs.
36. Mr. Dawkins and another child were put in leg shackles and driven to Mt. Meigs by a White man and woman. When they arrived at the reform school, the boys were searched. All of their hair was cut off. Early the next morning, the dorm supervisor came through the dorm where Mr. Dawkins slept, knocking on the walls yelling, "Wake up and see where your hard head caused your black ass to be." He was then sent to the fields to pick cotton.
37. Mr. Dawkins said that at the end of his first day in the cotton field, he was beaten because he had not picked enough cotton. Mr. Dawkins said he didn't even know how to pick cotton because he had never been in a cotton field before arriving at Mt. Meigs. He found it difficult to keep up with the rest of the boys. Like the other men I interviewed about Mt. Meigs, Mr. Dawkins was beaten over what was viewed as inadequate performance in the cotton field. One of the farm supervisors, Tom Glover, told Mr. Dawkins to put his penis in a hole Glover dug in the ground. Glover beat Mr. Dawkins on the back of his legs -- right on the muscle --until his leg busted open. Mr. Glover also hit Mr. Dawkins on the back of his head.
38. Mr. Dawkins said he was still living at Mt. Meigs when Tom Glover died in the kitchen. Mr. Dawkins said he bets many of the kids at Mt. Meigs wanted to celebrate when Glover died, because the man was so cruel to them.

39. Mr. Dawkins described another time when he was beaten so bad that he was sent to the hospital on Mt. Meigs' campus. The reason Mr. Dawkins was beaten that day was because he was given dorm duties and he did not pick up the papers some of the boys masturbated on. That day he was beaten with a big stick that had knots in it. Mr. Dawkins said he was beaten until he picked up the paper.
40. Mr. Dawkins told me of a man named Mr Lockhart who sometimes came in the dorm, woke all of the boys and beat everyone there. Lockhart never told the boys why he beat them. Mr. Dawkins assumed Mr. Holloway, the Director at Mt. Meigs, told Lockhart to beat the boys.
41. Besides the beatings, Mr. Dawkins described other kinds of violence at Mt. Meigs. He witnessed one of the younger boys being raped in a cornfield. Mr. Dawkins said he believes he would have been raped, too, except for the fact that he was in a group of boys who tried to "stick together for protection."
42. Regarding the trade school at Mt. Meigs, Mr. Dawkins said it did not do the children any good. He said the "so-called trade school" only took two boys at a time. Mr. Dawkins recalled the boys at the school didn't really learn a trade. They were just used as workers there.
43. Mr. Dawkins said he joined the band as a way to get some time away from the fields and the beatings. He lied to get into the band, telling the staff that he knew how to play the drums. Mr. Dawkins said he then had to learn to play the drums. The bandleader was a man the boys called "Chief." Mr. Dawkins said this man "beat my knuckles to death until I learned to play the drums."
44. Mr. Dawkins said the staff at Mt. Meigs did not take care of the children there in any way. He described the food the children were fed as terrible, even though the boys grew a lot of food on the farm. The children were fed oatmeal with boll weevils in it. Mr. Dawkins said the staff knew the food was infested, but they gave it to the children anyway. He recalled that in the mornings the children were given a piece of cornbread with a spoon of peanut butter on it. Mr. Dawkins said he was at Mt. Meigs several weeks before he could tolerate the food there. The food gave everyone diarrhea.
45. Mr. Dawkins called Mt. Meigs the worst place he had ever been, saying it was worse than being in prison. Mr. Dawkins stayed at Mt. Meigs one year and six months. He said he could never understand why the adults at Mt. Meigs, all who were Black people, treated the children so badly.

46. Mr. Simpson, Mr. Lake, and Mr. Dawkins each told me they would have been willing to provide information about Mt. Meigs to the attorneys who represented Sam Howard at the time of his trial. If they had been approached by Mr. Howard's defense team, all three men would have been willing to testify at his trial about their own experiences and about the circumstances the children lived under at Mt. Meigs.
47. In a subsequent conversation with another man who was at Mt. Meigs as a child, he pointed out an error in his signed declaration. Jesse Andrews, who signed his declaration on January 12, 2009, informed me that the man known as "Big Bomber", referenced in paragraph five of his declaration, was actually a guard at Mt. Meigs, not an inmate.

I declare under penalty of perjury that the foregoing information is true and correct, to the best of my knowledge and that this declaration was executed this 28~~th~~ day of January, 2009.

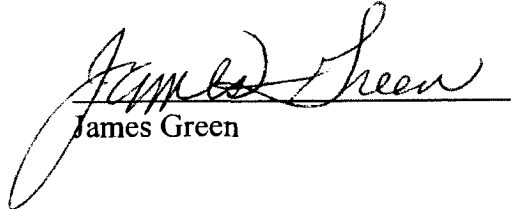
  
James Green

EXHIBIT 177

EXHIBIT 177

State of Alabama            }}

County of Mobile         }}

DECLARATION OF CORSTNELL GREEN

I, Corstnell Green, hereby declare as follows:

1. I was born and raised in Alabama. When I was a child, I got in trouble with the local sheriff. The sheriff had a big old bulldog. That dog chased me and my siblings and tried to bite us every time we walked to the store for my mother. We had to get a running start before we got near the dog or he would bite us. At some point my folks gave me a dog. I trained him to protect me. One day when the sheriff's bulldog came after me, my dog defended me and fought the bulldog. I was arrested over this and sentenced to serve eighteen months in a reform school, just because my dog fought the sheriff's dog.
2. I was sent to the Alabama Industrial School for Negro Children, also called Mt. Meigs. I was there from 1959 until sometime in 1961.
3. The first day I got there, I was sent to the little boys dorm. I was almost immediately jumped on by one of the inmates. Every time a young kid came to Mt. Meigs, he was raped. Many of the younger boys became the older boys' sexual plaything; they became their "woman." While I was at Mt. Meigs, I saw a lot of rapes in the showers. When something like that started, I left in a hurry. There was nothing you could do to help the child being raped. And, there was nobody you could tell about it. I often heard inmates talk about the new kids being raped all night. A lot of rapes happened right there in our dorm. Sometimes, after a kid had been raped so many times, and he had been there for a long time, he struck back at the guys who hurt him. I remember these boys would sneak up behind a guy who raped him and try to take his head off with a stick or whatever he had. These kids never forgot being raped.
4. Mt. Meigs was supposed to be a place where we got an education. The school was ridiculous, though. We spent half a day in class and then were sent to work in the fields. The men who supervised us in the fields were cruel and sadistic. We were beaten for everything: not picking enough cotton, not pulling enough corn. One of the men, Tom Glover, whipped me so bad I couldn't walk. He beat me because he didn't think I cleaned the sewage ditch good enough. I remember he would draw a circle on the ground and say to me, "Green, looks you ain't had none in a while. Put your little thing in that circle." I had to lie on the ground on my stomach, putting my penis in the circle he drew. Then Mr. Glover beat me with a big oak stick. I saw him beat boys so bad they had to be carried away. He beat some so bad they had to go to the hospital.
5. Chemicals were sprayed on the crops while we worked in the fields. The sprays were put on by tractors and also by crop-dusting planes. Even if they were spraying in the next field, the wind blew the chemical onto us. The poison was white and was like a mist. The spray got

on my skin and it got in my eyes, nose and on my head. The chemicals burned me. Only kids who could afford hats had one, so most of us got soaked with the chemicals. The supervisors got angry if you took water and rinsed the poison out of your hair. I didn't have a hat or anything because after a while no one even knew I was at Mt. Meigs. My family did not know where I was.

6. It was a hurtful being in a place like Mt. Meigs without the comfort of my family. My mother died while I was there and I didn't even know it. I learned about my mother having died when the mother of another boy visited. When he introduced me to her and she heard I was from the Dothan area, she recognized my family name and knew who I was related to. She told her son that my mama was dead. He ran over and told me, "Your mama got killed!" I was so upset, I ran to Mrs. Holloway. I was hollering and crying and told her that mama was dead. Mrs. Holloway said she knew my mother died. I cried to her, wondering why they had not told me. It was a terrible thing. I learned my mama was accidentally killed by my stepfather. When I finally got out of Mt. Meigs, it took me long time to find my sisters and a few other relatives.
7. Many kids lost their families while at Mt. Meigs. Like other kids, I was released and sent back to the county with nothing. The people at Mt. Meigs just kids on the bus and sent them back to the county they came from. We were just put out on the street with no training or anyone to help us get settled.
8. The horrific things that happened to us at Mt. Meigs had a lot to do with what happened to us kids after we left there. I'll bet none of the boys at Mt. Meigs were right, mentally, after being there. It was worse than being in the penitentiary.
9. I believe I was finally released from Mt. Meigs because I learned to stay to myself and out of sight. This is still a way of life for me. With people other than my wife, I am still a loner like I learned to be at Mt. Meigs.
10. For about eight years after I was released from Mt. Meigs I constantly got in fights. I ended up in state prison for being involved in a robbery. It was while I was in prison that I tried to turn my life around. While I was in prison, my youngest sister was in high school. After she sent me money, I wrote and told her to not send me anything else. I realized I had to change the concept of who I was. I had been brutalized at Mt. Meigs, but I had to put that behind me. I was tired of prison. I decided that anything I wanted, I would ask for it or work for it. I also changed my concept of fighting to only fighting if I was hit first. I think I have dealt with the effects Mt. Meigs had on me in as positive a way as I can.
11. A lot of guys who were at Mt. Meigs did not recover from the pain they experienced there. Many of them died violent deaths. Many others spent their lives in prison.
12. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement. I was in the band while at Mt. Meigs. I remember Sam Howard being in the band, but I cannot recall what instrument he played. If his attorneys had called me back at the time of

his trial, twenty-five years ago, it is likely I would have remembered more about him.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the 6 th of ~~November~~, 2008.

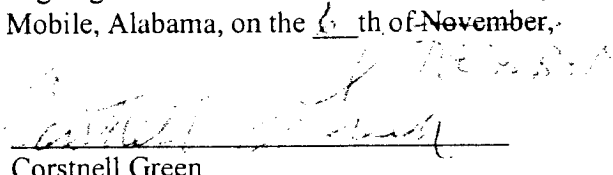
  
Corstnell Green

EXHIBIT 178

EXHIBIT 178



State of Alabama        }}  
County of Bibb        }}

### DECLARATION OF JAMES ARNOLD

I, James Arnold, hereby declare as follows:

1. As a child, I spent time at the Alabama Industrial School for Negro Children, located in Mt. Meigs, Alabama. I was about thirteen years old when I first went to Mt. Meigs, after I was caught stealing eighteen dollars. Even though my sentence was eighteen months, I served four years. The man who ran the facility at Mt. Meigs, Mr. Holloway, kept extending my sentence. Most of the boys at Mt. Meigs ended up serving a lot more time than the courts gave them; Mr. Holloway could keep us there as long as he wanted. I was there from 1952 to 1956.
2. Mt. Meigs was hell; us kids were treated like dogs. The boys sent to Mt. Meigs were used as free labor for the people who ran the place. We worked in the fields, clearing land and tending crops like beans, corn, and cotton. All of us kids were expected to work so hard. If we did not work as fast as the guards wanted us to, then we were beaten. For example, if you were one of the last twenty-five boys to finish hoeing your row of cotton, you were beaten. Mr. Holloway used to drive around in his big Plymouth. All he had to do was say to a boy, "bend over", and that was it. The boy was in for a brutal whipping. I remember seeing Mr. Holloway beat a boy's behind so bad that blood starting shooting out of the boy's rectum.
3. Punishment at Mt. Meigs was severe and was handed out often, for the least little thing. I remember being beaten just three days after I got there. I was whipped all over my back. Some of the guards were absolutely brutal to us boys. I remember one guard, Tom Glover, whipped us on our thighs until the skin busted open. Mr. Glover referred to himself as "Tom Glover, the backbone breaker and booty lover". The guard who beat me that first time, Garfield Jenkins, ended up serving time at the same prison I was sent to as an adult. He deserved to be in prison. So did a lot of the other staff at Mt. Meigs.
4. Beatings were handed out for everything. For example, if you had to go to the hospital, something you could not avoid, you were whipped when you got back to the facility.
5. The boys at Mt. Meigs had to constantly watch out for the sexual predators. Some of the adult workers at the facility raped the boys, without ever getting into trouble for it. A supervisor named Addison was one of the perverts who attacked boys. The

blacksmith, a man named Doc, was also a rapist. He was a big man who could whip you bad if he wanted to. Another guy who had sex with the boys was a crippled man named Penny. It was sick and horrible and totally overlooked by Mr. Holloway.

6. The facility itself was really nasty. There was a drainage ditch, that ran about forty yards behind the dorms where we stayed, for the sewage to travel to the septic pool. The sewage was untreated and the smell was awful. I remember having to watch out for moccasins and other snakes in the ditch.
7. We worked in the fields no matter how hot it was and no matter what was being sprayed on the crops. I remember how often we got soaked with pesticides. The stuff was sprayed on the crops while we were working in the fields. We would cover our faces and keep working.
8. We did not have much of anything to live on at Mt. Meigs. Going hungry was a way of life there. It was so bad that kids did some really horrible things just to survive. I remember seeing boys on their hands and knees in the fields, eating corn they found underneath cow manure. One time, on Thanksgiving Day, a kid got sick during dinner and vomited on his food tray. He went to throw the stuff away, but another boy took the tray and ate the vomited food. On Saturdays, we got one meal and a piece of gingerbread at night. Sometimes a boy would knock you in the head and steal your gingerbread. This sort of behavior shows how desperate we were to survive.
9. The clothes we had at Mt. Meigs were donated; you got whatever size was available. We were given one pair of brogan shoes per year. It didn't matter if they fit or not. If you wore the shoes out or they were stolen, they were not replaced. If another boy wanted your shoes, he would get them by beating you up. If you lost your shoes in one of these ways, you simply did without until the next year.
10. Mt. Meigs was such a hell hole. I have so many emotions about my time there. I would rather accept a life sentence than spend three days at Mt. Meigs.
11. I have been shown a photo of Samuel Howard as an adult. He looks familiar, and he may have been at Mt. Meigs while I was there. There were hundreds of kids at the facility. Most of us kids went by nicknames while at Mt. Meigs, and so I do not recognize Mr. Howard's name.
12. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Brent, Alabama, on the 9th of September, 2008.

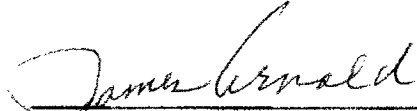
  
James Arnold

EXHIBIT 179

EXHIBIT 179

State of Alabama            }}

County of Montgomery\_\_ }}

### DECLARATION OF WILLIE BALDWIN

I, Willie Baldwin, hereby declare as follows:

1. I worked at a juvenile facility in Mt. Meigs, Alabama, from 1963 to 1996. When I first started working there, the facility was called the Alabama Industrial School for Negro Children. A lot of people just refer to it as "Mt. Meigs." I worked as a -----  
SECURITY GUARD at Mt. Meigs.
2. During my early years at Mt. Meigs, E.B. Holloway was the Director of the facility. The facility was not funded by the State; most of the money used to keep Mt. Meigs running came from selling crops that were grown by the boys who lived there. The kids were practically slave labor. At any given time, there were several hundred boys living at the facility.
3. Kids sent to Mt. Meigs usually were sentenced to serve time by a juvenile court. Mr. Holloway was known to extend a boy's sentence by making up excuses about why the kid needed to remain at the facility. He could keep a kid at Mt. Meigs as long as he wanted.
4. Some of the boys at Mt. Meigs were horribly sexually abused. One of the main perpetrators of the abuse was a man we called "Penny". I remember Penny was mentally retarded, and so he did not work. Penny came to Mt. Meigs when he was about ten years old. Penny was in his 50's when I knew him to be molesting boys at the facility. E.B. Holloway knew Penny was raping the boys; he even caught him doing it but he did not stop it from happening. Sometimes Mr. Holloway fussed at Penny for "fucking" the boys, but only because sometimes Penny hurt the boys so bad that they could not keep up while working in the fields the next day. Mr. Holloway said he needed all the boys to work. He seemed more concerned that the boys remained productive than he was about their well-being.
5. Penny was not the only adult who raped the boys at Mt. Meigs. And, sometimes the boys had sex with each other. The younger boys did it in exchange for getting candy. The boys even gave in to performing sex acts in exchange for food. For example, if one child's family brought him food during a visit, he might exchange the food for sex with other kids. These boys' lives were so horrible that they resorted to these things to get by.

6. The boys at Mt. Meigs worked hundreds of acres of crops, including cotton and vegetables like cucumbers and corn. Work on the farm was hard, especially for the smaller children. The tools they used were not adequate for the jobs they were expected to do. I remember the boys had to chop cotton with hoe blades that were attached to tree limbs. The supervisors at Mt. Meigs ran a very tight ship: if a boy could not keep up with the rest of the workers, he was beaten. If a boy did not pick enough cotton, he was beaten.
7. If a kid tried to run away, his shoes were taken from him. The boy had to continue to work the fields, barefooted. Sometimes a boy had to go without shoes for days at a time.
8. The cotton crop was sprayed with insecticides during the growing season. A tractor was used to put the insecticides on the crops.
9. Chemicals were also used at Mt. Meigs in an effort to keep the raw sewage from smelling so bad. The chemicals did not help, though. You could smell the cesspool from a long ways off. Sewage was sent to the septic pool by way of drainage ditches that were behind the barracks the kids lived in. Because of the open drainage ditches, mosquitos were a real problem. The sewage was not cleaned up until the mid 1970's, when the facility was integrated.
10. I remember there was an old graveyard on the property, with unmarked graves. They stopped burying people at the graveyard prior to me being hired at Mt. Meigs.
11. The boys at Mt. Meigs were supposed to divide their time between their work and school; they spent a half a day doing each.
12. There was a girls' camp near where the boys stayed. The girls did not have to work in the fields. Their work was to prepare the food.
13. When it became known that Mt. Meigs was about to become integrated, Mr. Holloway had most of the records taken out and burned. Two men who worked there, Dan (a truck driver) and Spencer Banks (a tractor driver) were instructed to take the school records down near the silo, where the trash was burned. I never knew why Mr. Holloway had the records destroyed. Later, around 1980, a bunch of other records were lost in a fire at the facility.
14. When Mt. Meigs became integrated, things changed for the better immediately. A man named J.B. Hill was sent from Montgomery to manage the facility. Mr. Holloway and other top blacks working at Mt. Meigs were fired. White people were hired to replace the staff and salaries were increased. That first morning Mr. Hill was

at Mt. Meigs, all the boys came out like normal, lining up to go to the fields. Mr. Hill told the boys they no longer had to work in the fields. Some of the older inmates were released.

15. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Montgomery, Alabama, on the 10th of September, 2008.


  
Willie Baldwin

EXHIBIT 180

EXHIBIT 180



State of Alabama            }}

County of Mobile           }}

DECLARATION OF FRANK JOHNSON

I, Frank Johnson, hereby declare as follows:

1. I have been asked to provide this statement concerning my experiences at a reform school in Mt. Meigs, Alabama. I was sent to Mt. Meigs two times when I was a child. The first time I was sent to Mt. Meigs, I was twelve years old. I had been arrested for grand larceny and truancy. I stayed at Mt. Meigs for two years and then was released on parole. I violated this parole, by skipping school, I think, and was returned to Mt. Meigs when I was fourteen years old. That time, I stayed there for seventeen months.
2. The first time I was sent to Mt. Meigs, I thought I would be going to school and be taught a trade. It was nothing like that. I spent little time in school while at Mt. Meigs. Some days we were only in class two days. They had a big farming operation, and all of us kids had to work in the fields. I remember how we all had to walk a long way to get to the fields every day. After a long day of work, we had to return to our dorms by running in front of the truck driven by one of the adults. At first, I was a water boy. I had to carry two gallon jugs of water from the water pump to the fields. Everyone drank from the same jug. If you drank more than a couple of swallows, you were yelled at and made to stop drinking. If you needed to use the bathroom, you had to ask the supervisor for permission. The supervisor would say, "Okay, old nigger. Bring me something back on a stick." You had to bring him a stick with your bowel movement on it to prove you really had to use the bathroom.
3. We got up at five in the morning to go to the fields. The conditions in the crops were awful. The cotton was sprayed with pesticides from tractors and from airplanes. Kids working in the fields were not protected from the poison. It was clear the supervisors did not care about us. Even if they were spraying in the next field, the wind spread the chemicals to other fields. I do not know what kind of poison it was, but we always got wet when it was sprayed. In the fall, the chemicals sprayed on the fields were pink.
4. I had other jobs at Mt. Meigs, besides working in the fields. I worked at the pig farm, which we called the Pig Parlor. There were thirty to forty hogs we had to feed. We also had to clean the pens every day. I also had to be up at five in the morning to milk eight cows. Even though we tended cows and a huge chicken house, the kids at Mt. Meigs were fed powdered milk and powdered eggs. The people who ran the school did not want to "waste" any good food on us kids.

5. The adults who supervised kids at Mt. Meigs were often ex-cons. They stole what they wanted from the school. One man would come to the pig pen and select a couple of pigs, put them in sacks and hide them until night when he could safely take the animals away from the school. We could not tell on him, or he would beat us.
6. Beatings went on every day, all day long, especially if you did not pick as much cotton as the supervisors thought you should. Many of the men who supervised us boys made us fight each other. It was like a game to them. The adults picked who you had to fight. The winners became charge boys, which meant they had more freedom than the rest of the kids. Several of the staff were once inmates and then went to work for Holloway.
7. Sometimes, inmates were punished by being put in the cell house. This was a large cell where you had to stay twenty-four hours a day and be watched by another inmate. You could be locked up one or two weeks at a time. During the day, you were in isolation. At night, about eight or nine other guys were brought into the cell house. Ten guys slept there on old army cots. Sometimes you had to sleep on the floor. They gave us an army blanket, but no pillow. While you were in the cell house, you were not allowed to attend school.
8. I heard a lot about adults having sex with the kids. I remember an old guy called Penny, who had sex with boys. Penny received some sort of disability check every month, which went to Mr. Holloway. Another adult, Alonzo Connor, was a convict. He did not know how to read and so had me read his mail to him. Connor used to tell the guys "get your boyfriends here."
9. There were several cottages for boys at Mt. Meigs, called A, B, C, and D. There were bars on the windows of the C and D cottages. Each dorm housed ten to twelve kids. We had to share everything. When we brushed our teeth, an adult squeezed a small spot of toothpaste on your toothbrush, so the tube could be shared with everyone else.
10. Any letters we wrote had to go through Mrs. Holloway. She ran the office and handled the mail and visitation. Mrs. Holloway checked all letters written by the kids. If she didn't like what you wrote, she called you in and tore up your letter. She threatened to tell Mr. Holloway, which meant you'd get a beating with a tractor fan belt. If you wrote anything in your letters about the conditions at the institution, you were punished and your letter was not mailed. They only allowed you to say good things about Mt. Meigs in the outgoing mail. We had to tell people in our letters that everything was all right, that we were in school and everything was fine. Of course, those types of comments were totally false. A lot of kids wrote letters home with that sort of false stuff in it just so they could get a letter out to family.

11. Visitation was also tightly monitored by the Holloways. If someone was coming to visit you, Mrs. Holloway called you to the office and told you to say everything was all right. If your people complained, the Holloways then tried to get revenge. If your people got mad about something the Holloways did not like, Mr. Holloway might give you a better job to make things look good. However, a lot of the inmates' families could not make the trip to Mt. Meigs. That's how it was with my mother the second time I was at Mt. Meigs. We were only allowed visitors once a month. If you had been beaten real bad, they would not allow your folks to come see you. Your family was told to come back next month because you were on punishment, when the truth is you were too badly injured for Mr. Holloway to want your parents to see you.
12. Mt. Meigs was such a rough place for the boys, many of them constantly did things to get into trouble so they could be sent to prison rather than stay there.
13. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement. I have been shown a photo of Sam Howard, taken when he was a young man in the military. The face is very familiar to me, and I definitely recall hearing Sam Howard's name. I believe he was at Mt. Meigs when I was.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the 7th of November, 2008.

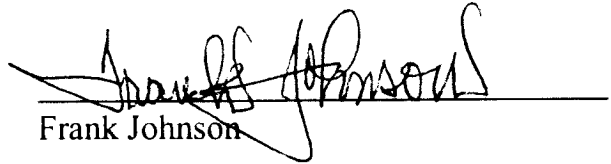
  
Frank Johnson

EXHIBIT 181

EXHIBIT 181



returned to private life or sent to adult prison. In many cases, however, the children are paroled after a relatively short stay. It is noteworthy than many of these children are more sinned against than sinning ---- for instance, an acutely disturbed 12 year old girl was sent to Mt. Meigs after being used as a prostitute by her own mother. Good counseling service often works miracles with these mistreated and neglected children, and the primary aim of the School is to return them to the mainstream of life with the ability to make their own way and to take their places as responsible citizens.

As might be expected, the three main problems are overcrowded housing, dilapidation and a staff limited due to budget. In all buildings, the bathroom facilities are pitifully inadequate. For example, two tubs and two showers serve almost 100 girls so that cleanliness is very difficult to maintain. All buildings likewise reveal the need for paint and more regular maintenance and repair.

There are about 300 boys and 100 girls at Mt. Meigs. The girls and boys dormitories are separate, but they share the same school. Due to limited staff, space and equipment, half the children go to school Monday, Wednesday and Friday, and the other half go Tuesday, Thursday and Saturday, working in the fields and at other occupations on the non-school days. This schoolhouse is in a most deplorable condition and this is no surprise since it was built by the WPA long, long ago. Upon entering the door, one feels as though any step will lead straight to the ground since the floors are exceptionally weak, and waver up and down. It is said that during termite season, the visibility is extremely limited. Each room of the School is equipped with an old-fashioned "pot-bellied" stove, which is a fire hazard in general, and particularly at point of entry through the wall, where many little fires occur from time to time due to the presence of wooden beams surrounding the flues. The Committee agreed that something must be done immediately about this fire hazard. We also think some other type of heat is essential since the individuals sitting closest to this antique stove suffer almost as much as the ones sitting far away.

One especially glaring lack is a gymnasium. In rainy weather, these active healthy children have no way to channel their excess energy, and as we all know, a healthy child simply must be active --- if not constructively,

then destructively. A gymnasium would solve many discipline problems, and could undoubtedly aid in making these children occupied in a healthy way.

The main purpose of a school like Mt. Meigs is to see to it that these children are ready to become worthwhile and useful citizens, and to further this goal, many forms of training are available to them. These include farm work, plumbing, shoe repair, electrical maintenance, machine shop, dairy work, laundry, woodwork and others for the boys; and sewing, cooking, cosmetology, commercial canning, laundry, and housekeeping for the girls. Response to this training is excellent and many of these boys and girls leave Mt. Meigs with the ability to hold a job and resume their places in society without getting into any further trouble.

The dining room is inadequately heated, but extraordinarily neat and clean. The kitchen desperately needs some new stoves and better lighting, but we noted that the meals being prepared while we were there looked very good. The boys dormitories are in most desperate condition due to overcrowding. The crowded bunk beds, covered with torn army blankets for spreads, are a very sad sight. It is tragic to think of these active boys being locked into overcrowded rooms at dark with literally nothing to do until they are let out the next day. Surely some arrangement could be made to provide some recreational facilities for these captive young people. A full time recreational director has been requested by the staff and would be a tremendous boon. An intramural program of limited sports is under way, but again it is self-evident that a gymnasium is an actual necessity. All games are played on a regular dirt yard. At present when it rains, there is literally nowhere to play even the usual basketball, etc. Occasionally other schools come to Mt. Meigs to play baseball or basketball on their unpaved lot, but in case of rain there is no place to play.

The health record of the School is quite fine. Many of the children arrive in extremely poor and neglected condition, and each one must be cared for in the small hospital. Good immunization practices are present and also each student is given a blood test. Recently, arrangements were

made with the State Department of Health for more regular X-rays, as quite often children are admitted with TB and unless it is discovered soon, the cramped conditions make its spread inevitable.

The staff, including Superintendent E. B. Holloway, seemed very dedicated to their work and have a genuine interest in the children. Their chief worry is that they will not succeed in making responsible citizens out of these troubled youngsters, simply due to lack of personnel. For one example, the school teachers and the other staff members have to double as house parents, and these children desperately need a substitute parent to confide in and feel close to. A great forward step would be to have full time house parents, as the physical and emotional strain on this particular vocation is extremely high. Quite often the proper word said at the exactly right time will serve to set a child on the upward path.

As a resume, our main findings of needs are as follows:

1. New dormitories for boys due to terrific crowding.
2. New school building, or major repairs to existing school building, including flooring and heating, plus an indoor gymnasium.
3. One additional girls dormitory to relieve crowding, plus a laundry addition to the present one.
4. House parents for each dormitory.
5. New cottage for single male employees as the present one has been condemned for the past seven years.
6. New stoves and lighting in boys kitchen.

On April 3, 1963, Governor Wallace met with this Committee, plus the Board of Directors of the School, Dr. Austin Meadows, Mr. Ruben King, Superintendent E. B. Holloway and Mr. William Pugh. Governor Wallace expressed great interest in the fact finding report of the Committee and expressed special concern for the question of the fire hazard. The Board of Trustees of Mt. Meigs voted to endorse the list of needs, and the Board was asked to recommend sources of revenue for the project. The Committee held several meetings following this and, after consultation with interested groups, it was decided by the Department of Education to include \$250,000.00 capital outlay appropriation for the boys dormitories in the Special Education Trust Fund for 1963-64. Since in 1960-61-62-63, there was no capital outlay appropriation, this is at least a forward step and we will



observe with interest what future allowances are made for other needs at the School. An additional \$23,000.00 appropriation is listed as a potential grant to Mt. Meigs and if this is received, it is hoped that further improvements can be made.

We urge each member of the Legislature to remember these helpless Negro children at Mt. Meigs, and to seek some additional funds for a gymnasium, a new school and some renovation of present facilities.

Respectfully submitted,

Clara Stone Fields, Chairman

James W. Baker

Lyndol Bolton

J. J. Pierce

Ernest C. Hornsby

Ed Reynolds

EXHIBIT 182

EXHIBIT 182

State of Alabama        }}

County of Jefferson }}

DECLARATION OF JOHNNY MACK YOUNG

I, Johnny Mack Young, hereby declare as follows:

1. When I was a teenager, I was sent to a juvenile reform school in Mt. Meigs, Alabama. At the time I was there, the facility was called the Alabama Industrial School for Negro Children. I was sent to Mt. Meigs for running away from home and breaking into the home of a school teacher. I was at Mt. Meigs for about three years, around 1961 to 1964 when I was twelve to fifteen years old.
2. What I remember most about those three years at Mt. Meigs was the brutality. There was a lot of physical and sexual abuse of the boys by men who were in charge of the facility. One of the men working there, Mr. Ford, had a big stick he called "Mr. John Henry." Mr. Ford would take boys to what he called "the mourning tree", where he dug a hole in the ground with his stick. Mr. Ford made the boy being beaten pull down his pants and put his penis in the hole. Mr. Ford then beat the boy on his thighs until they burst and the skin was ripped right off. After being beaten, the boy had to return to work.
3. We did without most everything at Mt. Meigs. The food they gave us was never good and was never enough to keep us from starving. Almost every meal was beans with fatback, bread, grits, and greens. When we found a snake or rabbit in the fields where we worked, we killed it for food. We raised horses, cows, and sheep on the farm, but did not kill them for food. Some of the boys used the livestock for sex.
4. There were several hundred acres of crops at Mt. Meigs. We raised cotton, sugar cane, and corn. One of the worse times of the year was when we picked cotton. Each kid was given a sack that was six feet long. We had to fill this sack by quitting time, and I mean fill it tight. At quitting time, a supervisor would hit each sack with a stick. If the stick bounced off the sack, then the boy had picked enough cotton. If the stick made a dent when it hit the sack, then the sack was not full enough and that boy was taken for a beating.
5. The crops we tended were sprayed with insecticides while we worked in them. I remember we had to cover our noses and keep working while the spraying was going on. We were sprayed so often, I got used to it after awhile. The crops were sprayed every other week. If it rained, the crops were sprayed between the two weeks. The pesticide was shot onto the crops (and us) from a tractor with a long-armed spraying

device attached to it.

6. In addition to working in the fields, we had to maintain a drainage ditch at Mt. Meigs. The ditch, which ran behind our dorms, carried raw sewage to the cesspool. The place always smelled so bad. Us kids were lined up all along the ditch with hoes, which we used to chop at the grass that grew along the water's edge. After that, we used our hoes to pull the feces forward, spreading it out. When it dried, we used it as fertilizer.
7. While I lived at Mt. Meigs, it was impossible for me to think of my future. The horrible circumstances really were forced us kids to only think of surviving one day to the next. I learned a lot during those three years, things that had a bad effect on the rest of my life. I learned that violence is a way to resolve any conflict. I learned that it is okay to steal in order to survive. Take what you want and never have any living enemies. Those lessons are very difficult to unlearn once you are forced to live by them for so many years.
8. A lot of guys who left Mt. Meigs could not conform to what society expected of them. We had lived for years by Mt. Meigs' rules, and nothing there prepared us for life in a normal society. I was fifteen years old when I was released from Mt. Meigs. After returning to Mobile, I stole a bike and rode it to a neighboring town. I was hungry, so I broke into a grocery store. I stole sandwich meat, cookies, and drinks; the food I wanted for dinner that night. When I broke the window of the grocery, I had cut my arm, so I broke into a drug store and took bandages for the cut. I only took what I needed from both of these places. The only life I knew was to take what I needed.
9. We could have been taught positive things during our time in a juvenile facility. It was a good opportunity in my life to be taught how to be a responsible citizen. We could have been taught that with hard work in school we could become doctors, lawyers, or even astronauts if we put our minds to it. Instead, the staff at Mt. Meigs taught the children in their care to be thieves and killers. Mt. Meigs was exactly like the slave camps I read about in history.
10. Many of the guys I remember from Mt. Meigs are dead now. Lots of other guys who spent time there are now in prisons around the country, serving life sentences or are on death row.
11. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Bessemer, Alabama, on the 10th of September, 2008.

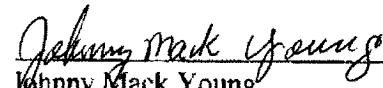
  
Johnny Mack Young

EXHIBIT 183

EXHIBIT 183

State of Alabama            }}

County of Mobile           }}

### DECLARATION OF JOHNNY JOHNSON

I, Johnny Johnson, hereby declare as follows:

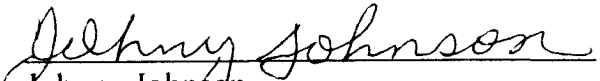
1. I was raised in Alabama. When I was about twelve years old, in the early 1960's, I was sent to the reform school in Mt. Meigs, Alabama. I was sent to Mt. Meigs for breaking into a car and taking some books and for skipping school. I remember the judge told me I could possibly stay at Mt. Meigs until I was twenty-one years old, or until Mr. and Mrs. Holloway let me go. The Holloways ran Mt. Meigs back then.
2. After I was at Mt. Meigs for about ninety days, I was made an orderly in what was called the "Little Boys Dorm." I saw many kids there who were under age twelve. I do not know how they came to be at Mt. Meigs at such a young age.
3. Even though I had gotten into trouble in Mobile for not going to school, I did not attend school regularly while I was at Mt. Meigs. Going to school was not mandatory. Some kids chose to go and some didn't. You either had to go to school or work. I chose to work and was sent to the fields. Us kids worked in the cotton fields and also raised vegetables. For a time, I was a water boy.
4. I remember they sprayed the fields with pesticides about three or more times every week. Airplanes sprayed the chemicals while us kids were in the fields. Usually, the plane sprayed a portion of cotton while we chopped a portion beside it. You could see the chemicals coming out of the plane. To me, it looked like a clear liquid. It was wet. We had no choice but to breath it. Whatever the poison was, it smelled strong and burned our nostrils. Sometimes the smell was so strong, some kids had to stop and sit down for a minute to keep from passing out. If we complained, we had to wait until a lunch break or quitting time to go to the clinic. We were given thirty minutes for lunch, so we had to eat and then go see the doctor. Maybe the doctor was available, and maybe not. If we did see someone at the clinic, they would only give us something to rinse our nose or cough syrup for our coughing.
5. The pesticides burned our skin. I never got blisters, but I know other kids who did. We were afraid to talk about it because if you told someone at the hospital what happened or told somebody what was wrong really with you, you got whipped. We were all so young, we didn't know what the chemicals were. I recall we were told it was water being sprayed on the crops. I knew it was not water, though, because it did not smell, taste, or feel like water. Most of us had never worked on a farm before, and

we did not know what the chemicals really were. In addition to the airplanes, there were three or four squads of students who did follow-up spraying on Saturdays. They carried tanks of pesticides on their backs in backpacks. The spray came out after the person pumped the canisters by hand. The canisters were small and silver, just like the army water canteens. The kids who had to hand-spray the crops were the ones on restrictions or had to do extra duty as punishment for something. I never saw the dorms being sprayed for pests, but it could have happened while we were in the fields.

6. The farm work was hard on its own. The way the adult supervisors treated us made the work even more difficult. We were knocked down, slapped around, and beaten all the time for things like not having enough cotton in our sacks. I still have a scar on my back where I was whipped with a fan belt when I was thirteen years old. The beating took the skin off my back. I saw kids beaten into unconsciousness at Mt. Meigs. The guards had a bench where they whipped us in front of everybody. We called it "The Moaning Bench."
7. Physical beatings were not the only bad things that happened to us boys at Mt. Meigs. A lot of the boys were molested there; rapes happened every day. If they complained to the person over their dorm, he would investigate, but nothing was ever done. I witnessed boys being raped, but was too scared to tell. New young boys came in every day and were manipulated and abused.
8. The kids at Mt. Meigs were not taken care of in any way. The food was horrible, even though we grew acres and acres of vegetables on the farm. We were not allowed to eat any of the food we picked. Instead, the food we were served was filled with bugs and roaches.
9. Mt. Meigs was a hell. I stayed at Mt. Meigs for about more than two years. After I had been there for that long, I asked Mrs. Holloway to let me go. She asked how long I had been there. I was released two weeks later. It seemed the Holloways did make decisions as to how long kids remained at Mt. Meigs, just like the judge originally told me.
10. I was not contacted before by any attorneys or investigators who represented Samuel Howard Junior. If I had been contacted, I would have told them everything that is in this statement.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the 14 of ~~November~~, 2008.  
DECEMBER

  
Johnny Johnson

# EXHIBIT 184

# EXHIBIT 184

State of Alabama            }}

County of Mobile           }}

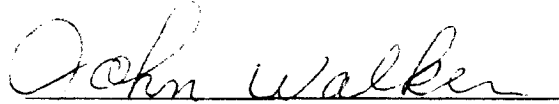
# DECLARATION OF JOHN WALKER

I, John Walker, hereby declare as follows:

1. I was fifteen years old when a juvenile court sent me to the reform school in Mt. Meigs, Alabama. I was there for six months in 1970 and 1971. I was sent to Mt. Meigs after being expelled from high school for participating in a "riot" over integration of the school. The reason I was given for being expelled was that a white boy said I had taken a dollar from him.
2. When I arrived at Mt. Meigs, I was sent to trade school and learned small appliance repair. I mostly worked at the school. On the weekends, some other inmates and I worked gathering pecans and chopping grass.
3. I did not work in the cotton or vegetable fields. I remember seeing the planes spray the cotton with a white-looking smoke. The workers were in the fields when the plane came over. The supervisors did not care about the kids, though. They were forced to keep on working.
4. Once, a black supervisor at Mt. Meigs beat me so severely that the new person running the place, who was white, started limiting any beatings to only six licks. I remember before this rule was put in place, the black supervisor hit me over a hundred times on my legs with a Chinaberry tree limb, because he thought I was not working hard enough. Sometimes, kids were beaten with a board with holes in it.
5. When I was at Mt. Meigs, white people were in charge of the place, but they put black people in charge of supervising the children so we couldn't holler racism about the treatment. Mt. Meigs was run just like the old southern plantation systems.
6. I learned a lot of things at Mt Meigs. I learned not to have respect for the law. How do you respect the law when the people in charge of that reform school, who were like the law, were breaking the law? Since I left Mt. Meigs, I have spent twenty-eight years in prisons all over Alabama. For a short time, I joined the Job Corps in Morgantown, Kentucky and spent some time in the National Guard, but that didn't last. I've had trouble keeping my life on track.

7. I was not contacted before by any attorneys or investigators who represented Samuel Howard Junior. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the 10 of November, 2008.

  
John Walker

# EXHIBIT 185

# EXHIBIT 185

State of Alabama            }}

County of Mobile           }}

# DECLARATION OF JESSE ANDREWS

I, Jesse Andrews, hereby declare as follows:

1.     When I was about fifteen years old, I was sent to the reform school in Mt. Meigs, Alabama. I was sent to Mt. Meigs by the juvenile court after being charged with truancy and getting in trouble over a stolen car. I stayed at Mt. Meigs for more than two years, around 1959 to 1962.
2.     I tried to run away soon after I arrived at Mt. Meigs. When I was caught for trying to run away, I got my first beating at Mt. Meigs. I was put on a table and beaten on my thighs. Mr. Tom Glover, one of the workers at Mt. Meigs, beat me with a board that had holes drilled in it. I was beaten until my legs and thighs became too numb for me to feel the blows. I was all bloody.
3.     After that incident, I was beaten two or three times a week, often because I simply did not accept how badly we were treated at Mt. Meigs. The guards were ex-convicts who had no desire to help us kids with anything. They just wanted to punish us, even if we did nothing wrong. There were many times when Tom Glover dug a hole in the ground and told us boys, "Put your dick in the ground and let your booty go 'round." We had to put our penis in the hole he dug, and lay there with our faces in the dirt while he beat us on the rear.
4.     The Mt. Meigs staff used us boys for fun. The adults put boys in a ring and made us fight each other. They had what they called "gladiator school." We were taught to fight using our knuckles and told to "go for the eyes". We had no choice but to participate in their sick games. You had to fight back or be brutalized even more. Fighting was a matter of survival, the strong over the weak. There were even fights in the cotton fields. I saw kids get hit in the head with hoes by one of the "strikers," boys who beat on you because the bosses made them.
5.     It was not just the staff at Mt. Meigs who brutalized the boys there. I remember an inmate called "Big Bomber". He was one of the bigger, older boys and he beat us something awful. My body got so numb from the beatings, I stopped feeling the pain. At some point, I began to accept this violence as a way of life. The brutality was so bad, I started to take it for granted.
6.     A lot of boys were raped at Mt. Meigs. Many of the younger kids were raped every night. I remember there was always some sort of freakish activity taking place when the lights went out. The sexual violence was ignored by the staff. You could hear the man in charge of the dorm snoring while boys were being attacked. Again, it was a matter of the stronger boys taking advantage of the weak ones. If you were raped and wanted protection, you had to give

yourself, sexually, to one of the strong guys so he would look out for you. In other words, you became his girl in exchange for not being messed with by other guys.

7. All of the boys who lived at Mt. Meigs had to work on the farm there. There were endless cotton fields, and other crops too. I remember the cotton was sprayed with pesticides while we worked in the fields. Planes sprayed the cotton with a mist that looked white or yellow. This happened frequently. The chemicals got on our skin: our faces, heads and arms. The spray burned our eyes and stung our noses. I remember being choked by the chemicals that were sprayed, it was stifling. When we were hit with these sprays, we usually had to slow down. At other times, chemicals were sprayed on the crops by someone on a tractor. When the spray tractor came through, we went in the field right behind the spraying. The worst time was in the mornings when the chemicals and the dew were mixed. Our clothes were soaked to our skin. We kept working like that until the sun dried our clothes.
8. The dorms were also sprayed, but it did not keep the bugs out. We always had to deal with roaches and everything else. The sewage ditch that ran behind the dorms was also sprayed. I was sometimes part of the detail when the sewage dried up. We had to clear it out with shovels. Another chemical we were exposed to was something sprayed to kill mosquitos. The mosquito truck came through with a thick white smoke.
9. The Mt. Meigs campus was so filthy. A lot of the kids got what they now call staph infections because they had cuts or sores on them that got infected from the filthy environment.
10. While I was at Mt. Meigs, I learned that we had no where to turn for help. There was violence all around me and no one to tell about it. Mrs. Holloway read our mail. If she didn't like what we wrote, she would send it back to us or just tear it up. I never knew if my mail actually went out. I remember one time when Mrs. Holloway came and got me and told me to not write about what happened at Mt. Meigs. After that, I quit writing my family. There was no point to trying to get someone to help us.
11. The fact that the adults who worked at Mt. Meigs and mistreated the boys there were Blacks made me real bitter. The people who were in charge of us at Mt. Meigs said it was us kids who had problems, but it was really the adults who had mental problems. They had to be disturbed in some way, because they enjoyed what they were doing to us.
12. Mt. Meigs really messed me up. I don't think I was ever the same after being exposed to all the violence there. After being at Mt Meigs, I began to think differently. I saw so much violence and fighting at Mt. Meigs that I felt like an animal. Everywhere I went, I felt like I needed to be ready to defend myself. After living at a place like Mt. Meigs for a couple of years, you just don't know how to take things. You get the mentality that everyone you meet is going to hurt you, so you have to hurt them first. Being at Mt. Meigs was like a training ground for that sort of mentality.
13. Since my time at Mt. Meigs, I have been in and out of prison for forty years in Alabama, Florida, Missouri, Michigan, and California. From Mt. Meigs, I went to a few state prisons

in Alabama. I saw guards kill inmates at one of the prisons. At another, someone was hurt or killed almost every day. I am just now, at age sixty-four, beginning to figure out why I kept getting in trouble. It all dates back to how I was treated at Mt. Meigs.

14. I have a lot of physical problems as a result of my years at Mt. Meigs and in prison. I have constant pain and bad circulation. I have to use my right arm to lift my left arm. My hemorrhoids bleed a lot.
15. Prior to giving this statement, I have never been approached by anyone working on the case for Samuel Howard. If I had been contacted in the past, I would have told Mr. Howard's defense counsel everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the \_\_\_\_ of December, 2008.

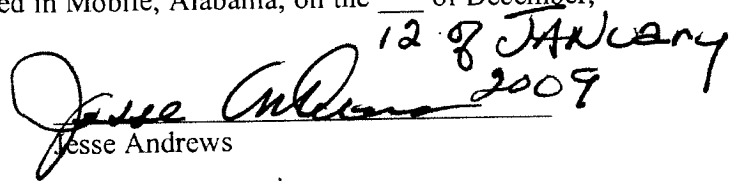
  
Jesse Andrews



EXHIBIT 186

EXHIBIT 186

lineup.jpg (2841x1968x256 jpeg)



EXHIBIT 187

EXHIBIT 187

State of Alabama            }}

County of Mobile           }}

# DECLARATION OF LOMORRIES KENNEDY

I, Lomorries Kennedy, hereby declare as follows:

1. I was sent to the reform school at Mt. Meigs twice as a kid. The first time was for truancy and burglary, when I was thirteen years old. I did not have a set sentence. You stayed at the reform school until Mr. Holloway, the man who ran the place, let you go. I was there for two years. A few months after I was released, my parole was violated and I was sent back to Mt. Meigs. That time I stayed for three years, until I was seventeen years old. My brother was also at Mt. Meigs. A number of kids at Mt. Meigs also had siblings there. Some kids from Mobile went in pairs.
2. When I was thirteen years old, I was transported to Mt. Meigs along with three other kids from Mobile. Once we got to the reform school, we were taken to the clinic, given military surplus clothes, separated by age and assigned to dorms. Nine and ten year old boys were placed in the Little Boys dorm. I remember seeing a lot of kids who were several years younger than me at Mt. Meigs.
3. The kids who lived at Mt. Meigs were in a horrible situation with no way out. We were beaten a lot, for the least little thing. If you did not pick as much cotton as the adults thought you should, you stood in a separate line and were whipped. The supervisors used gin belts, or anything they could get their hands on, to beat us. I remember being beaten by one man who had a bullwhip. Another supervisor would spit in his hand and slap you upside the head.
4. The kids at Mt. Meigs worked the fields every other day and all day Saturday and Sunday in cotton season. We had to get up at four o'clock in the morning for roll call and count, and the we were forced to run to the fields behind a supervisor who drove the truck or with a mule wagon behind us. We went to school every other day. I believe the highest grade taught was sixth. We were only taught the basics. When I was released from Mt. Meigs, I was so far behind in class, I never went back to school.
5. I ran away from Mt. Meigs several times. The first time was about a year after I got there the first time. I ran out to Highway 31 and started walking to Mobile. I saw an eighteen wheeler at a stop. I hid under the truck where the spare tire was and rode until the truck stopped. That's how desperate I was to get away from Mt. Meigs. I was caught and sent back each time I ran away from Mt. Meigs.

6. One of the things about Mt. Meigs that hurt me the most was that Blacks were abusing Blacks there. Us kids were literally treated like slaves, only it was Blacks abusing us. As a young child, this was hard to take.
7. After being at Mt. Meigs, my mental state was a wreck. I was severely affected by being in that place. Everybody I know who went to Mt Meigs has the same problems. I do not think being at Mt. Meigs is an excuse for crimes or drugs we did after we left there, but it was a factor. I was released from Mt. Meigs at age seventeen. The next year, I committed a robbery and was sent to Kilby State Prison. Nearly everyone I met at Kilby had been to Mt. Meigs as a kid.
8. After being in prison in Alabama, I moved to Los Angeles with friends. Going to Los Angeles saved me. I had friends there, who helped me get therapy for what I had been through. A lot of guys who were abused at Mt. Meigs did not get that.
9. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement. I have been shown a photo of Sam Howard, and I recognize him as someone who was at Mt. Meigs the same time I was there.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the 10th of November, 2008.

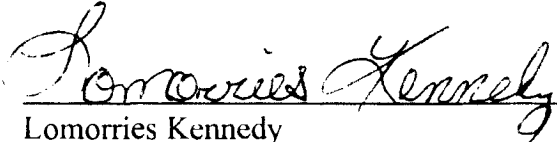
  
Lomorris Kennedy

EXHIBIT 188

EXHIBIT 188

State of Alabama        }}

County of Mobile       }}

DECLARATION OF EARL WATTS, JR.

I, Earl Watts, Jr., hereby declare as follows:

1. I was sent to Mt. Meigs school when I was 16 years old. I was sentenced to an 18-month sentence for truancy and stealing a BB gun. I stayed at Mt. Meigs for three years.
2. Several other students were at Mt. Meigs because of truancy charges.
3. Life at Mt. Meigs was tough. We had to work the fields every day. The supervisors would hit the sides of the cotton sack with a stick. If the stick did not bounce back, the supervisor said that meant the bag wasn't full enough. We had to stand to the side and we were beaten. They usually beat us on the thigh with a stick. Sometimes, they beat us so badly that our thighs burst open. We had to help each other back to the dorms, because we weren't able to walk after a bad beating.
4. While we were working in the fields, the supervisors sprayed the fields with pesticides. They sprayed the fields for every crop, and not just the cotton fields. The poison was a white liquid. The plane sprayed the rows beside the rows where the inmates were working. The wind blew the white liquid all over us. We had to cover our faces. The poison burned our hands. Some inmates got sick and had to be taken to the infirmary. They sprayed every two weeks for the entire summer.
5. Every inmate that I knew at Mt. Meigs eventually went to prison. When I was in prison, I saw a lot of other guys from Mt. Meigs that were also in the prison.
6. I was not contacted before by any attorneys or investigators who represented Samuel Howard. If I had been contacted, I would have told them everything that is in this statement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Mobile, Alabama, on the 3rd of October, 2008.

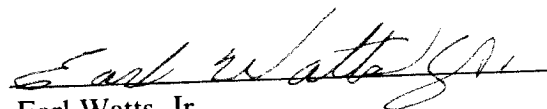
  
Earl Watts, Jr.



EXHIBIT 189

EXHIBIT 189





JOE G. MORRISON  
SUPERINTENDENT

OFFICE OF SUPERINTENDENT  
ALABAMA INDUSTRIAL SCHOOL  
MT. MEIGS, ALABAMA 36057

PHONE: 272-2893

April 5, 1971

M E M O R A N D U M

TO: Board of Trustees  
FROM: Joe G. Morrison *JGM*  
SUBJECT: Executive Committee Meeting held April 1, 1971

The Executive Committee of the Board of Trustees met on April 1, 1971 in the Superintendent's Office, Alabama Industrial School, Mt. Meigs, Alabama. Enclosed is a copy of the minutes of this meeting.

Also enclosed are copies of the Progress Report #3 of the Alabama Industrial School and of a resolution to be presented to the entire Board at the next meeting which will be held May 6, 1971.

Enclosure

MM003405

AA002628

Alabama Industrial School  
Mount Meigs, Alabama

The Executive Committee of the Board of Trustees, Alabama Industrial School met April 1, 1971 in the Office of the Superintendent with Col. J. B. Hill, Vice-Chairman, presiding.

The following members were present:

Dr. C. G. Gomillion  
Mr. Thomas W. Thagard, Jr.

Col. J. B. Hill

The following member was absent:

Mr. Ruben King

Mr. Lorenz Grubbs, a non-member, was also present to discuss a dusting air-field located on the Alabama Industrial School property.

The meeting was called to order by Mr. Hill and the first order of business to discuss was with Mr. Grubbs concerning an airport he has been flying in and out of for the past fifteen (15) years. Mr. Grubbs told the Committee that he had verbal permission from Mr. Holloway, former Superintendent, to use approximately eight (8) acres of land as a dust crop flying field. Originally he dusted all of the cotton for the Alabama Industrial School and nearby farms also. He told the Committee he had been operating this field for some fifteen (15) years and only had verbal permission, but he would like to pay a reasonable fee and rent this particular area of land. The field is located approximately 1½ miles from the Administration Building to the rear of the Industrial School property. The field is 2,200 feet long and 150 feet wide or 8 acres of ground. There are certain fuels and chemicals stored at the end of this runway and the field was graded by Mr. Grubbs many years ago. He asked permission to rent this part of land and continue his flying. He stated that at the present time he is servicing twenty-five (25) farmers in this area including Mr. Thomas McLemore, lessee of the Alabama Industrial School cultivatable land. The Committee discussed at length the feasibility and possibility of allowing Mr. Grubbs to rent this partial of land. The final agreement was to take his proposal to lease the land under advisement until the entire Board meets May 6, 1971. This motion was made by Mr. Hill and voted on unanimously in favor to delay. Mr. Thagard made a motion that Mr. Grubbs be allowed to continue his operation pending final decision of the Board of Trustees on May 6, 1971, seconded by Dr. Gomillion and voted on unanimously. It was further stipulated that in the event the Board agreed to lease or rent the land to Mr. Grubbs for an airport, the rent monies would be retroactive to April 1.

The next item on the agenda to discuss concerned the Industrial School farm equipment which has not been used for the past two years. Mr. Morrison explained that the equipment was antiquated, rusting, stripped down and really nothing but junk. He recommended that this equipment be transferred to the Board of Corrections for whatever use they could make of it in their trade school at Holman State Prison or to be used in their farming operation. Dr. Gomillion

made a motion that we transfer all the farm equipment to the State Board of Corrections. Motion was seconded by Mr. Thagard and all of the Committee agreed unanimously to transfer this equipment to the State Board of Corrections immediately.

The next item on the agenda to discuss was the selling of fertilizer which is located in the old dairy barn. There is approximately 10 tons of fertilizer which was purchased about two years ago and is now rain soaked, the bags have bursted and fertilizer is scattered all over the barn area. A local farmer, Mr. Brown, has offered to clean the fertilizer up, haul it off and pay the school \$400.00. After some discussion, Mr. Thagard made a motion to sell the junk fertilizer to Mr. Brown for \$400.00. The motion was seconded by Dr. Gomillion and agreed upon unanimously with the stipulation that this money be placed in the Industrial School account.

The next item on the agenda to be discussed was the old antiquated dining hall furniture which will be of no value and excess when the new dining hall is opened. Mr. Morrison recommended that the tables and chairs be transferred to the State Pardon & Parole Board, a State agency, to be used in a classroom setting for inservice training/their personnel. Mr. Thagard made a motion that we transfer these tables and chairs to the State Pardon & Parole Board. Motion was seconded by Dr. Gomillion and carried unanimously.

Mr. Hill told the Committee that Mr. Morrison had attended a conference in New York and asked their concurrences that he be reimbursed for his expenses on this trip. Mr. Thagard made a motion to approve expenses for Mr. Morrison's trip to New York, seconded by Dr. Gomillion and approved unanimously.

Mr. Morrison told the Committee that U. S. Attorney had requested that the employees of this school be fingerprinted and a record check be made. To comply with the U. S. Attorney and since the school was already under court order, all employees have gone through an intensive investigation; however, the FBI reports have not returned. At this time, there are four individuals that have a record or past offenses. Mr. Thagard made a motion that anyone with a record employed at this school be dismissed immediately. It was seconded by Dr. Gomillion and after some discussion the Committee agreed to delay this motion pending some type resolution, which they asked Mr. Morrison to draw up, to present to the entire Board on May 6, 1971 in regards to not employing anyone with a felony record and that all employees henceforth employed be given an extensive criminal record check before they are employed. Mr. Thagard pointed out that about five (5) years ago this sort of thing happened to the Board of Corrections and after an extensive investigation, it was discovered that about twenty-five (25) per cent of their personnel had criminal backgrounds. He stated that he did not want this to happen to the Alabama Industrial School; therefore, this matter will be discussed before the entire Board on May 6, 1971.

Mr. Hill then adjourned the meeting.

RESOLUTION FOR THE BOARD  
April 2, 1971

The following resolution is to be submitted to the Board of Trustees of the Alabama Industrial School on May 6, 1971 for their consideration and action:

Whereas, the Alabama Industrial School is under a Federal Court Order to upgrade their school program to benefit delinquent boys between the ages of 15 and 18 from the entire State of Alabama, it is the U. S. Attorney's recommendation that the employees of this institution be given an extensive criminal background investigation; and

Whereas, there are some employees at this institution that have a felony criminal background already employed at this institution, it is the recommendation of one of our Board members that for the safe betterment of this school and to further upgrade the Alabama Industrial School that these employees be terminated after a thirty (30) day notification; and

Whereas, the Alabama Industrial School is a resident correctional school for delinquents, it is felt and recommended that all future personnel employed by this school be given an extensive criminal background investigation before they are actually employed to preclude any further people being employed with a felony criminal background; and

Whereas, the Executive Committee met April 1, 1971 and discussed the policies outlined above. A motion was made to delay any further action concerning these policies until the entire Board could meet and decide what course of action should be taken concerning present and future policies. It is recommended that the Board take action on this resolution at their meeting on May 6, 1971.

\_\_\_\_\_  
Joe G. Morrison, Superintendent  
Alabama Industrial School

# EXHIBIT 190

# EXHIBIT 190

mt meigs 6.jpg (2178x2829x24b jpeg)



EXHIBIT 191

EXHIBIT 191

State of Alabama                }}

Lee County                    }}

DECLARATION OF RONALD H. SMITH Ph.D.

I, Dr. Ronald H. Smith, Ph.D., hereby declare as follows:

1. My name is Ronald Smith and I am a professor emeritus in Entomology from Auburn University in Alabama. I have served as an Extension (off campus education) Entomologist at Auburn University since 1972. My primary focus and responsibility has been in the area of cotton insect management and control. Furthermore, I grew up on a small family operated cotton farm in Alabama during the 1950's. I am very familiar with the pesticide practices in the State of Alabama. In 2007, I published a pamphlet on the history of the Boll Weevil in Alabama from 1910 to 2007, which necessarily included a discussion of pesticide control of this organism.
2. I was asked by Michael Charlton of the Federal Public Defender's Office in Las Vegas, Nevada to identify as much as possible which pesticides were used in Alabama and specifically Montgomery County in the early 1960's. I was told that his client, Samuel Howard, Jr, was an inmate at Alabama Industrial School for Negro Children, known as Mt. Meigs, in Montgomery County, Alabama from March 1961 to September 1963. I was also informed that Mt. Meigs ran a farm growing cotton, cucumbers and other crops. I have been provided a number of declarations authored by former inmates at Mt. Meigs. Based on this information, documents uncovered in my research and my own personal expertise, I can offer the following information.
3. Some general principles apply to this analysis. I was originally asked by Mr. Charlton whether the State of Alabama, either through its farm extension service or agricultural colleges, ever published annual reports or recommendations to Alabama farmers that would contain certain pest control procedures for locations and crops grown in Alabama. Auburn University publishes annually a publication which contains a list of pesticides recommended for each pest and crop. I have in my files a copy of this publication for 1940. I also have copies of this publication from 1962 through 2008. This official publication contained chemicals recommended for each crop (vegetable, fruit), and each insect that damaged that crop. Auburn University did not conduct surveys as to pesticide usage on the various crops. However, based on face to face discussions with farmers, Extension entomologists had a good knowledge of the pesticide usage pattern in the various regions of Alabama.
4. Pesticide control throughout the cotton belt of the United States, namely, Texas, Louisiana, Mississippi, Alabama, and Georgia, was uniform. Control practices and recommendations in



one state were almost always similar in the other states of the cotton belt. The same pests were present throughout this cotton production region and all farmers had access to the same chemicals. Entomologists from the various states met annually to discuss the various pesticides to recommend in their respective states. I have identified certain reports from which I can reasonably conclude which pesticides were being used.

5. A review of the inmate declarations leads me to conclude that most, if not all, of the children at Mt. Meigs were used to cultivate and harvest cotton. The control of pests is paramount in cotton production and is a vital concern to everyone that grows it. As my pamphlet notes, boll weevil infestation devastated cotton production from 1915 to the late 1950's. Pesticide is a general term that applies to several types of toxins designed to kill pests and all kinds of pests have to be addressed. Pesticide, generally speaking is designed to kill insect pests by disrupting the bugs' central nervous system to such an extent that the pests die. What is also clear is that some of these pesticides have the same effect on people, an effect that's been recognized since the early 1940's.
6. There are three primary types of pesticides: Organochlorines, organophosphates, and carbamates; I am addressing only the first two here. Organochlorines, the most common of which was DDT in the 1950's and 1960's, were widely used on cotton crops and to control mosquitos. This class, also referred to as chlorinated hydrocarbons, included, not just DDT, but toxaphene and BHC, and others listed below. The Mt. Meigs inmates in their declarations frequently refer to their work in cotton production during this time period. They note both the use of aerial sprays and land based spraying. They also note the presence of a drainage ditch through which raw sewage flowed. Mosquito control over this ditch would have been of paramount concern. The declarations of Jesse Andrews and Larry Kennedy describe the ditch treatment as white smoke; in this time period, and with this description, the pesticide is very likely to have been DDT since it was available as a 10% dust.
7. Organochlorines were in widespread use prior to the use of organophosphates but concern arose about the persistence of DDT in the environment, especially after the publication in 1964 of "Silent Spring" by Rachel Carson. This concern led to the movement to ban DDT in the United States, a ban that was finally accomplished in December of 1972. People were concerned of the effect of DDT outside its intended target: pests. Further, while there was a long residual in the environment and in the food chain of animals and fish which lasted for years, the efficacy in controlling boll weevils lasted only a few days. After about ten years of use, the weevil acquired a resistance to this chemical.
8. Because of this growing fear and insect resistance, there was a decline in reliance on DDT and other organochlorines and a corresponding rise in the organophosphates, a family of chemicals which did not persist in the environment to the extent of organophosphates but whose toxicity to humans in some cases was much more severe. These phosphates were derived from chemicals developed in the Second World War as nerve gases. Because their residual lasted only a few days, the sprays for the weevil using these chemicals had to be

reapplied every 3-5 days, starting in early July every season and continuing until the crop matured in September. This resulted in 12-16 applications of the chemicals every season and, given that the two classes of pesticides were often mixed, produced an application total of over 50 pounds per field. These applications continued until a new class of chemistry (pyrethroids) was introduced in the late 1970's.

9. Both types of chemicals were being used and there is documentary evidence to support this. As a general reference, the following chemicals are considered to be organochlorines:

1. DDT
2. Toxaphene (recommended for use with cucumbers)
3. Endrin (also for cucumbers)
4. Strobane
5. BHC
6. Methoxychlor (for cucumbers)
7. Thiodan
8. Aldrin
9. Dieldrin
10. Heptachlor
11. Lindane
12. TEPP

The following are organophosphates:

1. Methyl parathion
  2. Parathion
  3. Malathion
  4. Guthion
  5. Diazinon
  6. Demeton (also known as Systox)
  7. Dibrom
  8. EPN
  9. Phosdrin
  10. Trithion (also known as carbophenothion).
10. One of the reports I provided to Mr. Charlton was the 1962 Alabama Cotton Insect Recommendations. The report lists each of the pests that threatens or limits cotton production. With the exceptions of Sevin, and Ethion, every chemical listed is either an organophosphate or an organochlorine and the report often recommends a simultaneous application of chemicals from both classes. I also provided reports from 1963, 1964, 1966, 1967, 1968, 1969, 1970, 1971 and 1972 and all contain similar, if not identical, recommendations. I have also provided other reports that confirm this. I am completely confident that these chemicals were used in a similar fashion, if not an identical one, from 1960 to 1963.
11. I have also provided to Mr. Charlton reports from 1964 and 1965 that underline the concerns with the use of pesticides. Both report that "[i]nsecticides are poisonous to man, bees, wildlife and fish."

"If spray concentrates come in contact with skin or clothing, remove clothing immediately and wash skin with soap and water. When applying insecticides, change clothing at least once a day. *Demeton, endrin, Guthion, methyl parathion and parathion* [ all organophosphates] are much more toxic than other recommended insecticides. Be especially careful when handling them."

My review of the Mt. Meigs declarations leads me to conclude that few if any of these safety precautions were followed. The young men and boys were heavily exposed to very toxic chemicals.

12. I also provided Mr. Charlton with two articles about the effects of pesticide application; the first by R.D. O'Brien, published by Academic Press in 1967 and the second by King, Phillips, and Coleman published by the Cotton Foundation Publisher in 1996.

O'Brien noted that organophosphates "kill animals, both vertebrate and invertebrate: by inhibiting cholinesterase with consequent disruption of nervous activity caused by accumulation of acetylcholine at nerve endings (reference omitted). The most convincing evidence for this belief is (1) that cholinesterase is a vital enzyme, judged by the fact that its severe inhibition is associated with death, (2) that the organophosphates kill by affecting the nervous system. . . . , that the organophosphates, or their activation products, are extremely potent inhibitors of cholinesterase . . . , (4), that in general, very good inhibitors of cholinesterase are very toxic. . . .

O'Brien p. 55. The chemicals also produce a demyelination, or damage to the myelin sheath that surrounds most nerves. Id at 58.

13. Organochlorines, such as DDT, work in a more complicated fashion though the result is similar: the nervous system of the pests is disrupted to such an extent that the pest dies.
14. It is my opinion that in the early 1960s, Mt. Meigs likely used DDT, BHC and Endrin (organochlorines) and organophosphates listed in the literature I provided to Mr. Charlton and outlined above. Further, it is my opinion that safety precautions to protect the children against these dangerous chemicals were likely not taken.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Auburn, Alabama, on the 18 day of December, 2008.

  
\_\_\_\_\_  
The signature is written in cursive and appears to read 'Ronald H. Smith'.

Dr. Ronald H. Smith



EXHIBIT 192

EXHIBIT 192



*Amo*  
*File*

STATE OF ALABAMA

DEPARTMENT OF PENSIONS AND SECURITY

ALVIN T. PRESTWOOD  
COMMISSIONER

MONTGOMERY

November 13, 1959

RECEIVED

NOV 13 1959

GOVERNOR'S OFF

Honorable John Patterson, Governor  
State of Alabama  
State Capitol  
Montgomery, Alabama

Dear Governor Patterson:

In compliance with Section 613, (11), Title 52, Code of Alabama 1940, as amended by Act No. 522, General Acts of Alabama 1947, approved September 30, 1947, the attached report is being sent to you, to Mr. M. S. Dees, Vice Chairman Board of Trustees, Alabama Industrial School for Negro Children and to other members of the Board of Trustees.

Please let me assure you that it has been a pleasure for this Department to work through the years with the Alabama Industrial School for Negro Children.

Sincerely yours,

*Alvin*  
Alvin T. Prestwood  
Commissioner

Enclosure

MM009949

AA002642

ALABAMA INDUSTRIAL SCHOOL FOR NEGRO CHILDREN  
REPORT OF VISITS AND FINDINGS BY THE  
STATE DEPARTMENT OF PENSIONS AND SECURITY

October 1, 1958 - september 30, 1959

The State Department of Pensions and Security herewith submits its report of inspections and findings at the Alabama Industrial School for Negro Children to the Governor and the Board of the Alabama Industrial School for Negro Children. The State Department of Pensions and Security has advised and counseled with the institution in "regard to approved methods of child care, best types of housing, institution equipment and adequate records." This report covers the period beginning October 1, 1958 and ending September 30, 1959, and is in compliance with Section 613, Title 52, Code of Alabama 1940, as amended by Act 522, General Acts of Alabama 1947, approved September 30, 1947.

Population Statistics

The population on October 1, 1958 was 381 while the population on September 30, 1959 was 385. The average monthly population for the year was 396.

General Administration

Much of the success of the training school program results directly from the quality of personnel who come in direct contact with the children. While some of the staff are zealous and energetic, additional training for specific jobs is very much needed. At the present time much of the training comes from on-the-job staff development at the School. During the past year, an effective program of in-service training for staff was led by the Tuskegee Mental Health Clinic.



Although there has been an increase in staff from 38 in 1958 to 47 in 1959, this is still below the national norm of three delinquent children per staff member. The ratio at the School is approximately 7.8 children per staff member. The practice of utilizing staff on assignments unrelated to their specific training continues with apparent negative results.

Difficulty has been experienced in keeping the case work position filled. The position was filled in July after being vacant approximately eight months. Although inquiry was made, no information was secured with reference to the training of the person now employed as case worker. Case work service is extremely important in an institution of this kind and conditions the results of individual treatment plans. The case worker should be alert to every opportunity to interpret the child's needs as well as the total treatment program to other staff members.

#### Community Interpretation

One of the chief jobs of the head of the institution involves public relations and information on which depend not only adequate legislative and public support on a financial level, but more important, support on a program level. Generally, the only picture that the outsider gets of the workings and results of the institution program is the dark picture painted in news items about runaways. The Superintendent must explore all avenues of mass communication if the public is to be informed of the role of the institution in the total child welfare program of this State.

During the past year opportunities for wholesome community contacts were again utilized by allowing the children to appear on programs throughout the State. The basketball team engaged in competitive games with groups from other schools and appeared in local and district tournaments. All contacts

with the public should be the kind which give understanding of the School's program and its needs. Positive results of these activities can be seen in the increasing number of groups visiting the School and the interest displayed by gifts whose purpose is to promote the welfare of the children.

#### Housing, Food Service and Clothing

In spite of an increase in population there has been no improvement in living facilities at the School and there continues to be a need for additional space and more adequate quarters for the children, personnel and academic school. Children continue to attend classes every other day due to overcrowded conditions and inadequate staff. The School building is poorly ventilated, heated and lighted.

Real improvement is noted in the food service department with the employment of additional staff. The menus carefully planned in advance are well balanced and nutritious. While it appears that sufficient clothing is provided for the children while under care, children have been known to be discharged from the School without provision for a change of clothing. This, in several instances, has worked a hardship on the child.

#### Special Services

The health program at the School is well defined. A physician makes regular visits to the School and is on call. A small infirmary, accommodating fourteen children, is directed by a full time resident nurse and use is made of other health resources in the community, such as the various clinics sponsored by local, county and State agencies. In cases needing emotional treatment the staff works through the Mental Health Clinic at Tuskegee where direct services are available if needed.

### Morale and Discipline

Morale and discipline are the evidences of the effective functioning of all the services in the institution rather than being entities in and of themselves. Low morale and need for more order are indicated in a relatively high incidence of runaways, in daily crises, and in poor relationships between the children and staff, and can be due to a lack of understanding of children, ineffective schooling and gaps in the recreational program. There are many hopeful developments in the knowledge now available concerning the discipline of delinquent children. Among these developments are the placing of greater freedom and responsibility on the individual, week-end and holiday trips home; and the use of community resources.

There is no established plan for administering disciplinary measures. Corporal punishment is administered but there are no regulations known to the State Department for prescribing or limiting it in any way.

In reports submitted in the past to the Board it has been pointed out that the disciplinary program has not been formalized and that the Board has no opportunity to examine or scrutinize disciplinary planning.

It has further been pointed out that reports of inhumane treatment of children at the School have been made to the State Department of Pensions and Security. The State Department continues to be concerned since again reports are being made with reference to cruel forms of punishment administered to the children.

### The Program of Activities

The program of activities should be planned in the light of the children's needs. This program includes the academic school, vocational training, work experiences, recreation, and religious experiences.

It is very difficult to plan a program of activities based on the individual needs of children when individual staff members are actually performing more than one type of job. In other words, if a teacher in the academic school is being used to assist a houseparent, it is hardly to be expected that in either capacity the staff members can do the ideal job of individual training which every child needs.

Attempt, especially in the area of instruction for the boys, has been made to provide a varied workshop program. This program should be expanded and further specialized if the children are to receive the maximum benefit. The workshop program now includes woodworking, shoe repair, electricity, auto mechanics and beauty culture. The workshops are popular with the children but the number of children having the opportunity to take advantage of the workshops is limited.

To a considerable degree the services of the children, of necessity, continue to be used in assisting in the maintenance of the School's operation. Working in the kitchen, helping in the laundry, dairy and farm are duties which are assigned to the children. These assignments should be made and carried out with due regard for their educational and training values.

The religious needs of the children ideally should be met by a full time or part time chaplain. To slight this phase of the child's growth and development is to ignore the tremendous force for changing behavior that can be released through basic religious experience.

Since the employment of a chaplain is not possible, the staff at the School utilizes the services of volunteer church groups in Montgomery. They have ready access to ministers and priests and religious programs are made available.

There is opportunity for wholesome personal and social development through group and recreational activities. The recreational program of an institution should show breadth and balance in that it should uncover latent interests and talents in all children. Activities must be planned to engage those children who are in particular need of expressive and aggressive activities in vigorous recreation, engage those in need of achievement and success in more creative experience and put others in need of leadership experience in positions of promise in group activities.

The recreational program at the Alabama Industrial School is not well defined because of inadequate staff and limited budget. The staff, however, to compensate directs on a limited scale such activities as horseshoe pitching, marbles, checkers, softball, monthly coed parties, movies and picnics.

#### Recommendations

1. More adequate living quarters for children and staff.
2. A new school plant which would include a gymnasium.
3. Additional staff, including houseparents, teachers and maintenance personnel.
4. Daily attendance at academic school for children of all grade levels.
5. Continued emphasis on a well planned and executed staff development program.
6. Effort to provide more enriched educational and recreational programs.
7. Continuous effort to interpret the program of the School effectively and constructively.

8. Close examination of disciplinary procedures. Inasmuch as the disciplinary procedures at the present time are not in written form, the State Department has no basis on which to evaluate the current degree of punishment.
9. Development of a manual of operation, including personnel practices.

In rendering this report the State Department of Pensions and Security pledges its continued effort to provide through the county departments of pensions and security better preparation of the child prior to admission to the School and improved parole services after discharge.

# EXHIBIT 193

# EXHIBIT 193

RECEIVED

MAY 15 1967

P. O. Box 577  
Tuscaloosa, Alabama  
May 11, 1967

GOVERNOR'S OFFICE

The Honorable Lurleen B. Wallace  
Governor of the State of Alabama  
Montgomery, Alabama

~~Lurleen B. Wallace~~

Please forgive us for this imposition on your time, but there is a problem which we would appreciate your inquiring into.

Our Negro maid has a grandson, 15 years old, who was sent to Mt. Meigs this past winter for truancy and other misconduct. She was not particularly unhappy at him being sent down there since she and his mother felt the institution might be able to both discipline him and also force him to attend classes. The boy's father apparently left home either before or soon after he was born and the mother and grandmother, both having to work, had been unable to keep close enough watch on him to prevent him running with the wrong gang of boys. They were therefore hoping he could be salvaged by the strict discipline of Mt. Meigs.

The problem is this: on their visits to Mt. Meigs, our maid and her daughter have become afraid that instead of helping the boy, the guards at the institution are going to break his health and his spirit by their brutally severe methods. She says that the boys are underfed -- apparently peanut butter sandwiches and rice comprise most of the diet, are beaten so savagely that they sometimes end up in the hospital, and that in general the place is unsanitary. She believes the guards are taking part of the money intended to feed and care for the boys and are also engaged in gouging families when they visit by charging \$1.00 - \$2.00 a box for cookies and other similar items. Apparently the families are restricted on what they can bring to the school so that they will be forced to buy at the inflated prices if they wish to leave any extra food for their sons.

Our maid asks if you would look into the situation at Mt. Meigs and try to curb the greed (if it really exists) and the brutality of the guards. Her major request is that you place some white people in charge or at least in positions of observation at the school so that they will control the Negro guards. She said there are only Negro guards there and that Negroes are unnecessarily rough on other Negroes placed in their care.

We have not been to Mt. Meigs so we cannot speak from first-hand knowledge. Our maid, however, is completely trustworthy and honest and we believe that what she says is essentially correct. All that she is concerned about is that someone prevent the boys from being underfed and beaten.

We took the liberty to write this because we felt, after reading about your concern for the accommodations for the mentally ill in Alabama, that you would also find this interesting



and would take steps to correct the unnecessary abuses that exist.

Thank you for your time and consideration.

Sincerely,

*Jane M. Holcombe*  
*Harold E. Holcombe*

Jane M. Holcombe



# EXHIBIT 194

# EXHIBIT 194

**Terri Marie CRUM, Etc., et al., Plaintiffs-Appellants, v. STATE  
TRAINING SCHOOL FOR GIRLS et al., Defendants-Appellees**

**No. 27058**

**UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

***413 F.2d 1348; 1969 U.S. App. LEXIS 11548***

**July 10, 1969**

**CASE SUMMARY:**

**PROCEDURAL POSTURE:** Plaintiffs sought review of the decision of an United States district court, which approved desegregation plans submitted by defendants, two state reform schools for white children.

**OVERVIEW:** In a class action regarding the desegregation of three reform schools, the district court ordered and approved the desegregation plans for defendants, two reform schools for white children, and ordered the Negro school to submit a plan within one year. On review, the court held that the state's duty to dismantle the dual system of segregated schools applied to reform schools as well as to public schools. The court held that defendants filed desegregation plans that were inadequate and that the Negro school had not yet filed a desegregation plan. The court reversed the orders of the district court. The court remanded to the district court with instructions for the three reform schools to coordinate their planning and to present one desegregation plan for the integration of classrooms, dorms, athletic programs, services, faculty, and professional and non-professional members of the staff. The court directed that the school authorities should take into account racial tensions and to provide for periodic reports to the district court until the dual system was replaced completely by a unitary, integrated system.

**OUTCOME:** The court reversed the district court's order approving desegregation plans submitted by defendants, two state reform schools for white children, because the plans were inadequate. The court noted that the duty to integrate applied to reform schools as well as to public schools, and remanded with directions that a joint desegregation plan be submitted by all the reform schools.

**LexisNexis(R) Headnotes**

***Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > General Overview***

[HN1] It is clear that a state may not constitutionally require the segregation of public facilities. Reformatories fall within this principle.

**JUDGES:** [\*1] Wisdom and Dyer, Circuit Judges, and Krentzman, District Judge.

**OPINION BY:** WISDOM

**OPINION**

[\*1348] WISDOM, Circuit Judge:

This class action seeks to desegregate (1) The Alabama Boys Industrial School, (2) The State Training School for Girls, and (3) The Alabama Industrial School for Negro Children. These are the three reform schools the State of Alabama maintains for delinquent children. On August 2, 1968, the district court ordered the two schools for white children to submit a desegregation plan within sixty days after the decree, but allowed the Negro school one year in which to submit a plan. On October 4, 1968, the district court approved the plans of the two white schools. We reverse both orders. The state's duty to dismantle the dual system of segregated schools applies to reform schools as well as to public schools.

I.

Children between the ages of 12 and 18 are committed to the three defendant [\*1349] institutions by the juvenile courts of the state of Alabama after a finding by the judge of the Juvenile Court having jurisdiction that such children are delinquent. White boys from any of Alabama's 67 counties are sent to the Alabama Boys Industrial School. [\*\*2] White girls are sent to the State Training School. Both Negro boys and girls are sent to the Alabama Industrial School for Negro Children. At the time of the hearing there were no staff members of the opposite race in the schools.

(1) The State Training School for [White] Girls has facilities for 78 girls, and at the time of the hearing had exactly that number. The Superintendent testified that a cottage was then in the process of being renovated which would make room for 20 more girls after October 1st 1968. There are a number of cottages in which each girl has an individual private room. The girls share bathroom facilities, recreational facilities, and all the students eat together. The school provides academic schooling up to the 9th grade. For older girls a program is available for the high school equivalency diploma. The State Department of Education provides psychiatric consultation; the University of Alabama Language Development Center provides a reading program; the state provides medical care, dental care, recreation, and work programs. The rehabilitation rate is good. Mrs. Weiss, the Superintendent, received a Masters degree from Western Reserve University in [\*\*3] Cleveland, Ohio and has been in social work for 34 years.

(2) The Alabama [White] Boys Industrial School had, at the time of the hearing, an enrollment of 200 boys, with a capacity for 214. The average length of stay for a boy is 10 months. The School offers academic programs for the 1st through the 10th grade. Most of the children have sub-normal intelligence (the average I.Q. is 89). The school has a bus which they use to take the students to cultural events. There is a school band, and a school newspaper. Mr. John Carr, Superintendent of the Alabama Boys Industrial School, has a Masters degree in Social Work from Columbia University in New York.

(3) The Alabama Industrial School for Negro children is inferior in every way to the two other schools. Its principal activity is raising cucumbers. The school, which enrolls both boys and girls, is bursting at the seams. At the time of the hearing, the school had an enrollment of 460 -- 106 girls and 357 boys -- in a school with a capacity of only 300. Academics are not stressed: many of the children have never been to school before, and textbooks are not donated by the state but must be purchased from the school's already [\*\*4] inadequate budget. Boys and girls live in separate dormitories, all of which have double beds. All 106 girls live in a single building, which was built to house 80 students. There are 14 teachers for 460 students. One group goes to school for six days while the other group is out farming, and the groups then alternate. This school, in contrast to the white institutions, does not have a single welfare worker. Mr. E. B. Holloway, Superintendent of the School was the Farm Director of the School before being promoted to Superintendent.

On these facts, the Negro school would flunk the Plessy v. Ferguson test. Its overcrowded condition and plainly inferior facilities are enough in themselves to require the immediate and simultaneous desegregation of all three schools.

II.

The white school for boys filed a desegregation plan that is clearly inadequate. It provided for admission of four Negroes of about the same age and size, to be assigned to the same cottage at the end of a twelve-day orientation period. Then, at some undesignated period, two Negro students would be admitted in each orientation period. Future vacancies on the staff would be filled regardless of race, color, [\*\*5] or creed.

The plan submitted by the school for white girls provides nothing more than [\*1350] general statements that, in the future, the school will accept applications of Negro students on the same basis as applications of white students.

The Negro school has not yet filed a desegregation plan. Presumably, it would accept Negroes from 38 of the 67 counties in the state, the southern counties; the Boys Industrial School would accept Negroes from the other 29 counties.

III.

[HN1] It is clear that a state may not constitutionally require the segregation of public facilities. *Singleton v. Board of Commissioners of State Institutions*, 5 Cir. 1966, 356 F.2d 771, 772 held that reformatories fell within the principle of *Brown*:

Twelve years ago, in *Brown v. Board of Education of Topeka*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 \* \* \* the Supreme Court effectively foreclosed the question of whether a State may maintain racially segregated schools. The principle extends to all institutions controlled or operated by the State.

Similarly in *State Board of Public Welfare v. Myers*, 224 Md. 246, 167 A.2d 765, the Court of [\*\*6] Appeals citing *Brown*, ordered the desegregation of Maryland training schools. Arkansas training schools were ordered to desegregate their facilities in *Board of Managers etc. v. George*, 8 Cir. 1967, 377 F.2d 228. In *Washington v. Lee*, M.D. Ala. 1966, 263 F. Supp. 327, aff'd 1968, 390 U.S. 333, 88 S. Ct. 994, 19 L. Ed. 2d 1212, the district court ordered that the defendant Frank Lee as Commissioner of the Board of Corrections for the State of Alabama, his successors in office, agents, servants and employees, take the necessary and appropriate steps to desegregate immediately the several honor farms, the educational programs, the youth centers and the hospitals in the state penal system.

#### IV.

We remand the case to the district court with the following instructions:

1. The three schools should be directed to coordinate their planning and to present one plan for the system as a whole that will accomplish *immediate* and total desegregation of each school. The order should provide that the plan be submitted to the district court not later than August 15, 1969. The court should promptly hold a hearing on the plan at which the plaintiffs [\*\*7] will have an opportunity to present objections and to suggest amendments.

2. The district court should require the plan to provide for integration of classrooms, dormitories, athletic programs, and all activities, and services. The faculty must be integrated without waiting for the filling of vacancies on a non-racial basis. The pattern of teacher assignment to any particular school should not be identified as tailored for a heavy concentration of either negro or white pupils in the school. Professional and non-professional members of the staff must be integrated.

3. We bear in mind that these schools are reform schools for delinquents. The school authorities therefore, in good faith, may take into account racial tensions in maintaining discipline and good order in the three institutions, provided that the authorities do so without racial discrimination. For example, one of the schools may be restricted to girls; the two others may be restricted to boys, one to take the younger boys, the other to take the older boys.

4. The plan should provide for periodic reports to the district court until such time as the district court should decide that the dual system has been completely [\*\*8] replaced by a unitary, integrated system.

#### V.

The district court dismissed as a party defendant the Honorable G. Ross Bell, Judge of the Juvenile Court. There is no doubt that the Juvenile and [1351] Domestic Relations Court and Judge G. Ross Bell were properly named as defendants. Under Alabama law, it is the Juvenile Court that assigns delinquents to the Industrial Schools. See *Board of Managers, etc. v. George*, 8 Cir. 1967, 377 F.2d 228. We feel certain however that after the defendant schools have agreed on a plan approved by the district court, that the Juvenile Court will cooperate with the schools. Accordingly, we consider it unnecessary at this time to rule on the district court's dismissal of the complaint as to Judge Bell.

The orders appealed from are reversed. The case is remanded to the district court for further proceedings consistent with this opinion. The mandate shall issue immediately.

1055TV

# EXHIBIT 195

# EXHIBIT 195



OFFICE OF SUPERINTENDENT  
ALABAMA INDUSTRIAL SCHOOL FOR NEGRO CHILDREN  
MT. MEIGS, ALABAMA

February 7, 1962

Mr. Harry N. Cook  
Press Secretary  
State of Alabama  
Capitol Building  
Montgomery, Alabama

Dear Mr. Cook:

May we respectfully call your attention to the enclosed report.

We would appreciate any assistance that you may be able to give.

Very truly yours,

*R. E. Belser*

R. E. Belser, Chairman Executive Committee  
Board of Trustees

MM000972

AA002658

COPY

COPY

COPY

STATE OF ALABAMA  
BUILDING COMMISSION  
Montgomery 4, Alabama  
January 11, 1962

TO: Mr. Lawrence, Jr.  
FROM: W. G. Stevenson  
DATE: January 10, 1962  
SUBJECT: Alabama Industrial School for Negro Children  
School Building

An inspection of the existing school building was made on January 9, 1962 by the writer and Mr. Hugh Adams.

The building consists of 9 classrooms, an office area, boys and girls rest rooms, enclosed corridor, and an auditorium. The plan is the old Standard "E" plan with the auditorium as the middle leg. Gross areas are, roughly, classrooms and associated areas- 9300 Sq. Ft., and Auditorium - 3700 Sq. Ft., or a total of 13,000 sq. ft.

Construction as follows:

Exterior Walls, poured concrete. Whether or not reinforced is not known. Plaster finish.

Interior walls: Wood stud framing, plastered.

Floors: Wood on wood framing. Concrete in toilets and in one classroom and small section of corridor.

Roof: Wood framing and wood ceilings, Asbestos shingle roofing.

Heating: Coal stoves - 1 each classroom  
2 in auditorium

Plumbing: Minimum plumbing in boys and girls rest rooms.

Wiring: Obsolete- probably dangerous

MM000973

AA002659



Present Condition of Buildings:

The exterior concrete walls have numerous cracks, mostly extending through the wall, and most running from window sills downward to footings. There is evidence of footing settlement indicated by the crack pattern. Walls do not appear dangerous but I doubt if the cracks could be repaired successfully. I could not readily determine if walls are reinforced.

The wood floor system is in bad condition. In a number of places joists and/or beams are sagging - excessively in one classroom. These conditions could probably be repaired at least in-so-far as safety is concerned, by shoring and replacement. There is and has been for a number of years evidence of termites. Several years ago the entire flooring system of one classroom and a section of corridor was completely removed, the area filled in and a concrete floor slab laid. I saw this work in progress and as I remember the principal cause of damage was termites. The replacement concrete floor is in bad condition. Apparently inferior concrete was used. The wood flooring is in general, in very bad condition over the entire building due to wear, shrinkage, etc.

Roof framing appears to be sound, particularly in the auditorium. There is some sagging in window lintels and one corridor beam is in bad condition. Roof cornices, and trim are in some places in bad shape due to weathering and rotting. The rigid asbestos shingles appear to be sound. Apparently there are a few leaks in the classroom area but none in the auditorium.

Doors and door hardware are in a non-repair condition. Windows are in fair condition.

All heating flues appear to be in bad order. Plaster is disintegrated and apparently some of the chimney masonry is bad. Wood stud partition walls join the chimneys and several fires had been caused by overheating of the flues. If the building is to be continued in use, the chimneys should be rebuilt. In my opinion these chimneys are fire hazard at present.

The plumbing is completely inadequate and is in a deplorable condition. The toilet rooms are literally falling apart, concrete floors disintegrating and fixtures are broken and those that are usable are hardly fit for human use.

The electric wiring system is obsolete, inadequate and probably dangerous. Classroom lighting is practically non-existent. The auditorium has fluorescent lighting which is operative is probably adequate.

As far as structural stability is concerned it appears that floor framing repairs would be foremost.

From the standpoint of fire safety, I would recommend that for a minimum requirement the chimneys be rebuilt - otherwise this building is likely to be burned out. In the same category is the electric wiring which I feel sure is dangerous although I am not qualified to make this decision.

As for health safety, the plumbing is deplorable and probably should be condemned. I would assume that the State and/or County Health Authorities would have something to say about this.

In my opinion the cost of a complete renovation would be prohibitive. If funds are not available for a new building, it is my opinion that immediate attention should be given to the conditions noted in the preceding three paragraphs.

---

W. G. Stevenson



EXHIBIT 196

EXHIBIT 196

Act No. 46 H. 32—Rast, Hawkins, Etheredge, Bailes, Perry,  
Morrow, Sessions, Vacca, Bowers

# AN ACT

To amend Code of Alabama 1940, Title 32, Section 6, in relation to the permissible number of members of standing committees of the house of representatives.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Code of Alabama 1940, Title 32, Section 6 is amended to read as follows:

"Section 6. No standing committee of the house of representatives, except a committee on local legislation, shall be composed of more than fifteen members."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1963.  
Time: 10:06 A. M.

Act No. 47

H. J. R. 22—Fields, Pierce

# HOUSE JOINT RESOLUTION

WHEREAS, an inspection of the physical properties of the Mt. Meigs Industrial School for Negro Children, by certain Juvenile Court Judges and newspaper reporters on March 13, 1963, disclosed a state of affairs and conditions existing to shock the conscience of all loyal Alabamians, and

WHEREAS, this condition has apparently existed for a long time and consists of outmoded buildings, overcrowded and unsanitary conditions, and generally disgraceful surroundings, which need immediate attention by the Legislature of Alabama; and

WHEREAS, certain Circuit and Juvenile Court Judges have expressed a willingness to help with this investigation;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING That a Legislative Committee consisting of 4 members of the House to be appointed by the Speaker and 2 members of the Senate to be appointed by the Lieutenant Governor is hereby created for the sole and only purpose of making such investigations as such committee might deem necessary to remedy the conditions existing at Mt. Meigs Industrial School for Negro Children;

BE IT FURTHER RESOLVED That such committee, name not less than three Juvenile Court Judges, "Honorary" members of such committee to assist in investigation;

BE IT FURTHER RESOLVED That such committee shall continue its existence during the 1963 Regular Session of the Legislature and that it make its recommendations to the 1963 Session of the Legislature;

BE IT FURTHER RESOLVED That each member of such committee shall receive his regular per diem and exercising the duties of the committee and the members of such committee shall be paid their actual expenses paid out of any monies appropriated to operate the Legislature;

Approved March 18, 1963.  
Time: 10:04 A. M.

MM1000774

o. 46 H. 32—Rast, Hawkins, Etheredge, Bailes, Perry,  
Morrow, Sessions, Vacca, Bowers

# AN ACT

amend Code of Alabama 1940, Title 32, Section 6, in relation to  
missible number of members of standing committees of the house  
representatives.

Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 32, Section 6 is  
to read as follows:

Section 6. No standing committee of the house of repre-  
sents, except a committee on local legislation, shall be com-  
posed of more than fifteen members."

Section 2. This Act shall become effective immediately upon  
passage and approval by the Governor, or upon its otherwise  
becoming a law.

Approved March 18, 1963.

At 10:06 A. M.

47

H. J. R. 22—Fields, Pierce

# HOUSE JOINT RESOLUTION

WHEREAS, an inspection of the physical properties of the Mt.  
Meigs Industrial School for Negro Children, by certain Juvenile  
Court Judges and newspaper reporters on March 13, 1963, dis-  
closed a state of affairs and conditions existing to shock the  
conscience of all loyal Alabamians, and

WHEREAS, this condition has apparently existed for a long  
time and consists of outmoded buildings, overcrowded and un-  
sanitary conditions, and generally disgraceful surroundings, which  
demand immediate attention by the Legislature of Alabama; and

WHEREAS, certain Circuit and Juvenile Court Judges have  
expressed a willingness to help with this investigation;

THEREFORE BE IT RESOLVED BY THE LEGISLA-  
TIVE ASSEMBLY OF ALABAMA BOTH HOUSES THEREOF CONCUR-  
rently that a Legislative Committee consisting of 4 members of  
the House and 2 members of the Senate be appointed by the Speaker and 2 members of the  
Senate be appointed by the Lieutenant Governor is hereby  
for the sole and only purpose of making such investiga-  
tion and such committee might deem necessary to remedy the con-  
dition existing at Mt. Meigs Industrial School for Negro Chil-

BE IT FURTHER RESOLVED That such committee, by elec-  
tion, name not less than three Juvenile Court Judges as  
"Honorary" members of such committee to assist with the in-  
vestigation;

BE IT FURTHER RESOLVED That such committee continue  
its existence during the 1963 Regular Session of the Legislature  
and that it make its recommendations to the 1963 Regular Session  
of the Legislature;

BE IT FURTHER RESOLVED That each member of such com-  
mittee shall receive his regular per diem and expenses while  
exercising the duties of the committee and the honorary mem-  
bers of such committee shall be paid their actual expenses to be  
paid out of any monies appropriated to operate the Legislature.

Approved March 18, 1963.

Time: 10:04 A. M.

MM000775

AA002664



# EXHIBIT 197

# EXHIBIT 197



STATE OF ALABAMA

DEPARTMENT OF PENSIONS AND SECURITY

MONTGOMERY

ALVIN T. PRESTWOOD  
COMMISSIONER

November 20, 1961

RECEIVED

NOV 20 1961

GOVERNOR'S OFFICE

*Amos*  
*File*

Honorable John Patterson, Chairman  
Board of Trustees  
Alabama Industrial School for Negro Children  
Montgomery, Alabama

Dear Governor Patterson:

In compliance with Section 613 (11), Title 52, Code of Alabama 1940, as amended by Act No. 522, General Acts of Alabama 1947, approved September 30, 1947, the attached report is being sent to you and to other members of the Board of Trustees of the Alabama Industrial School for Negro Children.

Please let me assure you that it has been a pleasure for this Department to work through the years with the Alabama Industrial School for Negro Children.

Sincerely,

Alvin T. Prestwood  
Commissioner

Enclosure

MM009960

AA002666

ALABAMA INDUSTRIAL SCHOOL FOR NEGRO CHILDREN  
REPORT OF VISITS AND FINDINGS BY THE  
STATE DEPARTMENT OF PENSIONS AND SECURITY

October 1, 1960 - September 30, 1961

Introduction

The State Department of Pensions and Security herewith submits its report of inspections and findings at the Alabama Industrial School for Negro Children in compliance with Section 613, Title 52, Code of Alabama 1940, approved September 30, 1947, to the Governor and Board of the Alabama Industrial School for Negro Children. The Department has advised with the School staff in regard to approved methods of child care, best types of housing and institution equipment and adequate records. This report covers the period beginning October 1, 1960 and ending September 30, 1961.

Purpose

The purpose of the School is to meet the individual needs of the children served, and to prepare them to return, as useful citizens, to the community.

Population

The Superintendent gives the maximum capacity as 300 children - 50 girls and 250 boys. For the past several years, the School has accepted all children referred for care. The resulting overcrowded conditions impair the quality of the service. Efforts have been made to reduce the population to the number of children who can be cared for by restricting intake, and by prompt release of children who have received maximum benefits. On August 28, 1961, the Executive Committee of the Board addressed a letter to all juvenile court judges, calling the attention of the judges to the fact that children were being committed to the School without prior clearance with the School and without furnishing the School a report of the history of the child's family life and circumstances surrounding commitment to the School. The attention of the judges was called to provisions providing this procedure as embodied in Section 613, Title 52, Code of Alabama 1940. The Executive Committee stated they were instructing the Superintendent not to accept any child



without the social history. The judges were also requested to send no child to the School without prior clearance. Apparently the decrease in population is related to the action on the part of the Executive Committee.

The population on October 1, 1960 was 441, while the population on September 30, 1961 was 368. During the year, a total of 208 children were admitted and 281 were discharged. The average monthly population for the year was 435.

#### Administration

An administrator needs a high degree of skill and understanding to administer an effective program in a correctional institution. In addition, he should have adequate and qualified staff to whom he can delegate responsibility and authority. The primary role of the executive is to administer and supervise the total program of the School. One of the most important aspects of a total program is staff selection, orientation, training and morale. In our opinion, the Superintendent demonstrates strength in administering the financial affairs of the School and the farm operation, but experiences difficulties in other areas of administration. For this reason, we believe the total operation of the School would be strengthened through the employment of a qualified assistant superintendent whose strengths lie in working with staff and in planning treatment programs for the children.

Interpretation and good public relations are important responsibilities of an executive. The Superintendent apparently attempts to establish and maintain good public relations through interpretation to the public and through professional contacts. Church groups and civic organizations are frequently interested in participating in some project which will benefit the children.

The recruitment and training of staff is a continuous program in most child caring institutions. At the School, an in-service training program is carried on each year. Guidance and suggestions are received from the Mental Health Clinic at Tuskegee. The Superintendent says that these sessions have resulted in more staff insight into the problems of the children.

Program

Delinquent children who come to the School have all the problems of any other child separated from his family, in addition to the problems which contributed to his delinquency. In addition to custodial care, such children need specialized care under skilled and trained staff. Few of the children who come to the correctional institutions have had wholesome family experiences. For this reason, warm and accepting adults can do more to rehabilitate these damaged boys and girls than any other single aspect of the program. Parent substitutes, or houseparents are needed in each unit to be responsible for the day by day care of the children, to help them to develop love and trust in adults and to set an example for them to follow. Obviously, the houseparent works more directly and consistently with the children than anyone else and has the most influence on the success or failure of the child's experience in the institution.

Employees at the School serve as both teacher and houseparent. Each of these positions is a full time job and no one individual can effectively assume responsibilities for both. The necessity of this arrangement lowers the quality of the service.

Extreme care must be exercised in choosing houseparents who can love and accept children who cannot be tolerated even by their own friends, relatives and community. The houseparent's job is a difficult, complex and trying one, and cannot be done well if other duties are assigned to him.

Boys and girls who come to correctional schools have usually failed to experience wholesome family life, and educational advantages have been lacking. Few of them have attended school regularly, and most of them are retarded in school work. Due to limited staff, space and equipment, the children go to classes only every other day.

The Superintendent reports that efforts are made, however, to individualize the academic program. He says that within two weeks after the child is admitted, a standard achievement test is given, and the child is placed in a group of

children who are at his level of achievement. Every teacher now employed has a college degree and a teaching certificate. Some have had experience prior to coming to the School.

One of the primary functions of the School is to prepare the children to be self-supporting when they return to the community. For this reason, emphasis is placed on vocational training. This training must be practical, reconciling the abilities of the children and the job opportunities which will be available to them. Most of the girls will be homemakers, or will be employed outside the home as housekeepers, cooks or maids. They are, therefore, given training and experience in sewing, cooking, housekeeping, canning and laundering. The courses in cosmetology may equip some of the girls for a career in this field and certainly should stimulate over-all interest in good grooming.

Males are normally expected to be able to assume the role of the wage earner in the family. Experience and training in a variety of trades should be available. Presently, trades offered to the boys include electricity, plumbing, woodworking and building construction, automotive and tractor maintenance and repair, shoe repair and leather work. The boys also receive training and experience in cooking, laundering, general farming, janitorial service, dairying and poultry raising. Instructors for these classes have college degrees or have received training through the State Vocational Program.

Most of the work experience the children receive contribute to the operation of the institution.

There has been expansion and improvement in the vocational program recently but, in relation to the large population, opportunities are still limited.

A well planned recreation program is essential to the emotional, social and physical development of all children. Few of the children have any idea how to spend leisure time profitably. Recreation provides the children with the opportunity to "let off steam", be good losers and winners, give and take, develop leadership abilities, get along with people and develop physically. This

is one of the best resources any child caring institution has in training the children in the art of living. Efforts should be made to develop and expand this area of the program.

The children at the institution participate in sports (basket ball, base ball, foot ball, etc.) and have parties on special occasions, but there is little equipment and practically no space to amuse themselves, particularly during inclement weather and after supper at night. These can be dreary times, and boredom and loneliness often result in discipline problems.

Music is one form of recreation which most children enjoy. Some of the boys at the School play in the band and enjoy the music, learning to play the instrument and the contacts with the community. The boys and girls also enjoy participation in the school choir. Volunteer services of ministers in the surrounding areas are used. There continues to be a need, however, for a chaplain to coordinate and supervise the religious program on the campus.

Particular attention is given to the physical care of the boys and girls. The infirmary, located on the campus, accommodates fourteen children and is staffed by a full time registered practical nurse. A physician makes regular visits and is on call. The Superintendent continues to express concern about the number of children received who are in need of physical and dental care. It is desirable that children be given a physical check up, treatment and a psychological evaluation prior to commitment.

The staff expresses an awareness that mental health is as important as physical health. A sound, rich program, if directed and administered by warm adults, is a real contributing factor in helping the children develop and maintain good mental health. However, some of the children who come to the institution are so troubled they need specialized help. A trained social worker who has the time to counsel with the children, and the skill to help them with their problems aids the child in his adjustment and increases his benefits from his experience in the institution.

The continued use of the services of the Mental Hygiene Clinic at Tuskegee Institute with the more disturbed children has, in our opinion, strengthened the program. The case worker, however, needs to devote all of his time to duties and responsibilities usually associated with the social work position. He should be relieved of all administrative and other responsibilities.

#### The Plant

Of major importance in evaluating the physical setting of any group care facility, is the protection the buildings afford the occupants from fire and health hazards. The girls' dormitory is a two-story building, has only one exit from the upstairs area, (where the girls sleep) and no fire escapes. The fire marshal should be requested to inspect the plant for fire hazards, and all of his recommendations should be carried out immediately.

The grounds and buildings are clean and neat, but the buildings are in a poor state of repair. Additional academic facilities are particularly needed as the present building is overcrowded, poorly lighted and ventilated and needs multiple repairs. Most of the buildings need painting inside and out, and staff quarters need improving and enlarging.

#### Recommendations

1. The fire marshal should be requested to inspect all of the buildings at the School and all of his recommendations complied with immediately.
2. More adequate staff should be employed with first consideration given to the employment of qualified houseparents and a qualified assistant superintendent.
3. A new academic school building should be erected to provide for daily classes.
4. Additional recreational facilities and equipment should be provided.
5. Continued emphasis should be placed on limiting the population to the number of children the School can adequately serve.

# EXHIBIT 198

# EXHIBIT 198

ALABAMA INDUSTRIAL SCHOOL FOR NEGRO CHILDREN  
REPORT OF VISITS AND FINDINGS BY THE  
STATE DEPARTMENT OF PENSIONS AND SECURITY

October 1, 1961 - September 30, 1962

Introduction

The State Department of Pensions and Security herewith submits its report of inspections and findings at the Alabama Industrial School for Negro Children in compliance with Section 613, Title 52, Code of Alabama 1940, to the Governor and Board of the Alabama Industrial School for Negro Children. The Department has consulted with the School staff in regard to approved methods of child care, best types of housing and institution equipment and adequate records. This report covers the period beginning October 1, 1961, and ending September 30, 1962.

Purpose

The purpose of the School is to meet the individual needs of the children served, and to prepare them to return, as useful citizens, to the community.

Population

According to the Superintendent, the maximum capacity of the School is 300 children. On September 30, 1962, the enrollment was 356; on the same dates in 1961 and 1960 was 368 and 441 respectively. The operation of the School above capacity results in an impairment in quality of service to the children, imposes additional stresses upon the staff who are already serving in dual capacities.

The Superintendent reported that judges are now making clearance with the School prior to a child's admission and that social histories are more promptly submitted. He attributed this largely to the Executive Committee's letter of August 28, 1961, referring the Juvenile Court Judges to Section 613 (4), Title 52, Code of Alabama 1940, which provides the basis of admission procedures.

The Superintendent further reported that within the past twelve months no female child had been brought to the School unaccompanied by an adult woman.

Administration

The effective administration of a children's institution depends largely upon an adequate number of properly trained staff who have sufficient funds with which to operate. Neither staff nor funds to operate are adequate for maximum service.

Recruiting and maintaining staff are ever constant problems. This fact was particularly evident when the School was visited in September. The wood-working department had just lost its teacher to a vocational school paying a higher salary. The recreational director (football coach and teacher) had accepted a higher paying position in a public school system, and his wife, employed at the School hospital, had resigned to go with her husband. Other teachers had accepted positions paying \$400 per month as compared with the School's monthly salary of \$260. Although the School provides maintenance for its teachers, it also requires that they serve a dual role as houseparents. Quarters provided the teachers are unattractive and small; these factors, added to the long hours of work, offer nothing as an inducement to employment. The Superintendent expressed the reaction that the School serves as a training center for staff who need experience for better paying positions. There can be little continuity of program when this factor prevails. A staff training program is seriously hampered when turnover is high.

Last year a social worker was employed on the staff to work with the more acutely disturbed children. His effectiveness has been virtually negated because of his additional assignment to the educational department. He does see that all children are tested prior to grade assignment, but individual casework treatment of children and proper recording of interviews is impossible.



The Superintendent underscored the need for a social service department within the School to provide more individual attention. For example; an acutely disturbed twelve year old girl whose mother had used her for purposes of prostitution needs intensive treatment provided by a person having special training with emotionally disturbed children. The social worker does not have time to see that the child gets the treatment.

The Superintendent has administered the school farm effectively and profitably. Much surplus equipment has been secured from the federal government, and had the equipment not been available from this source, the cost of operating the School would have been considerably higher. For example the children's clothing has been made at the School from material purchased for five cents a yard.

There is still no full time assistant superintendent at the School. The "social worker-educational director" is designated to serve when the Superintendent is away from the School. A full time assistant superintendent is still needed.

In addition to the Board members specifically mentioned in Section 613 (2), Title 52, of the Act, seven "trustees" are appointed by the governor on a rotating basis. The importance of having appointments made from all segments of the state cannot be overemphasized since the school does operate on a state wide basis.

#### Program

The problems of administration previously mentioned have a direct bearing on the quality of the School's program. Considering the number of children at the School served by a total staff of 44 full time and 2 part time employees, it is remarkable that the program operates as effectively as it does.

The children, however, would be more adequately served and have a more enriched experience if full time houseparents were assigned to each cottage.

Teachers and other personnel would be able to function more effectively if they were relieved of houseparent duties. Houseparents traditionally have served as parent figures in institutions, are available to the children full time in their day to day activities, help the children in their adjustment to the institution and in their feelings toward each other and to adults. When no substitute parent is available to a child, many problems are created that might be avoided. Persons on the staff who already have other responsibilities in the administration of the School cannot serve adequately as houseparents.

The educational program of the School appears to be working well despite the poor physical condition of the school building. The teachers meet required qualifications and attempt to meet individual needs of students. Upon admission, standardized school tests are administered to determine the child's level of achievement, and each child is placed in a classroom in which he can be expected to function. Most of the children have not attended school regularly and must be placed below the grade they attended in their home community. Due to limited staff, space and equipment, the children only attend classes every other day. This is indeed regrettable. In addition to regular classroom instruction, vocational training is provided the male students in electrical repair, plumbing, woodworking, building construction, automotive and tractor maintenance, shoe repair and leather work. The boys also receive training in cooking, laundering, general farming, janitorial service, dairying and poultry raising. The girls are given instruction in sewing, cooking, housekeeping, canning, laundering, and cosmetology.

The School has a small infirmary for children with minor illnesses. A local physician visits the School regularly and is on call. The position of a full time registered practical nurse is budgeted but the position was vacant at the time of last contact. A dentist visits the school periodically and

provides dental care. The acutely ill child is referred to Jackson Hospital for care. The Superintendent was particularly pleased with the excellent working relationship between the School and Jackson Hospital.

Until recently, children accepted at the School were routinely referred to the Montgomery Tuberculosis Sanatorium for chest x-rays. This service is no longer available. The mobile unit calls at the School only once a year. The Superintendent expressed concern that more adequate service was not available because there have been cases of tuberculosis discovered during the admission process; currently a tubercular child might be accepted at the School and the disease might not be detected for months.

The services of the Tuskegee Mental Health Clinic have been used extensively. The Clinic psychiatrist recently resigned and service to the School is more limited than it has been in several years.

Perhaps the most negative feature of the School's program is lack of planned recreation. As stated in last years report, "The children at the institution participate in sports (basketball, baseball, football, etc.) and have parties on special occasions, but there is little equipment and practically no space for recreation, particularly during inclement weather and after supper at night. These can be dreary times, and boredom and loneliness often result in discipline problems."

The Superintendent and staff expressed disappointment that a swimming pool could not be provided this past year. This would have given the children an excellent outlet for their excess energy. The Superintendent emphasized the lack of a gymnasium at the School. Basketball must be played out of doors. When games are scheduled with other schools this fact presents a hardship to both teams, particularly during inclement weather. A gymnasium might also be used for Sunday worship services since there is no chapel at the School.

Local ministers volunteer their services, but there continues to be a need for a chaplin to coordinate the religious program on the campus.

Vocal and instrumental music is an activity most of the children enjoy. Of course the entire population cannot participate in the band. The children in the band consider this a special privilege. Many children would like to continue their band work upon release but are unable to obtain instruments. The School choir performs before various organizations throughout the state and these performances provide a special treat and incentive to the children.

#### Plant

Despite the poor state of repair of many of the buildings in use, the neatness and cleanliness of all facilities is commendable.

The girl's building is attractively furnished and proper exits have been installed in accordance with the fire marshall's recommendation. The girls make all of the sheets used at the School. Attractive bedspreads have been secured for the girls' beds, but blankets are used in lieu of spreads in the boys' buildings. These blankets have been used extensively, are worn and patched, and need replacing.

The educational building, Rogers Hall, is in deplorable condition, is structurally unsafe, and should be replaced immediately. An inspection made on August 9, 1962, by a representative of the State Insurance Fund, Department of Finance, reveals "condition of building poor, condition of floor poor, condition of roof poor." There was a fire in the building in February, but fortunately there were no children in the building at the time. In more recent months large segments of the flooring has dropped, and it appears particularly hazardous. The building was originally constructed by the WPA, is heated with individual coal burning space heaters, is overcrowded, poorly lighted, and ventilated.

Last year a boiler was purchased for use in conjunction with the heating plant. The boiler has not yet been installed, is still in the shipping crate. Lack of funds has prevented the installation of the heating equipment. This presented a real hardship to children and staff during the extreme winter weather this past year. The Superintendent reports the equipment must be installed before the winter season, but he does not know from what source he can secure funds for this most necessary work.

Most of the buildings need painting inside and out, and staff quarters need improving and enlarging.

#### Recommendations

1. A new school building should be constructed as soon as possible to replace Rogers Hall. An indoor gymnasium should be included in the new school plans.
2. Teachers and other School personnel should not serve as houseparents. Morale would be improved and turnover of personnel reduced if full time houseparents were employed.
3. A social service department with qualified case workers is needed to help students in their adjustment to the School and to help them return to their home communities as rehabilitated individuals.
4. A full time recreation director should be employed and sufficient equipment provided to insure a year round program of activity for the children.
5. A full time assistant superintendent is still needed.
6. The nurse's position at the School hospital should be filled as soon as possible.
7. Immediate steps should be taken to insure prompt chest x-rays for children admitted.

8. Construction of a swimming pool for summer time recreation should be considered. The other two schools in the State have had pools for several years.
9. Continued emphasis should be placed on limiting the population to the number of children the School can adequately serve.
10. The interior and exterior of many of the buildings need repainting.

# EXHIBIT 199

# EXHIBIT 199

**REBEKAH G. BRADLEY, Ph.D.**

1. My name is Rebekah G. Bradley, Ph.D. I am an Assistant Professor in the Department of Psychiatry and Behavior Science at Emory University. I conduct research on the impact of exposure to childhood abuse and other early adverse life events, the impact of trauma exposure across the life span and genetic and environmental predictors of posttraumatic stress disorder, depression and other mental and physical outcomes of trauma exposure. I am also the director of a Veteran's Administration, multi-disciplinary, outpatient, posttraumatic stress disorder (PTSD) treatment team. This treatment team is responsible for providing assessment and treatment to veterans exposed to traumatic events while in military service. I graduated with a doctorate in Clinical-Community Psychology from the University of South Carolina and completed an internship in Clinical Psychology at Cambridge Hospital which is affiliated with Harvard Medical School. My curriculum vitae is attached.

**Referral Question**

2. **Question:** I was contacted by attorneys for Mr. Sam Howard Jr. and asked to evaluate Mr. Howard with respect to his family, developmental and social history with a particular focus on his history of exposure to childhood trauma and combat trauma as a young adult. I was also asked to evaluate the potential combined impact on Mr. Howard of these and other adverse and stressful life events across his life span.

**Answer:** As described below and based on my review of all of the available data, it is clear that Mr. Howard's childhood, adolescence and early adulthood environments and experiences included exposure to a number of repeated and severe traumatic experiences as well as a number of other stressful/adverse events. Exposures to these traumatic events and to these adverse and stressful environments very likely had a negative impact on Mr. Howard in multiple ways. Based on the available data it is my opinion that Mr. Howard is likely to have suffered from clinically significant symptoms of PTSD following combat service in Vietnam.

**Assessments Conducted and Materials Reviewed.**

3. Sam Howard Jr. (D.O.B. 08/27/1948) is a 60 year-old African American male under sentence of death for first degree murder. I conducted a clinical interview with him on September 1, 2008 at High Desert State Prison in Indian Springs, Nevada.

4. I have also reviewed the following materials provided to me by Mr. Howard's Defense Team:

- A. Sworn declarations of:
  - 1. Mr. Otis Reese (Mr. Howard's maternal uncle)



- 2) Ms. Olisa Reese (Mr. Howard's cousin)
  - 3) Mr. Jimmie Baker (Mr. Howard's cousin)
  - 4) Johnny Blackmon (son of a woman who lived with Mr. Howard's father)
  - 5) Jim Blackmon (son of a woman who lived with Mr. Howard's father)
  - 6) Carl Denny Abbott (chief probation officer for Montgomery County Alabama in the 1960s.)
  - 7) Larry Kennedy (placed in Mt. Meigs between 1962 and 1967)
  - 8) Richard Miller (placed in Mt. Meigs at ages 11 and 15)
  - 9) Johnny Johnson (placed in Mt. Meigs in 1960s)
  - 10) Frank Johnson (placed in Mt. Meigs in 1970 and 1971)
  - 11) Lomorrises Kennedy (placed in Mt. Meigs at age 13)
  - 12) Earl Watts, Jr. (placed in Mt. Meigs at age 16)
  - 13) James Arnold (placed in Mt. Meigs from 1952 to 1956)
  - 14) Johnny Mack Young (placed in Mt. Meigs from 1961 to 1964)
  - 15) Corstnell Green (placed in Mt. Meigs from 1959 to 1961)
  - 16) Willie Baldwin (worked at Mt. Meigs from 1963 to 1996)
  - 17) James Cohill (worked at Mt. Meigs from 1961 to 1964)
  - 18) Brian Skelley (Served in United States Marine Corps, in Vietnam, at same time as Mr. Howard)
  - 19) Theodore Pugh (lived near Mr. Howard in early 1970s)
  - 20) Parse Billops (school principal at Mt. Meigs from 1969 to 1996)
  - 21) Harold Dawkins (placed in Mt. Meigs at age 14; approx 1967)
  - 22) John Walker (placed in Mt. Meigs from 1970 to 1971)
  - 23) Jesse Andrews (placed in Mt. Meigs from 1959 to 1962)
  - 24) Pamela Olsen, Investigator with Murphy & Associates
  - 25) James Green, Investigator, Law Office of Federal Public Defender
  - 26) Herbert Duzant, Investigator, Law Office of Federal Public Defender
  - 27) Roberta Stokes (friend of Howard in early 1970s)
- B. Newspaper articles on poverty and violence in New York City generally and in the neighborhood of Bedford Stuyvesant during the time period when Mr. Howard was living there.
- C. Declaration of Adrienne C. Davis, Ph.D. (related to conditions at Alabama Industrial School for Negro Children/Mt. Meigs)
- D. Memo on social history interview of Mr. Samuel Howard, Jr. January 31, 2002 by Murphy and Associates
- E. Psychiatric records including records from Patton State Hospital

and Atascadero State Hospital

- F. Downey Police Department Arrest Record for Mr. Howard
- G. Testimony of Officer Michael Connely at Mr. Howard's trial
- H. Las Vegas Police Department Officer's Report including summary of interview of Mr. Howard by Detective Leavitt
- I. Testimony of Detective Leavitt at Mr. Howard's trial
- J. State of Alabama, Department of Mental Health, Psychiatric Evaluation of Samuel Howard, Sr. (Mr. Howard's father)
- K. Mr. Howard's DD-214, Combat History Record and Awards Entitlement Record
- L. Testimony of Keith Kinsey
- M. Alabama Department of Human Resources records from Chilton County
- N. Alabama Department of Human Resources records from Houston County

**Clinical Interview with Mr. Howard**

5. At the time of the clinical interview, Mr. Howard was dressed in prison- issued attire. I informed Mr. Howard that I had been asked by his defense team to evaluate him. Mr. Howard stated, "because of conflict of interest, I don't speak to that office." Mr. Howard was polite but persistent in explaining that he had a conflict with his defense team and that they were not trustworthy. He also stated that cooperating with his defense team would, "compromise my position" with respect to a legal claim he believes exists related to what he understands as a longstanding, "conflict of interest" with his defense team. He did not appear to distinguish between the federal defender's office and the state defender's office with respect to this conflict. This appears, in part, to be related his overall distrust of government agencies and government employees.

6. Mr. Howard's statements regarding his perceived conflict with his legal team were not completely logical and he was perseverative in his presentation of the arguments. Overall he demonstrated a paranoid thought process with respect to his concerns regarding a conflict with his legal team. He stated to me that, "As far as trusting, you are exactly correct in that I do not trust anyone. Three people have let me down, my dad, my wife and the government."

7. Mr. Howard did allow me to explain to him that my primary purpose in evaluating him was to ask him about "stressful events" that occurred over the course of his life. I

informed him that based on my review of records I was aware that he had witnessed his father kill his mother when he was young, that he had been placed in Mt. Meigs and that he had served in Vietnam.

8. At this point in the interview he informed me that he did not believe that talking with me about these events would help his defense because, "I've told them and they wouldn't do anything about it." I pointed out to Mr. Howard that his current legal team did appear to think the events were related to his defense because they had conducted a background investigation and hired me to talk with him. In response he stated, "It's too painful to talk about." He also informed me that "You are correct I don't trust them;" and "I tried to help myself and no one would put on their listening ears."

9. I asked Mr. Howard if he would be willing to speak with me if his perceived conflict with his legal team did not exist. In response to this he first stated "I blacked all of that stuff out of my mind, the childhood and Vietnam" and also stated "it's too painful, it's painful, it's just too painful." It is notable that this presentation is consistent with his presentation in a prior social history interview done by John Murphy and Pam Olsen on January 31, 2002. Murphy and Olsen's report of the interview states that Mr. Howard told them that "his memory for certain events is poor and he is uncomfortable discussing his childhood and Viet Nam (sic) experience."

10. During the interview with Mr. Howard, he asked me if I had ever served in the military. I informed him I had not. He told me that as a combat veteran he becomes distressed when he hears about another combat veteran "going down" and he stated "especially when I hear about a Marine going down it really upsets me." While speaking this sentence his voice became much louder and he seemed distressed. At this point in the interview he had tears in his eyes and he closed his eyes without speaking for approximately two minutes. He repeated several times, "I'm not gonna talk anymore" and he said "isn't this over?" at which point he stood to leave.

11. Because of his distrust and unwillingness to talk about past events, as well as his concern about his perceived conflict with his defense team, the interview with Mr. Howard lasted only 45 minutes.

#### **Stressful/Adverse and Traumatic Life Events in the Social and Developmental History of Mr. Howard**

12. Based on my review of all of the available data, it is clear that Mr. Howard's childhood, adolescence and early adulthood environments and experiences included exposure to a number of repeated and severe traumatic experiences as well as a number of other stressful/adverse events. Exposures to these traumatic events and to these adverse and stressful environments very likely had a negative impact on Mr. Howard in multiple ways.

13. In addition to the above described brief clinical interview, I was able to supplement my evaluation of Mr. Howard with a large number of documents pertaining to his social and developmental history, provided to me by his legal team. Thus, even though I lacked extensive interview data about Mr. Howard, I was able to base my assessment on a comprehensive set of documents from multiple sources. These sources included: sworn declarations and statements from family members who were present during Mr. Howard's childhood and across his life span, medical records, department of social service records, and department of corrections records for Mr. Howard and his family members (e.g., sister and father). This comprehensive background investigation provided me with a solid foundation on which to base my opinion and assessment.

14. As a very young child Mr. Howard was exposed to danger and violence in his household. Based on the statement of Otis Reese (Mr. Howard's maternal uncle), Sam Howard Sr. was well known to be violent and to drink heavily even prior to his marriage to Mr. Howard's mother, Mariah Jackson Howard. Mr. Reese states:

He was really scary when he was drunk. Their children ran and hid when Sam started beating their mother. There was nothing else they could do.

15. The abuse of Mr. Howard's mother by his father was severe, repeated and persistent. A report on Sam Howard Sr. from the Alabama State Board of Pardons and Paroles notes,

... several Negro neighbors and friends of the subject and Marie [Mr. Howard's mother] testified that the subject and Marie had had domestic trouble and the subject had threatened to kill Marie on several occasions.

16. Mr. Howard's "cousin," Jimmie Baker who knew Mr. Howard when he was a young child describes:

I remember many times when Mariah would come running to my grandmother's house trying to get away from Sam Sr. when he was beating her. I'll never forget how scared she always looked. She'd have her children with her and they'd be crying and upset too. Sometimes the children would whimper about their father having a gun. I was very young but I still remember it vividly. It always worried me seeing how terrified they were.

17. Exposure to such violence is extremely frightening for children as young as Mr. Howard was at the time. Given this violence, as well as his father's violence towards the children in the house and his father's alcohol abuse, the household in which Mr. Howard was raised as a young child was one in which the threat of violence was always present and as a result it is likely that as a very young child Mr. Howard would have been often, if not always, fearful and anxious.

18. The abuse of Mr. Howard's mother by Mr. Howard's father culminated in the murder of his mother and his baby sister (then 3 months old) by his father. Mr. Howard, who was three years old, was present in the house when this murder occurred. His two-year-old sister, Diane, was shot by his father during this incident but did not die from her wounds. Although Mr. Howard did not discuss the event with this evaluator, nor does he describe the event in detail in any of his medical records, it is clear that the scene Mr. Howard witnessed as a young child was extremely violent and frightening. A report on Sam Howard Sr. from the Alabama State Board of Pardons and Paroles reads as follows:

After reaching home, subject in a drunken rage, picked up his 22 automatic rifle and began shooting at Marie who had picked up 3 month old Elizabeth. The shots hit both Marie and the baby killing them instantly. Diane was wounded in the thigh as she ran to her mother's side. ... Subject admits to standing over Marie and continuing to shoot her after she had fallen to the floor following the first shot.

19. In addition Mr. Howard's cousin, Mr. Jimmie Baker, states:

I remember the day Sam Sr. killed Mariah. My father was the undertaker and so people came running to our house when it happened. I went to Mariah's house and saw her and the baby, Elizabeth, lying in a pool of blood.

20. It is not clear to what extent Mr. Howard currently remembers the events in which his father murdered his mother or if, as he states, he has "blacked out" any memory. However, it does appear that he was able to recall the events as a young child after they occurred. His cousin, Mr. Jimmie Baker, states:

He [Sam Howard, Jr.] told me what happened when his father shot his mother and sisters. Sam said he ran and hid when his father started shooting. After his mother and sisters were shot, Sam's father told him, 'I'll get you next time.'

21. In addition, State of Alabama Department of Human Resources child case worker notes indicate that:

Sam told worker that his mother was in the grave and that his father had a gun while his mother lay on the floor but he spoke in childish words since he is still so young.

22. Although Mr. Howard was raised in several households after his mother was murdered by his father when he was 3 years old until he was 12 years old, when he was

placed in the Alabama Industrial School for Negro children at Mt. Meigs, he appears to have lived most often with his "aunt," Maggie Dudley and her husband. Mr. Howard, who first began living with the Dudleys at age 3, experienced physical and emotional abuse as well as emotional neglect in this household. Jimmie Baker notes that Mrs. Dudley would "call him names" and "she used her cane to whack him hard, even if he did nothing wrong." Otis Reese (who was also raised by and abused as a child by Ms. Dudley) states:

She forced those kids to work in her house and in the fields. They were hit and called names...Sam Junior and Diane did not get to go to school because my aunt needed their help.

23. Of note, this abuse of Mr. Howard by Maggie Dudley appears to be part of an intergenerational pattern of childhood physical and emotional abuse and emotional neglect. Because of the death of her mother when she was age 9, Mr. Howard's mother, Mariah Jackson Howard, and her brother, Otis, were also raised by Maggie Dudley. Describing this environment, Otis Reese, states Ms. Dudley's primary motivation was to receive a "welfare check" and to have them work "in the fields." He states that Mrs. Dudley would lock both him and Mariah out of the house in the winters when they were not needed on the farm. He also states,

She was always hitting me and Mariah and cursing at us...I remember her following us around, hitting us with a big stick and calling us names.

24. The extent of physical abuse from his father suffered by Mr. Howard prior to age 3 is not clear but does appear to have occurred. It is noted in the statement of Otis Reese that Mr. Howard's father was "violent towards the children too."

25. During the time that Mrs. Dudley was raising Mr. Howard and his sister, she would intermittently become frustrated with them and ask that they be placed elsewhere. It appears that she would threaten the children with being sent away. Records indicate that beginning when Mr. Howard was as young as ten, Mrs. Dudley would contact his DHR case workers and ask them to place him in a reform school. In one note, when Mr. Howard was age 10, the case worker notes that she informed Mrs. Dudley that Mr. Howard was too young for reform school and also that he had not violated the law.

26. When other relatives or neighbors would take in Mr. Howard and his sister, Mrs. Dudley would contact the children's case worker to complain, ask the relatives to send the children back or even go to the relatives' house to bring the children back. The caseworker's notes make repeated mention of the fact that Mrs. Dudley was elderly and in ill health and seemed unable to "handle" Mr. Howard and his sister. The caseworker's notes also make repeated mention of Mrs. Dudley's concern with receiving payment for caring for the children even at times when they appear to have been residing in the care of other relatives. Although there is not enough data to make an assessment of Mrs. Dudley's mental status, it is clear that at the very least her parenting skills were

less than adequate.

27. Mr. Howard was returned to live with his father (who was released from prison on parole) when he was age 15. Notes from Mr. Howard's caseworker in 1964 (when he was 16 years old) indicate that Samuel Howard Sr. was drinking and that he also "did knock him on the head quite a bit when he was angry with him." Declarations provided by Mr. Jim Blackmon and Mr. Johnny Blackmon, whose mother lived with Mr. Howard's father during this time, indicate that Samuel Howard Sr. was drinking regularly and heavily and engaging in violent and threatening behavior towards multiple family members.

28. Mr. Howard appears to have intermittently lived with other relatives as well. Though some later hospital records indicate that Mr. Howard reported living in New York during his early childhood, there is not an indication of this in his Alabama Department of Human Resources records. When Mrs. Dudley would contact social services in Alabama and ask them to remove Mr. Howard and his sister from the home, DHR would often have difficulty locating relatives with financial or other resources to accommodate the children. They do seem to have been intermittently placed with a well-meaning uncle, Bob Howard.

29. It appears that at about age 10 Mr. Howard began to manifest some behavioral problems. The first of the reported problems was missing school. The reasons for missing school, at least initially, are unclear and may include having been kept out of school by the Dudley family in order to perform farm work. However he may have had other reasons for missing school. In addition to missing school, the caseworker's notes indicate that Mr. Frank Dudley sees Mr. Howard as having a "high temper and when he gets mad will start crying or either slam a door."

30. When Mr. Howard was 12 years old, Mr. Dudley contacted the case work and indicated that the children were "stealing" from him and from his wife. He asked the caseworker to begin the legal proceedings to have the children removed from the home. Around this same time frame (records are not clear) the caseworker is contacted by the principal of a local school who claimed that Mr. Howard was truant from school and that he was stealing.

31. The amount of time elapsed between the events and the investigation for social history data on Mr. Howard make it difficult to obtain a full assessment of the level of abuse present in the households in which Mr. Howard was raised. However, the records that were reviewed strongly suggest that as a young child Mr. Howard both witnessed repeated violence and murder and was the victim of childhood physical and emotional abuse starting at a young age and persisting across time.

32. On March 1, 1961 at age 12, Mr. Howard was placed in the Alabama Industrial School for Negro Children which is referred to by many people as "Mt. Meigs."

33. Mr. Howard did not discuss his time at Mt. Meigs with me, nor is it documented in any of his other psychiatric or prison records. In fact, he denied it in when questioned by the intake officer for the California Department of Prisons in 1982. However, the records available from the State of Alabama clearly indicate that he was placed in Mt. Meigs at age 12 and that he remained there until age 15. The conditions at Mt. Meigs at the time Mr. Howard was placed there are well documented from multiple sources. These include statements by other men placed in Mt. Meigs, statements from employees of Mt. Meigs, testimony by other experts in other legal proceedings involving men who had been placed at Mt. Meigs, newspaper articles on Mt. Meigs and legal proceedings brought against the State of Alabama with respect to Mt. Meigs. These documents all indicate that not only was Mt. Meigs not in any way actively rehabilitative or beneficial to the boys who were placed there, the conditions were exploitative and extremely abusive.

34. In name, Mt. Meigs was a reform school for black children in Alabama. In reality, it was an exploitive environment where black children, who were often orphans or were abandoned by their family, were used as laborers. It seems that their labor was often used in service of local farms owned by white families.

35. At the most, children placed at Mt. Meigs went to school half a day. The lessons provided at the school were not adequate to the education level of boys, who should have been enrolled in junior high or high school. Based on the declaration of Mr. James Cohill, who worked at Mt. Meigs between 1961 and 1964, the boys "attended school for only four to seven months of the year, depending on how much they were needed for farm work." Thus it is likely that Mr. Howard was educationally deprived in this context.

36. The majority of the activity at Mt. Meigs appears to have been using the boys placed in the school as laborers in cotton fields and in farming other crops and animals. As part of this labor, the boys placed at Mt. Meigs appear to have been exposed to high levels of pesticides which were sprayed when the boys were working in the fields. Multiple statements indicate that the boys were directly exposed to these pesticides at high levels on a regular basis.

37. Despite the fact that it was a working farm, the boys placed there were malnourished and at times appear to have been starving. Multiple statements indicate that the food served had bugs, including boll weevils and roaches, in it. They were fed powdered milk and eggs rather than the milk and eggs raised on the farm. In his declaration, Mr. James Arnold who was placed in Mt. Meigs between 1952 and 1956 states:

going hungry was way of life there. It was so bad that the kids did some really horrible things just to survive. I remember seeing boys on their hands and knees in the fields eating corn they found underneath cow manure. One



time on Thanksgiving Day a kid got sick during dinner and vomited up his food tray. He went to throw the stuff away but another boy took the tray and ate the vomited food.

38. Mr. Willie Baldwin who worked as a staff member at Mt. Meigs from 1963 to 1969 stated that:

. . .the boys even gave in to performing sex acts in exchange for food. For example, if one child's family brought him food during a visit, he might exchange the food for sex with other kids. These boys' lives were so horrible that they resorted to these things to get by.

39. In addition to inadequate food, the boys placed at Mt. Meigs had substandard and crowded dorms and a sewage system that left them exposed to the raw sewage. The boys placed at Mt. Meigs were also not provided with adequate clothing. For example, they were issued one pair of shoes per year and if they outgrew the shoes or the shoes were stolen they would be without shoes for the remainder of the year.

40. The boys placed at Mt. Meigs were severely and regularly physically abused. They were beaten with objects including thick sticks, boards, bullwhips and tractor belts. When they were picking cotton they were issued large bags. At the end of the day the bags were hit with sticks and if the bags were not so full that the sticks would "bounce" the boys would be beaten. Mr. Larry Kennedy who was placed in Mt. Meigs between 1962 and 1964 states,

I saw beatings constantly. I was beaten until I got sick. They had two men holding me down who were told to stretch me out. I was beaten with tractor fan belts. Mr. Reddick had a fan belt and a hickory stick. A guy we called 'wild child' beat me so bad one night his wife begged him to stop. She said 'leave that child alone.' I actually thought he was going to kill me that night. He beat me because I sneaked out of the dorm, went to the orchard and got some pears. You were beaten until you screamed or passed out.

41. One practice of physical punishment was to have a boy lie face down on the ground and place his penis in a hole in the ground prior to the beating (see statement of Corstnell Green and report of Dr. Adrienne Davis). Prior to beating boys in this position the staff would say, "put your prick in the ground, let your ass go round and round" (report of Dr. Adrienne Davis).

42. Mr. Carl Denny Abbott, the chief probation officer for Montgomery County, Alabama in the 1960's and who had multiple opportunities to observe the environment at Mt. Meigs states that "there were no established standards for discipline or punishment at

Mt. Meigs. Corporal punishment in its most extreme form was inflicted freely. Some of the adults at Mr. Meigs literally tortured the children there.” He notes that among other punishments “some children told me of being disciplined by having their hands and feet held in boiling water.”

43. The environment at Mt. Meigs was constantly unsafe and threatening and the institutional practices were designed to remind the boys placed there of their lack of power. Mr. Abbott states that:

Sometimes children at Mr. Meigs were beaten for no reason at all. I remember learning of something the staff called ‘the morning bench.’ Each morning they would put a child on the bench and beat him in front of the other children, as reminder to the other children of who was in charge and what they could get away with.

46. Sexual assault and rape of the boys by staff and by other boys was common at Mt. Meigs. Older inmates referred to as “charge boys” would rape boys as young as 12 or 13 years old. In his statement Larry Kennedy, who was placed at Mt. Meigs between 1962 and 1967, states:

A lot of boys were raped at Mt. Meigs, by staff members and other boys. Director Holloway and Mr. Glover knew about the sexual assaults; it was common knowledge. They did nothing to stop it. Mr. Von, the school principal, was one of the men having sex with the boys.

45. Mr. Willie Baldwin, who worked as a staff member at Mt. Meigs from 1963 to 1969, states that the only time the director of Mt. Meigs, Mr. Holloway, would be upset by a sexual assault was if the assaults, “hurt the boys so badly that they could not keep up while working in the fields the next day.”

46. The younger and smaller boys at Mt. Meigs appear to have been targets for sexual assault by the older boys and some of the staff. In his statement Mr. Corstnell Green describes this:

Every time a young kid came to Mt. Meigs, he was raped. Many of the younger boys became the older boys’ sexual playthings; they became their woman. While I was at Mt. Meigs I saw a lot of rapes in the showers. When something like that started, I left in a hurry. There was nothing you could do to help the child being raped. And, there was nobody you could tell about it. I often heard inmates talk about the new kids being raped all night.

47. This is notable because Mr. Howard was only 12 when placed in Mt. Meigs which would have made him one of the younger children there, potentially leaving him more

vulnerable to sexual assault. Of note Mr. Green, who makes the above statement, was placed at Mt. Meigs during the same time frame (1961) as Mr. Howard.

48. In addition to the above, the boys placed at Mt. Meigs were degraded and humiliated in other ways. If they needed to defecate while working the fields they had to ask permission then had to bring back a sample of their excrement as evidence of their need to defecate. Mr. Lomorris Kennedy who was placed at Mt. Meigs states that one supervisor would "spit in his hand and slap you upside the head." The staff at Mt. Meigs would force the boys placed there to fight with one another in a "gladiator" like fashion. At times the losers of these fights would be sexually assaulted.

49. Though Mr. Howard does not appear, based on records, to have discussed his experiences at Mr. Meigs with mental health professionals or with his legal team, records from the State of Alabama as well as statements by relatives confirm that he was placed there. In addition his paternal cousin, Winston Williams, notes that Mr. Howard did discuss some of his experiences at Mt. Meigs when he was an adolescent living with his Aunt, Pinkie Williams. He states that:

Sam told me that he remembered witnessing, on several occasions, boys at the facility being wrapped up in blankets and then slashed or stabbed or beaten through the blankets. According to Sam, groups of boys at the facility ganged up on the individual when this occurred. Besides this, Sam spoke of witnessing and being involved in a lot fights at the facility.

50. In addition to his exposure to violence between his father and mother (including witnessing the murder of his mother), his exposure to physical and emotional abuse as a child and his experience of being placed in Mt. Meigs as a child, Mr. Howard's early life was marked by social/institutionalized racism in the deep south of Alabama. At the time that Mr. Howard was a child, segregation was still in force in Alabama. His cousin, Jimmie Baker states that "in the 1950's, the KKK was still thriving in full force in Clanton. KKK members rode through streets at night, fully robed, blowing their horns in order to instill fear in the black population."

51. Furthermore, it is clear that the environment and conditions present at Mt. Meigs were related to racial disparity. Not only was the juvenile justice system itself segregated, with better resources available to white children, but many aspects of the environment of Mt. Meigs were related to the history of slavery in Alabama (picking cotton while being closely watched and observed, picking cotton for the white landowners that owned the majority of the farmland, the complete lack of power of the boys placed at Mt. Meigs in combination with severe living environments and physical punishment). A number of the statements by men who were placed in Mt. Meigs used the words "slave" or "slavery" in describing it. Mr. Carl Denny Abbott states:

There was a board of directors responsible for overseeing the operations at

Mt. Meigs...many of the directors, all of whom were white, owned farms near the Mt. Meigs campus. When it came time to harvest their crops they depended on the staff at Mt. Meigs to provide children (and state-owned farm equipment) to work in their own fields. The members of the board of directors were usually on hand when hogs were butchered at the farm. I heard stories of how they pulled their trucks up and took possession of the hogs at harvest time. This was food that should have gone to the children. Instead it went to the adults who were responsible for seeing to the well being of these children. In effect the Directors used the children at Mt. Meigs as slave laborers.

52. Mr. Howard was in Mt. Meigs until October of 1963. Following this, he was discharged into the custody of his father who had been released from prison for the murder of Mr. Howard's mother and sister. As noted above, it appears that his father was still engaging in violent behavior towards both his children and the woman who was living with him. By reports of several people, Sam Howard Sr. was also drinking heavily at this time. As a result, this means that Mr. Howard was discharged from Mt. Meigs into an environment that was similar to the one in which he was living at age 3 when he witnessed his father killing his mother. This is important because it means that the environment at Mt. Meigs would have reinforced and intensified the impact of his early, threatening and violent home environment.

53. It appears that while Mr. Howard was attending school with at least some regularity, he was fighting with his father and with his sister Diane, who was not attending school and whom the father stated he was not able to control. Based on Alabama DHR records it appears that at this Diane was removed from the home by the case worker. She was ultimately placed in Mt. Meigs.

54. Winston Williams, Mr. Howard's paternal cousin, reported that his mother, Pinkie Williams, took Mr. Howard to live with them in Bedford Stuyvesant when he was "in his teens." Living in Bedford as an adolescent would have been an additional adverse/stressful, if not fear-inducing and traumatic, environment for Mr. Howard. Describing the neighborhood in which his family lived, Winston Williams states:

Bed-Stuy was a depressed and dangerous place to live during that time period. There was a lot of poverty and unemployment. There was widespread abuse of alcohol and narcotics, heroin being the most pervasive drug at that time. There were a lot of gangs, homicides and street violence and you never knew what could happen each time that you left your home.

55. At age 19, Mr. Howard enlisted in the United States Marine Corps. He was deployed to Vietnam. His military records (DD-214) note that he was discharged honorably and that he "participated in counter insurgency operations with Co. 'A'...in the vicinity of Danang, Vietnam." Per his DD-214 he received a Vietnam Service Medal

(with 4 Bronze Stars) and a Combat Action Ribbon. Brian Skelley, who served in United States Marine Corps in Vietnam at same time as Mr. Howard and who recalls serving with Mr. Howard, reports that he and Mr. Howard were both assigned to a mine sweeping team. He describes his experience in Vietnam, "We had to be on constant alert. We awakened every day with the knowledge that something could happen to us that day and we had to be vigilant to make certain we were not killed." The various medical records from psychiatric hospitals into which Mr. Howard was placed indicate that Mr. Howard reported being injured in a mine explosion in Vietnam (the records also indicate some inconsistent statements from Mr. Howard in this regard).

56. Despite the inconsistency in these specific reports, it is clear that Mr. Howard was exposed to combat in Vietnam and that he would have witnessed and experienced events that are classified as Criterion A stressful events required for the diagnosis of PTSD based on the criterion in Diagnostic and Statistical Manual (DSM) of the American Psychiatric Association. The current DSM defines this type of event as, "an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others."

**Psychological and Behavioral Problems noted in Mr. Howard after his Military Service in Vietnam**

57. A number of family members and friends indicated that they saw changes in Mr. Howard following his return from Vietnam. The statement of Ms. Roberta Stokes, who knew Mr. Howard between 1972 and 1974, indicates that Mr. Howard displayed symptoms of anxiety by being, "fidgety...it seemed hard for him to sit still. Sam's foot was always shaking or tapping, his knees were always bouncing and he frequently paced back and forth." She also stated that Mr. Howard would easily become angry and full of rage, but that his episodes of anger "degenerated into an angry incoherent discussion with himself to the point that it seemed like he was in his own world and the person was no longer there with him." Her statement also indicated that Mr. Howard used marijuana and that he "seemed more mentally stable, calm and less jittery whenever he smoked weed." The statement of Winston Williams, Mr. Howard's paternal cousin, also described Mr. Howard's more erratic and aggressive behavior following the war.

58. Both Mr. Howard's cousin and his friends describe some unusual behaviors manifested by Mr. Howard following his return from Vietnam. His cousin, Winston Williams, indicates that Mr. Howard would display "different personalities." He states also that, "his voice would change suddenly, almost as if he was a different person. He also constantly laughed for little to no reason."

59. His cousin describes that Mr. Howard began to engage in more risky and illegal behaviors following combat, including stealing, using drugs and street racing.

60. Mr. Theodore Pugh, a friend who knew Mr. Howard following Mr. Howard's return

from Vietnam in the early 1970's, describes him as guarded with others and revealing little information about himself. He also describes usual behavior displayed by Mr. Howard,

. . .sometimes when Sam was speaking to me he would all of a sudden, stop talking and his eyes would wander off into the distance. It was like Sam would be there in body but his mind was completely somewhere else. I sometimes had to call Sam's name several times to snap him out of his trance and bring him back to his surroundings. These episodes occurred many times during the years that I was around him.

61. Mr. Pugh also states that:

Although Sam did not discuss his experiences, it was clear to me that Sam suffered from Post Traumatic Stress Disorder (PTSD). My older brother, Jerry, and a few of my friends who also served in Vietnam, were diagnosed with PTSD when they came home from the war and Sam had some of the same behavioral patterns that they displayed.

62. It is also clear from statements made by family and friends, as well as from legal records, that during the time following his service in Vietnam and prior to his arrest for the murder of Dr. Monahan, Mr. Howard became increasingly likely to engage in violent and threatening behavior towards others and that he became engaged in illegal activities including stealing from family members and stealing cars. He also appeared to be engaging in violent behavior both in his relationships (see statement of Dawana Thomas) and in his criminal activities. For example, in 1978; he engaged in a violent robbery of a nurse at Queen's College in New York. He also served time in jail and ultimately fled from New York during his trial for the robbery and assault on the nurse at Queens College. Mr. Howard also appears to have been using illegal drugs during this time. He also appears to have been using multiple different names. Even during this time, he showed some efforts towards working and going back to school, holding jobs and also earning an associate's degree from La Guardia Community college.

63. In 1979 Mr. Howard began dating Ms. Dawana Thomas. He was reportedly verbally and physically aggressive towards her in this relationship. She also described Mr. Howard as displaying behaviors and reactions which are consistent with symptoms of PTSD, possibly related to his combat in Vietnam. She described him as "obsessed with Vietnam" and also stated that she witnessed him get out of his car to "salute" an airplane. She reports that he had nightmares and woke up in "cold sweats" (this is one of the symptoms constituting the diagnosis of PTSD). In addition to these symptoms, Ms. Thomas reported that Mr. Howard had a "paranoia about germs" and would frequently closely watch her behavior (e.g., taking a bath) to make certain she was not coming into contact with germs. Similar to the statements of other friends and family members, she reports that he had mood swings that ranged from violent to tearful.

64. Mr. Howard was arrested by Officer Michael Connely of the Downey City police department in California on April 1, 1980. Based on Officer Connely's report, as well as his testimony in Mr. Howard's trial several months after the murder of Dr. Monahan in Las Vegas, when he was arrested on that day, Mr. Howard had a strong emotional reaction and engaged in unusual behavior. Specifically, when Mr. Howard was initially approached by the arresting officer he was relatively calm. However, as the process of his arrest proceeded he became increasingly irrational and agitated eventually making statements indicating that he believed he was being harassed because of his race. Officer Howard states:

It finally progressed to the point where he made several statements that we were going to have to kill him to make him do anything, that white people hated him his whole life, that he might as well be shot right now. He asked several times to shoot him right there on the spot.

65. Mr Howard continued to display irrational and aggressive behaviors after he was arrested and brought to the police station. Specifically, Mr. Howard refused to leave the car and became increasingly violent and began yelling. He was forcibly removed from the car and taken to the police station.

66. The notes from the police interview of Mr. Howard on April 8<sup>th</sup> 1980 indicate that Mr. Howard became increasingly distressed and upset over the course of this interview. The testimony of Detective Leavitt indicates that Mr. Howard became visibly distressed and broke into tears during this interview. The report written by Detective Leavitt notes:

Samuel Howard, after filling out the names and hospital information on a sheet of paper, indicated that he wanted to kill himself and commit suicide, indicating the reason he wanted to do this was because he was tired of hurting people and that he wanted to see his mother and sister who had been killed by his father.

### **Psychiatric Evaluations of Mr. Howard**

67. In 1980 and 1981, Mr. Howard was evaluated by a number of court-appointed psychologists and psychiatrists and placed in both Patton State Hospital and Atascadero State Hospital for forensic evaluations. During this time he made at least one attempt to hang himself while in jail. He is also identified in his Patton state hospital records as having displayed "inappropriate" facial expressions and mannerisms during an arraignment hearing. In his evaluation at Patton State hospital he is identified as displaying suspicious and paranoid behaviors. He is repeatedly described as evasive and refuses psychiatric testing. He is also described as reporting poor memory for past events but still displaying the ability to engage activities on the ward (e.g., board games) that require the use of short term memory. During this time he was given a variety of

psychiatric labels including malingering, antisocial personality disorders, rule out chronic schizophrenia and organic brain syndrome.

68. Reports from doctors who evaluated Mr. Howard during this time indicated that he was difficult to evaluate and diagnose. In his 1981 report Dr. Van Putten states: "throughout the interview this examiner gets the feeling that this man is not quite playing with a full deck." Dr. Van Putten also concludes that,

It is my conclusion that this man suffers from a schizophrenic-type illness and that presently he has only negative symptoms-that is apathy, blunting of affect and withdrawal. However, this defect state is not compatible with playing an animated game of Pinochle on the ward. He could be malingering but it would be a very good act.

69. An evaluation written by Dr. Oshrin notes:

because of the many difficult opinions and ways in which this man presents himself, I am unable to come to a thorough or firm opinion. Frankly, I am uncertain if this man is feigning illness for the purpose of eluding litigation or whether he is mentally ill with a super- imposition of other factors.

70. In an evaluation by William Soltz in 1980, Mr. Howard is described as:

He appears to be a rather confused, disorganized individual who cannot relate information logically and coherently. He appeared to be evasive and I wonder what exactly his mental capabilities are. There is certainly the possibility of some malingering here as well as obvious evidence of mental disorganization.

71. In addition to the above records, I was able to review a declaration from Dr. John Riley, a psychologist who was on Mr. Howard's diagnostic team at Atascadero State Hospital. Dr. Riley is a Vietnam veteran and, at the time Mr. Howard was placed at Atascadero, Dr. Riley conducted a treatment group for combat veterans. Dr. Riley's declaration indicates that he believes that PTSD should have been considered as a psychiatric diagnosis for Mr. Howard at the time of the trial for the offense in question. He also suggests that some of the behaviors displayed by Mr. Howard in the decade between Vietnam and the offense in question (i.e., strong emotional reaction when feeling cornered, fleeing from courtrooms) are similar to behaviors of other Vietnam veterans with PTSD placed at Atascadero.

#### **Mental Illness in the Family of Mr. Howard**

72. Mr. Howard's father, Samuel Howard Sr., appears to have suffered from several psychiatric disorders. The first of these disorders is abuse of alcohol. This abuse is



noted in statements by family members and friends who knew Mr. Howard's father. In addition to this, Mr. Howard's father, Samuel Howard Sr., appears to have suffered from a psychotic disorder, possibly schizophrenia. In 1974, Samuel Howard Sr. was arrested for a second murder. At this time a psychiatric evaluation was ordered by the court. At the time of his initial assessment on April 29, 1975, Samuel Howard Sr. was diagnosed with "Schizophrenia, paranoid type (with indications of organic brain syndrome and premature aging)." The report noted "apparent delusions of persecution." This disorder appears to have been present across time. In a 1986 evaluation of Samuel Howard Sr., it was noted that he was "presenting with significant problems of delusional thinking. Mr. Howard feels that there is a conspiracy to kill him and that he is being controlled with radio waves." This information is relevant to the case of Mr. Howard Jr. because having a relative (particularly a first degree relative such as a parent) with a psychotic disorder significantly increases Mr. Howard Jr.'s risk for also having such a disorder. Interestingly, Mr. Howard's son, David Harris, is currently incarcerated in Pennsylvania for a double homicide. Although, to my knowledge, Mr. Harris has not been psychiatrically evaluated, his reported behavior appears to be significantly similar to the two generations of Howard men before him.

#### **Potential Impact of Placement at Mt. Meigs on Mr. Howard**

73. In addition to constituting an additional exposure to threat and trauma, Mr. Howard's placement at Mt. Meigs is likely to have impacted him in a number of other damaging ways.

74. Exposure to violent institutional environments such as Mt Meigs is likely to lead to the over-development of a sense of one's environments as threatening and of both other people and other institutions as untrustworthy. In the case of Mr. Howard, this is compounded by his earlier experiences of the adults who were supposed to be caring for him being both threatening and untrustworthy. Thus, his exposure to this environment is likely to have laid the foundation for his later suspiciousness, paranoia and inability to trust other individuals and institutions that are supposed to be assisting him. This may include his persistent belief that his attorneys and the court and governmental systems in which they operate are not trustworthy or working with his best interests in mind. Such beliefs would likely have been exacerbated by his experiences in combat.

75. The environment at Mt. Meigs was constantly threatening and violence from staff towards the boys who were placed there, as well as between the boys, was pervasive and severe. This is likely to have led to establishment of a self-protective, aggressive manner of interacting with others. The environments in which children and adolescents are placed are the ones in which they learn the boundaries of appropriate and acceptable behaviors. The constant and extreme violence and threat at Mt Meigs (as well as Mr. Howard's family environment prior to and after his placement at Mt. Meigs) would have

taught him that violence, aggression and abusive behaviors are normative, appropriate and effective ways of treating others and addressing and solving problems. Put another way, in the environment of Mt. Meigs, force and domination become normalized and habits of violence would have been learned and reinforced. It is of note in this case that younger placement in correctional environments such as that experienced by Mr. Howard is associated with increased likelihood of developing violent habits and a self-protective and aggressive stance towards others.

76. The environment at Mt. Meigs was marked with extreme and overarching external controls on behavior. Placement in such an environment (particularly at a young age as Mr. Howard was) is likely to be associated with difficulty developing self discipline and an internal locus of control for behavior. This is related to difficulty appropriately and effectively adapting to environments where such external controls are absent. Of note, the environment of the military to which Mr. Howard was also exposed in young adulthood is also one with high levels of structure and external controls on behavior (though not in as extreme a manner as the one at Mr. Meigs).

77. The environment at Mt. Meigs would have been criminogenic for the boys placed there in several ways. One of these is the direct modeling of criminal and violent behavior by the staff and by other boys. Another is that boys placed there would sometimes engage in violent and criminal behavior in order to be placed in prison or jail rather than being placed at Mt. Meigs. Lastly, the environment at Mt. Meigs was so dangerous and lacked needed resources such as food and clothing at such a level that the boys placed there would have learned to focus only on their own survival even when this would mean engaging in violent and criminal behaviors.

78. A number of the statements by men placed in Mt. Meigs as boys speak to the long-term impact of their placement.

- a. Mr. Larry Kennedy who was placed at Mt Meigs at age eleven states, "I learned to be crook when I was at Mt. Meigs. The supervisor...had me do a lot of stealing for him." He also states:

We were slaves at Mt. Meigs with no control over any aspect of our lives. You would think a place like Mt. Meigs would be rehabilitative, safe place for children. Instead they place a tremendous burden on us to be perfect and the place was run like a plantation. As an adult I realize just how much that place messed me up. It affected the rest of my life. It has taken until my 50's to realize I can be something else besides what I learned to be at Mt. Meigs.

- b. Mr. Frank Johnson who was placed at Mr. Meigs at age 12 states:

Mt. Meigs was such a rough place for the boys, many of them constantly did things to get into trouble so that they could be sent to prison rather than stay there.

- c. Mr. Eugene Simpson who was placed at Mt. Meigs in 1967 told investigator James Green:

It is no surprise to me that many of the guys who were at Mt. Meigs went on to commit violent crimes after they got out. It is how we were taught to live.

- d. Mr. Johnny Young who was placed at Mt. Meigs in 1961 states:

When I lived at Mt. Meigs, it was impossible for me to think of my future. The horrible circumstances really forced us kids to only think of surviving one day to the next....I learned it is ok to steal in order to survive. Take what you want and never have any living enemies.

### **Psychiatric Impressions of Mr. Howard**

#### **Symptoms of Posttraumatic Stress Disorder (PTSD)**

79. As noted above, this examiner was only able to conduct a brief interview with Mr. Howard, who did not agree to participate in a comprehensive diagnostic interview. As a result diagnostic impressions reached by the examiner are based on review of materials noted above. Even if Mr. Howard had agreed to a longer interview, it is clear from the records that Mr. Howard is an extremely poor historian of his own personal narrative. This is consistent with both his history of repeated trauma and victimization beginning in early childhood and with the symptoms of PTSD indicated in Mr. Howard's record. Both repeated trauma beginning in childhood and PTSD have been found to be related to incoherent personal history narratives and lapses in memory. In fact, inability to fully recall past traumatic experiences is one of the diagnostic criteria for PTSD. Moreover, both of these factors are also related to difficulty in forming trusting relationships, making assessment of trauma history more difficult. As described below, it is not unusual for some with a trauma history similar to that of Mr. Howard or for someone with PTSD to have difficulty talking about his past traumatic experiences.

80. Multiple sources of data reviewed by this examiner suggest that PTSD is a diagnosis that should have been considered for Mr. Howard when he was being evaluated in both Patton State Hospital and Atascadero State Hospital as well as in other court-ordered psychiatric evaluations.

81. First, in order to receive a diagnosis of PTSD a person must have been exposed to a

“Criterion A” traumatic event. As noted above Mr. Howard’s experiences serving as a United States Marine in Vietnam-era combat qualifies as a criterion A stressor. In addition to his experience of combat in Vietnam, Mr. Howard was exposed to stressful events meeting the DSM Criterion A for PTSD over the course of his childhood and adolescence. First, his presence at the time that his mother was murdered by his father was a Criterion A traumatic event. Second, based on the statements of other family members, Mr. Howard experienced physical abuse from Mrs. Dudley. Third, based on Mr. Howard’s own statements to his cousin, he witnessed other boys at Mt. Meigs being beaten. Further, it seems highly likely given the multiple statements about the frequency and regularity of physical and sexual abuse at Mt. Meigs, that Mr. Howard would have witnessed and been subjected to both physical and sexual abuse Mt. Meigs. Of note, all of these traumatic events, combat, these childhood events, witnessing violence and ultimately murder, being abused at Mrs. Dudley’s house and being at Mt. Meigs were not one-time trauma events but traumatic events that would be present repeatedly and persistently over extended periods of time. In addition they occurred during early and key periods in Mr. Howard’s biological and psychological development. Both of these factors are related to increased risk for negative outcomes, including PTSD.

82. When conducting a comprehensive psychiatric evaluation, one important element is to gather a history of exposure to stressful and traumatic life events. Although such an evaluation is not always possible, sources other than self report should be reviewed with respect to trauma history. This sort of data is usually gathered in the course of a comprehensive social history evaluation.

83. It appears that across his history of evaluation by medical and mental health professionals Mr. Howard has been unwilling to engage in assessments and unwilling or unable to discuss in any detail traumatic experiences to which he was exposed as a child or while in Vietnam. While there may be a number of possible reasons for this, it is clear that based on his experiences as a child and adolescent, he was likely to have learned to have distrust for others and in particular for authority or official figures who are in a role in which they are supposed to be taking care of or assisting him. Based on his experiences, Mr. Howard would have had ample reason to have developed the belief that such people are untrustworthy and that they will often use their positions of power and trust to harm others.

84. During the last decade I have worked with many men and women who have been traumatized over the course of their lives, including having experienced abuse and other traumatic events in childhood. It is often difficult for people who have experienced such traumatic events to talk openly about these events. They may have difficulty talking about these events for many reasons. Some of these reasons are:

- a. Problems remembering the event. Inability to remember all or part of traumatic experiences is one of the diagnostic criteria for PTSD. Although it is impossible to validate his statements, multiple medical records indicate that Mr. Howard

states that he is unable to recall past events related to both his childhood and combat in Vietnam.

- b. Even if a memory of a traumatic event is available, remembering the event is associated with psychological distress and people who have been exposed to traumatic experiences often make efforts to avoid these memories. One way people avoid memories of traumatic events is not to talk about them. Making efforts to avoid memories of traumatic events is one of the diagnostic criteria of PTSD.
- c. In my experience evaluating and treating people who have been exposed to traumatic events, people are often particularly motivated to avoid talking with others about traumatic events or elements of traumatic events that are associated with feelings of shame and humiliation. Experiences of childhood abuse and interpersonal violence are often particularly associated with feelings of shame and humiliation. Though there are many commonalities in the ways in which men and women respond to such traumatic events, men appear to experience a particularly high level of shame with respect to having been the victim physical or sexual violence. This is even more likely to be the case for men such as Mr. Howard who have been placed in institutional, correctional environments in which demonstrating weakness or an inability to protect oneself is associated with increased vulnerability.

85. In the case of Mr. Howard, it is clear that he at least witnessed and was almost certainly the victim of physical and probably sexual violence while placed at Mt Meigs. Although it is clear from records that he was at Mt Meigs, he did not volunteer information about these experiences to psychiatric examiners. A statement by his cousin is the only indication in his records that he ever spoke with anyone about his experiences at Mt. Meigs.

86. In order to encourage people to talk about such experiences, several factors are helpful. One of these is taking adequate time with the person being interviewed. This will often include evaluating them over more than one occasion. It is also helpful to have well-developed background history from multiple sources. If such information is available it allows for more effective elicitation regarding experiences of trauma. In the case of Mr. Howard, having records from Mt Meigs and information about his about the way in which boys placed there were treated would have allowed for a more effective evaluation of his trauma history. In addition more comprehensive information about his childhood environments prior to placement in Mt. Meigs would have allowed for a more effective evaluation of his trauma history.

87. In addition to his exposure to traumatic events meeting diagnostic criteria for PTSD, available information indicates that Mr. Howard may have been experiencing symptoms of PTSD across the course of his adult life. These include:

- a. Statements by friends and family members indicate that he was more easily irritable and agitated following his return from Vietnam.
- b. The interview of Dawana Thomas indicates that he experienced nightmares related to his combat exposure in Vietnam.
- c. The interview of Dwana Thomas indicates that he was “obsessed” with Vietnam.
- d. In his interview with this examiner, as well as information in the memo on the social history interview of Mr. Howard on January 31, 2002 by John Murphy and Pam Olsen, Mr. Howard reports that he does not have full memories for his experiences in Vietnam or for his childhood experiences.
- e. In his interview with this examiner, as well as in his social history interview documented by Murphy and Olsen, Mr. Howard indicates that he avoids these memories and avoids talking about these events because doing so is “too painful.”
- f. In his interview with this examiner, Mr. Howard first demonstrated a strong emotional reaction and then ended the interview after briefly discussing his thoughts and reactions when he hears that a member of the military, particularly a U.S. Marine (Mr. Howard was Marine) has been killed in combat. It is possible that this discussion led to Mr. Howard having memory of his experiences of combat. Such a reaction is consistent with a diagnosis of PTSD. Of note, it is not unusual for combat veterans of Vietnam with PTSD to have symptoms of PTSD 25 to 30 years following combat.
- g. The statement of Dr. Riley indicates that Mr. Howard displayed symptoms of PTSD during the time he was placed at Atascadero State Hospital.
- h. Mr. Howard’s exposure to traumatic events (childhood abuse and experience of being placed at Mt. Meigs) placed Mr. Howard at increased risk for developing PTSD in response to his combat exposure in Vietnam.

Based on the available data it is my opinion that Mr. Howard is likely to have suffered from clinically significant symptoms of PTSD following his combat service in Vietnam.

### **Psychotic Symptoms**

88. Data from my interview with Mr. Howard, as well as multiple sources of data reviewed by this examiner, suggest that Mr. Howard may have a psychotic disorder. This evidence includes:

- a. Reports from psychiatric evaluations indicating that Mr. Howard has “paranoid

thoughts” or displayed “paranoia.” These reports also describe him as suspicious. There is one note in his medical records that Mr. Howard reports a history of auditory hallucinations. He is noted, in his psychiatric records, to display blunted affect and other negative or absence symptoms of psychosis. His evaluation by Dr. Putten concludes:

this man suffers from a schizophrenic-type illness and that presently he has only negative symptoms-that is apathy, blunting of affect and withdrawal.” In his evaluation by Dr. Stolz, he is described as “confused, disorganized individual who cannot relate information logically and coherently.” All of these symptoms identified in his psychiatric records by various sources are consistent with psychosis.

- b. Statements of friends and family members also identify disorganized behaviors and behaviors indicating that at times Mr. Howard would lose contact with reality. These include statements that his anger would degenerate into an “angry incoherent discussion with himself to the point that it seemed like he was in his own world” and the statement that he “constantly laughed for little to no reason.”
- c. He also appears to have displayed irrational and inappropriate behavior during court hearings prior to his placement in Patton State hospital and at the time of his arrest in California.
- d. In his interview with this examiner, Mr. Howard’s statements regarding his perceived conflict with his current legal team were not completely logical and he was perseverative in his presentation of the arguments. Overall he demonstrated a paranoid thought process with respect to his concerns regarding a conflict with his legal team.
- e. In addition to the above behaviors, Mr. Howard’s father’s diagnosis of schizophrenia suggests that Mr. Howard may have been at increased genetic vulnerability for developing a psychotic disorder. His exposure to repeated stressful and traumatic life events across his childhood, adolescence and young adulthood are likely to have exacerbated any inherited vulnerabilities to psychosis that may have been present in Mr. Howard.
- f. Based on the available data it is my opinion that Mr. Howard is likely to be suffering from set of psychotic symptoms best classified as “Psychotic Disorder Not Otherwise Specified.” The data also suggest that a more comprehensive evaluation would need to be conducted to rule out a schizophrenia diagnosis in Mr. Howard.

### **Comorbidity of Psychotic Symptoms and PTSD symptoms**

89. Data indicate that over the course of his life Mr. Howard has displayed psychotic symptoms and symptoms of Posttraumatic Stress Disorder (PTSD). It is not unusual for these two types of symptoms to be co-morbid (present in the same person). This appears to have been the case with Mr. Howard.

90. Exposure to traumatic, abusive, or other adverse events over the course of early development is associated with increased risk for psychiatric disorders, including psychotic symptoms and PTSD. Exposure to such events during development may deleteriously impact neurobiological systems and brain structures in a manner related to increased risk for both psychotic disorder and PTSD.

### **Question of Malingering**

91. A number of the psychiatric evaluations of Mr. Howard suggest that he may have been malingering with respect to his presentation of psychiatric symptoms. It is clear that Mr. Howard would have had motivation to do so. However, it is also possible that Mr. Howard could have both been suffering from genuine symptoms of psychiatric disorders and also have been manufacturing for personal gain and/or exaggerating some of his symptom presentations. It should be noted that some of the behaviors that were identified as potential malingering in his evaluation may also have been either related to his history of trauma exposure and/or may also have reflected negative or absence symptoms of psychosis. Specifically, exposure to traumatic events and PTSD are associated with difficulty remembering and with coherently recounting memories of past events (including traumatic events). However exposure to traumatic events and PTSD are not necessarily related to impairments in short term memory. Thus the discrepancy in his failure to recall past events and his demonstrated use of short-term memory while placed in a psychiatric hospital may not necessarily (or at least, may not fully) be a reflection of malingering. In addition negative or absence of symptoms of psychosis may be seen as intentional lack of effort that can at times be interpreted as malingering. In addition, it appears that Mr. Howard was placed on and taken off of several psychotropic medications while placed in Patton State and Atascadero State hospitals. Such changes in his medication may have accounted in part for inconsistencies in his behavior.

### **Other Psychiatric symptoms and Emotional/Behavioral Problems Displayed by Mr. Howard**

92. Across the course of his adulthood prior to his arrest and incarceration, Mr. Howard appears to have used both alcohol and other illegal substances including marijuana. It is not clear from available data if Mr. Howard would have met the criteria for a diagnosis of either alcohol or substance abuse or alcohol or substance dependence.



93. Mr. Howard's use of alcohol, marijuana and other illegal drugs may have been associated, at least in part, with his exposure to abusive and traumatic events in childhood and adolescence. A history of childhood abuse and trauma exposure is associated with significantly higher rates of excessive use of alcohol and drugs as well as increased risk for substance abuse and dependence. In addition, available data suggest that Mr. Howard displayed symptoms of both PTSD and psychosis. Both of these disorders are associated with increased risk for alcohol and substance use and abuse. Use of alcohol and other substances is sometimes an effort to self-medicate distress related to trauma exposure and PTSD symptoms.

94. At several points in Mr. Howard's record it is indicated that he had suicidal thoughts or displayed suicidal behaviors. This includes a suicide attempt while incarcerated and statements to arresting and interrogating police officers.

95. Mr. Howard also displayed erratic emotions and mood swings and had difficulty in regulating his emotional states. He appears to have been prone to emotional decompensation marked by rage, irrational thought and crying/tearfulness.

96. Mr. Howard appears to have extreme difficulty trusting others and associated difficulties in forming intimate relationships.

97. Mr. Howard displays both violent and criminal/antisocial behaviors.

**Potential Impact of Mr. Howard's Exposure to Adverse and Traumatic Events During Childhood and Adolescence**

98. Exposure to abuse and other adverse/stressful experiences in childhood and adolescence leads to increased risk for a number of later negative psychological and behavioral outcomes. It should be noted that a dose-response relationship exists between level of abusive/adverse/traumatic experiences in childhood and increased risk of negative psychiatric and behavioral outcomes. Mr. Howard experienced a high "dose" of trauma/adversity in his childhood and adolescence in terms of number of types of adverse/traumatic events to which he was exposed, the frequency and persistence over time of these adverse/traumatic experiences. In summary, the adverse and traumatic events experienced by Mr. Howard over the course of his childhood and adolescence include:

AGE	EVENT/ENVIRONMENT
Birth to 3 years	Exposed to severe, repeated violence towards mother by father; living in the house with a parent abusing alcohol

3 years old	In house when father murders mother and 3-month old baby sister as well as shooting two-year-old sister who survives
Age 3 to age 12	Physical and emotional abuse and neglect by his care givers
Age 12 to Age 15	Placed at Mt. Meigs. Exposed in this environment to extreme and constant physical, emotional and sexual abuse, threat and degradation. Boys at Mt. Meigs also were malnourished, inadequately sheltered and received inadequate education. Boys placed at Mt. Meigs were also exposed to high levels of pesticides while working in the fields
Age 15 to 16	Placed in home with father who had previously murdered mother. Father's behavior at this time includes excessive use of alcohol and violent/threatening behavior
Age 16-19	Exposure to neighborhood violence, crime and threat living in Bedford Stuyvesant
Ages birth through 17	Lived in environments marked by structural racism and race-related exercise of power and violence
Ages 20-21	Exposure to combat in Vietnam

99. A number of the negative psychological and behavioral outcomes associated with this type of exposure to traumatic/adverse environments in childhood and adolescence were displayed by Mr. Howard. These include: symptoms of PTSD, psychotic symptoms, alcohol and substance use, suicidal thoughts and behaviors, difficulty trusting others and associated difficulties in forming relationships, difficulties in regulating emotions, difficulties in managing anger and aggression, delinquent and criminal behaviors.

100. Exposure to childhood abuse and other adverse/stressful events in childhood, such as that experienced by Mr. Howard, is related to increased risk for the above problems in part because it disrupts and thwarts a number of key biological and developmental processes. These include both cognitive (thought) and emotional (feeling) capacities. Among the capacities often disrupted is the ability to regulate one's emotional responses. This means that exposure to abuse and other adverse events in early childhood and across adolescence is related to increased frequency of experiencing negative emotions, increased strength of the emotional response, and a tendency for the experienced emotions (particularly negative emotions) to last for longer periods of time. In addition to this, the ability to use reason and logical thinking to override emotional responses is

developed over the course of childhood and adolescence and even into early adulthood. As such, exposure to abuse and other adverse events in childhood and early adulthood impairs this ability.

101. Another reason why exposure to childhood abuse and other adverse/stressful events in childhood such as that experienced by Mr. Howard, is damaging is because it is often associated with problems in primary attachment relationships (relationships with parents or other care givers in early childhood). Such relationships form the foundation from which people develop their core beliefs about themselves, others and relationships. Mr. Howard's attachment relationships were disrupted in multiple and severe ways, including the murder of his mother when he was 3 years of age and the subsequent incarceration of his father for committing the murder. The impact of disrupted early attachment can sometimes be ameliorated if children are provided with later stable, caring and supportive environments. However, Mr. Howard was not provided with this opportunity. In fact his environments following his mother's murder and father's incarceration were likely to have exacerbated problems associated with disrupted early attachment. Strong and secure attachment relationships are the foundation for the development of later abilities to control emotions and emotional responses particularly in the face of threat or danger. Thus Mr. Howard's lack of secure attachment as a child would have placed him at increased vulnerability to negative outcomes when faced with later stressful and traumatic experiences such as placement in Mt. Meigs and combat exposure in Vietnam.

#### **Potential Impact of Exposure to Pesticides on Mr. Howard**

102. The boys placed at Mt. Meigs appear by multiple accounts to have been exposed to high levels of pesticides particularly organophosphates. Some research on the impact of exposure to organophosphates in childhood and adolescence suggests that it may be related to increased risk neurological and behavioral problems. Thus exposure to these pesticides may have exacerbated Mr. Howard's already increased risk the development of later behavioral problems.

#### **Risk Factors for the Development of Delinquent, Aggressive and Criminal Behavior Present in the Life History of Mr. Howard**

103. Research to date has identified a number of risk factors for the development of delinquent, aggressive and criminal behavior. Mr. Howard's childhood, adolescence and young adulthood were marked by exposure to a number of these risk inducing environments and experiences. These include: violence and conflict in the family

environment, childhood abuse and neglect, poor family bonding and impaired attachment with care givers, parental criminal behavior, parental substance abuse, failure of families to provide adequate supervision, lack of economic resources, poor educational opportunities, exposure to community violence, exposure to racial prejudice, exposure to traumatic events including combat.

104. Of note in the case of Mr. Howard is that increased numbers of these risk factors are associated with increased risk for development of delinquent, aggressive and criminal behavior.



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Rebekah G. Bradley, PhD.

01-25-2009

Date

## CURRICULUM VITAE

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## CURRENT PROFESSIONAL POSITIONS

**Assistant Professor, Department of Psychiatry and Behavioral Sciences**  
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Fani, N., **Bradley, R.**, McClure Tone, E.B. (2008). **Attention bias in adult survivors of childhood maltreatment.** Poster presentation at the Association for Psychological Science, Chicago, IL.

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# EXHIBIT 200

# EXHIBIT 200

**DECLARATION OF ADRIENNE C. DAVIS, Ph.D.**

I, ADRIENNE C. DAVIS, hereby declare under penalty of perjury as follows:

1. I am a clinical psychologist, licensed in California. I received a B.S. in Psychology from U.C.L.A. in 1976 and M.A. in Psychology from California State University at Long Beach in 1979. In 1984, I received a Ph.D. in Clinical Psychology with a minor in Neuropsychology from the University of Southern California.

2. I currently maintain a private practice specializing in psychological evaluations of defendants for the guilt and sentencing phases of criminal cases. I conduct psychotherapy with adolescents and their families. I am currently a Lecturer in forensic psychology in the graduate program in clinical psychology at the University of Southern California in Los Angeles. In addition, I am a psychological consultant for the North Los Angeles County Regional Center, where I evaluate developmentally disabled adults and make treatment recommendations.

3. From September, 1988, through April, 1990, I was a staff psychologist at the Valley Hospital Medical Center in Van Nuys, California, where I provided individual, group and family therapy services, and did psychological and neuropsychological evaluations of patients who had suffered traumatic head injuries. I was also responsible for staff consultations, training, and development. I was also a consulting psychologist at St. Jude Hospital and Rehabilitation Center in Fullerton, California; a psychological consultant at the North Los Angeles County Regional Center in Panorama City, California; and Staff Psychologist for the California Youth Authority Southern Reception Center and Clinic in Norwalk, California. I also taught courses in Personality Theory at the University of

Southern California, and a course in Psychological Testing at California State University at Northridge.

4. I am a member of the American Psychological Association and the California State Psychological Association.

5. I have served as a consultant in approximately 50 capital cases, typically administering intelligence, personality and neuropsychological tests and offering my opinion as to the significance of the results of these tests and the results' bearing on the defendant's involvement in the offense. I have been qualified and testified as an expert witness in Superior Courts in Los Angeles, San Diego and Orange Counties.

6. I have been asked by counsel for Jesse Andrews III to investigate and evaluate his social history and background, paying particular attention to his familial, cultural, medical, psychiatric and institutional history. I have been asked: to discuss the affects of that background on his psychological development and his level of psychological and cognitive functioning as an adult; to determine whether Mr. Andrews suffered any psychological, emotional or developmental impairment disorder at the time of the offense for which he was convicted and sentenced to death; to address issues relating to Mr. Andrews' ability to assist his attorney during legal proceedings in Los Angeles, California, which spanned from 1981 to 1984; and to form an opinion about how this information might have been used effectively in the guilt phase of Mr. Andrews' capital trial.

7. As a basis of my evaluation of these issues, I have reviewed and considered extensive medical, social and legal history materials listed at the end of this declaration in Appendix A. I have also interviewed Mr. Andrews on seven separate

occasions: November 30, 1989, December 1, 1989, December 18, 1989, August 14 and 15, 1990 and March 29 and 30, 1994. These are the kinds of materials and information relied upon by clinical psychologists to reach opinions.

### INTRODUCTION

8. Jesse Andrews III was the youngest of four children born to Jesse Andrews, Jr. and Evelyn Smith in Mobile, Alabama, on July 2, 1950. Jesse's father, an alcoholic who beat Jesse's mother while she was pregnant with Jesse, left the family soon after Jesse was born. Jesse's mother also drank heavily during her pregnancy with Jesse. When Jesse was two years old, his mother left her children on the pretext of going on a two-week vacation and did not return for nine years. Jesse was left in the care of Evelyn's sister, Lettice, and Evelyn and Lettice's parents, Willie and Ruth Parker Smith.

9. The rupturing of this primary attachment to Jesse's mother had severe and enduring psychological ramifications for Jesse. The separation created a profound insecurity within himself and a mistrust of others. Psychological research on the effects of such traumatic rupturing of primary attachment bonds has demonstrated that such children are vulnerable, throughout their lives, to depression and to chronic difficulties in interpersonal relationships. Jesse was clinically depressed at an early age and continues to suffer from depression to this day.

10. The trauma Jesse suffered did not end with the abandonment by his mother. Throughout his childhood, adolescence and adult life, Jesse suffered severe and continuous abuse and neglect, both from his family and as a result of institutional failure. Moreover, despite exhibiting serious signs of psychological impairment as a child, he

received no psychological attention. As an adolescent and as an adult he endured prison conditions which were undeniably among the most brutal in the United States.

11. A full and accurate psychological assessment of Jesse requires consideration of the economic and social deprivation within both the family and the community; the history of mental illness within the family which suggests a genetic predisposition in Jesse to certain mental disorders; the abuse, neglect and deprivation he suffered as a child and adolescent; the cruel and inhuman conditions he experienced while incarcerated as an adolescent and as an adult in the infamous Alabama prison system; and the effect continuous trauma had on his development. Further, any assessment of Jesse's development and cognitive functioning must include careful attention to the role of racism in the communities in which he lived and how it affected his development, behavior and perceptions.

#### **EFFECTS OF RACISM**

12. An accurate assessment of an individual's functioning begins with consideration of the cultural dynamics present in the communities in which the individual lived. As an African-American male living in the Southern United States, racism played an important role in Jesse's development. Historically, racism has been defined as a social attitude characterized by animosity towards members of a perceived out-group, based on faulty and inflexible generalizations, and expressed overtly or covertly in individual, institutional or cultural settings.

13. Segregation, one institutional expression of racism, was a complete and all-encompassing system which governed every aspect of life for African American children

during Jesse's childhood and adolescence. Minority group children, like Jesse, learn the inferior status to which they are assigned as they observe the fact that they are kept apart from the majority. Segregation laws meant that Jesse and his family had to use restaurants, bathrooms, water fountains and other facilities which were designated "colored". They could not use facilities whites used. They were forced to remain in their segregated neighborhood or they risked violence and threats of violence. Jesse learned that white children were treated with more respect by society as a whole. Minority children often react to this role designation with feelings of inferiority and a sense of personal humiliation. While feelings of inferiority come about for a variety of reasons, there can be no doubt that enforced segregation is a major factor. The fact that segregation was officially sanctioned made its effects more powerful.

14. Because of the racism and segregation minority children experience and observe in the world around them, many African American children become confused about their own sense of personal worth. This sense of inferiority may be diminished if the minority child receives strong countervailing messages of his worth; these positive messages must come primarily from the child's family. Unfortunately, as discussed below, Jesse's family was extremely dysfunctional, mentally impaired and unstable. Thus, Jesse's family members were incapable of providing the necessary countervailing factors. While bonding and closeness are important for all children, they are critical for insulating the African American child from assault in a society that does not always regard him as worthy and acceptable. If not insulated, an African American child will wonder whether his group and he himself are worthy of no more respect than he receives. This confusion can lead to self-



hatred. Furthermore, unlike most African American families, Jesse's family did not discuss any racial issues. Thus, Jesse learned there was an unwritten rule that the races did not mingle, but he was never taught about how children should respond to situations with whites.

15. Even where parental figures are able to provide the child with a sense of self worth, African American children of all classes may be hypersensitive and anxious about their relations with the larger society. They tend to see hostility and rejection even in those areas where it might not actually exist. Multiple factors, including the stability of the child's family, the child's personality, and particular emotional and psychological vulnerabilities, will influence the reactions of the child or the degree to which the child will internalize these feelings.

16. Tragically, when Jesse was a child he had no one to turn to for help in sorting out these feelings. He was a member of an extremely dysfunctional family and the racism in his society made him more vulnerable to the dysfunctionality in the household. Further, the dysfunctional household made him more vulnerable to the racism in the society. In addition, Jesse was an emotionally and psychologically damaged child growing up at a time in American history when the turmoil concerning relations between whites and blacks was tremendous. Jesse was never taught by his family any means of coping with the racism that he confronted. He was sent out to deal with the world without any of the protective armor that a functional family could have provided.

### **FAMILY HISTORY**

17. To appreciate the nature of Jesse's disabilities and the impact of his experiences on his personality development, consideration must be given to the alcoholism,

mental illness, and organic disabilities that pervade Jesse's family history. Thus, his family history is a highly significant factor in the assessment of his own mental functioning.

18. Not only was Jesse subjected to abuse and neglect by his family, he came into the world with a likely genetic predisposition to become an addition to the list of mentally ill relatives. Genetic predisposition, or "genetic loading" is the combination of interactions that produce a vulnerability to mental disturbance, especially in the presence of serious environmental stressors. Research has shown that certain diseases may be more susceptible to being inherited and passed from generation to generation. Diseases that have been shown to have a measurable heritable component include alcoholism, schizophrenia, and depression. In order to understand Jesse's behavior, his family must be viewed in multigenerational context.

#### **Maternal Family History**

19. Jesse's grandparents, William Smith and Ruth Parker, were married in 1926. Of their three children, two died in infancy. Their first child, Evelyn, died at age six weeks of some cause unknown to surviving family members. Another child, Clarissa Delores, died of diphtheria at about two years of age. Their surviving child is Jesse's mother, also named Evelyn.

20. Mr. Smith was an ex-convict who, according to Jesse's Aunt Lettice Perkins, served almost a dozen years in the Alabama prison system for forgery, from about 1939 to 1950. During his term in prison, Mrs. Smith had a relationship with another man; Lettice Perkins was the offspring of that relationship. Lettice's daughter, Sharon Johnson, stated that after Mr. Smith was released from prison he accepted Lettice as his own, but

harbored some anger toward Lettice. According to Sharon, "he didn't like [Lettice]." As a consequence, Ruth favored Lettice, while Evelyn and Willie Smith were "very close." Mr. Smith also favored Evelyn's older son, Smokey, as did Evelyn; Jesse III was emotionally neglected and early on was cast in the role as the family scapegoat.

21. According to Sharon, Mr. Smith got drunk every day, and "he was a drunk, arrogant old bastard" who was "drunk all the time and hostile." He would beat his grandchildren with a "tire rubber" for the smallest of infractions. At night, his practice was to go out and drink at illegal booze clubs. During the day, Mr. Smith worked as a laborer. He was killed during a construction accident in 1961 after he had been drinking. He was working on a scaffold above an elevator when another worker sent up the elevator without warning. The elevator knocked Mr. Smith off the scaffold, and he fell to his death. Sharon stated that because he was drunk when he fell off of the scaffold and was killed in 1961, the insurance company balked at paying Ruth the proceeds of a life insurance policy on that ground. Ultimately, his death was ruled an accident, and the policy amount was paid.

22. Mrs. Smith was a terribly arthritic woman who had a great deal of difficulty with mobility. Her disability did not keep her from designing punishments for her grandchildren, however, to be administered by others in the household, as discussed below.

#### **Paternal Family History**

23. Jesse's paternal grandparents had seventeen children. They raised their twelve surviving children on a farm outside of Selma, Alabama; their five other children died as infants. Jesse's grandfather, a veteran of World War I, returned from the war to a life of sharecropping for white landowners. His youngest son recalls that his father was "hurt more

by being deprived than by being beaten." At the end of a year of farming, his father had to give most of his earnings to the landowner; the family would be fortunate to be left with \$50 for the entire year's work. The family was very poor, and there seldom was enough for all to eat.

24. In this environment of oppression and deprivation the family struggled to survive. Jesse's grandfather was the disciplinarian, who would beat his children with a whip. The male children, including Jesse's father, were forced to work long hours in the fields. Segregation was a given, and education in the "colored" schools was substandard. Jesse's father dropped out of school in the 10th grade. The females in the family were subject to sexual abuse by the white landowners while the men were in the fields. Jesse's grandmother's sister was conceived as a result of such a rape.

25. In addition to the environmental pressures, many of Jesse's paternal family members had physical disabilities that made it even more difficult to cope. Jesse's paternal aunt, Ola Mae Andrews, is both hard of hearing and "slow mentally." Jesse's first cousin was recently hospitalized for depression after he became suicidal. Diabetes also runs in the family; at least one paternal aunt and two first cousins have the disease. Both Jesse Jr. and Jesse III have aberrational responses to alcohol, which may be a symptom of an underlying blood sugar disorder. Jesse's sister Edna is an alcoholic, is hypertensive and suffers from an anxiety-related disorder for which she takes medication. Edna's oldest child, Chris, is mentally retarded.

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## **Nuclear Family**

### **Biological Parents**

26. Jesse's parents met in about 1942 when Evelyn Smith was about 13 years old and Jesse Andrews, Jr. was 21 years old. Evelyn was living with her parents on Hill Avenue in Mobile, and she knew Jesse Jr., who was living across the street with his sisters Beatrice and Dorothy Moultrie. Evelyn thought he was "a fine young man." About a year later, Jesse Jr. was going into wartime service and asked her to marry him. She accepted, and shortly after they were married Jesse Jr. was shipped out for two years, although they saw each other on leaves.

27. Jesse Jr. was trained as a quartermaster in the segregated Army in Cheyenne, Wyoming and Fort Benning, Georgia. He was shipped out in 1944 and served in France, Belgium and Germany. According to Jesse Jr., he spent the first six months in Europe digging graves and burying the dead after D-Day. He lived through the constant barrage of bombing and shooting throughout the War, and was discharged on November 11, 1945.

28. Evelyn lived with her parents during this period and had her first child, Carolyn, in 1944. She gave birth to four children in six years, with Jesse being the youngest child. Jesse Jr. returned from service just before their second child, Edna, was born. Upon his return to Mobile, Evelyn recalls that he came back "a changed person." According to Evelyn, he was an alcoholic, was not a good provider and could not keep a steady job. Jesse Jr. describes himself as being "shell-shocked." Evelyn recalls that Jesse Jr. would simply sit on the porch and eat pecans while her mother went to work to help support her and her

children. Evelyn and Jesse Jr.'s marriage began to founder at this time, concomitant with her pregnancy with her second youngest child, Willie. Jesse Jr. and Evelyn fought often and regularly, and Jesse Jr. physically abused Evelyn. Evelyn remembers that the fights were so severe that she would often be knocked to the floor by Jesse Jr., including during her pregnancy with Jesse III. According to Jesse Jr., both he and Evelyn also drank alcohol on a regular basis throughout her pregnancy with Jesse III. According to Evelyn, their marriage was at its worst while she was pregnant with Jesse III. In addition to the physical abuse, Jesse Jr. would also humiliate Evelyn by "parading around" with different women in front of Evelyn while she was pregnant with their last two children.

## **PERSONAL HISTORY**

### **Jesse's Birth**

29. The fighting and abuse continued throughout the pregnancy and birth of Jesse III. Jesse was born at home after a long labor and with the assistance of a mid-wife, on July 2, 1950. His mother had received no pre-natal care and Jesse received no medical attention for several years.

30. Jesse's first cousin Doris Glover recalls that "Jesse was just such a sweet baby." As a toddler, however, she remembers that he had "running tantrums" for no apparent reason -- he would "run all around the house screaming." Jesse's Aunt Lettice also recalls that Jesse was a quiet child, but at times "acted like he was disturbed."

31. Prior to or shortly after the birth of Jesse, Evelyn's parents moved to a new home on Basil Street in Mobile, and Evelyn and her children went with them; Jesse Jr. did not. Jesse Jr. left Mobile for work on fishing boats.

### **Education And Learning Deficits**

32. Evelyn recalls that during his early childhood, Jesse was slow to learn and learned to walk and talk later than her other children. He had a short attention span, was hyperactive at times, and at other times would "stare into space." He was always reserved, withdrawn and did not mingle with his siblings. She recalls that he had trouble learning simple tasks, such as how to tie his own shoes. At school his report card indicates that he was a "slow learner" and did poorly in his classes. These symptoms indicate serious learning disorders, attentional deficits, as well as what is now known as Fetal Alcohol Syndrome or Fetal Alcohol Effect.

33. Meanwhile, the problems that Jesse, his siblings and his cousins were having in school went unnoticed by the adults of the household. Sharon reports that none of the adults in the house ever "talked to a teacher or went to a PTA meeting in their lives."

34. It is significant that Jesse's only son, Dominick, now 14 years old, raised under very different conditions, was diagnosed with attentional deficits and medicated with Ritalin for one year when he was a small child. Dominick still suffers from a short attention span and continues to struggle in school.

35. Services and programs available to school-age children today were unheard of during Jesse's youth, especially in African American schools in the segregated South. Thus, it is not surprising that there is no record of Jesse being given counseling, special help or services of any sort. Today, Jesse would have been referred for special education classes and possibly psychiatric testing and services. Tragically, those services were not available and Jesse's obvious troubles went unaddressed.

## **Jesse's Early Childhood**

### **Parental Abandonment, Neglect, Abuse, Deprivations, Maltreatment And Trauma**

36. In about 1953, when Jesse was two and a half years old, his mother told her family that she wanted to go to Detroit for two weeks to visit a male friend. Evelyn asked her sister, Lettice, seven years her junior, if she would take care of her four children while she was gone. Lettice told Evelyn that she did not want to be responsible for her children. Evelyn then asked her mother if she would mind her children during her visit. Mrs. Smith agreed. Evelyn left, and remained in Detroit for nine years.

37. During her stay in Detroit, Evelyn married a man named Preyer. She gave birth to two sons, Michael (in 1955) and Curtis (born in 1958) Preyer. Evelyn got a job in a Ford plant and did not return to Mobile until 1961 when Jesse was about eleven years old. According to Lettice, Evelyn rarely sent the children any money, Christmas, Easter or birthday cards or any correspondence while she was living in Detroit. Occasionally, Evelyn called her parents and Jesse would be given the phone; he remembers only his mother saying hello and good-bye. If there was any conversation, Jesse does not remember it.

38. Lettice reports that after Evelyn left, Jesse Jr. moved into the house for about one year, although he did not stay there every night. He would occasionally give Mrs. Smith some small amount of money for support of his children. He often promised his children things that he never delivered.

39. Jesse, his three siblings and Lettice's four children were raised by Mr. and Mrs. Smith and his Aunt Lettice. Jesse's grandparents never discussed his mother's



whereabouts or addressed why she had left and was not there. No one explained her absence. Since children learn not to discuss subjects with adults when they sense that the adults consider the subject as taboo, Jesse did not ask about his mother. When Jesse's grandmother was angry she would say that Jesse's mother, Evelyn, had left her children and was not carrying her load. There was an air of subtle ambivalence and anger by Jesse's grandmother and Aunt Lettice that indicated to Jesse that he and his siblings were loved as grandchildren and nieces and nephews but that they were also a burden which required that family resources be stretched. Often at mealtimes, Lettice, who was working as a taxi cab dispatcher at the time, would eat first, then she would feed her children. Jesse and his siblings would eat what was left after the others had eaten.

40. Neglect was also indicated by Jesse's failure to thrive as a child. Sharon describes him as being "puny, like a wimp," and says that he was often teased by the other children because of his small stature. Jesse was a mild-mannered, weak child who was beaten and robbed almost every day in or on the way to school.

41. Jesse reached out to his father and the father's family, but was repeatedly spurned: often his father was not home at the times he told Jesse to visit. According to Lettice's daughter, Sharon Johnson, Jesse's father was drunk all of the time. He never took Jesse III anywhere or did anything for him. Neither parent was physically or emotionally present, leaving Jesse to feel like he was unwanted. These feelings reinforced Jesse's feelings of abandonment and rejection.

42. Mr. Smith's anger was not expressed as subtly as the adult females in the house. He drank frequently, and he had a temper when he was angry. He once punched

Sharon in the eye. He beat Sharon and Jesse with a "tire rubber" for minor offenses, such as sitting too close to the television, for answering the telephone when Mr. Smith was home, or for no discernable reason. This is a practice which is not only terrifying and humiliating to a small child, but also extremely painful.

43. Jesse was a favorite target of his grandfather's beatings. Sharon remembers that their grandfather "didn't need a reason to beat Jesse. . . . Jesse got blamed for everything." Mr. Smith beat Jesse III, mostly when he was drunk, from the time Jesse was a small child, with a strip of a tire rubber, or with his hands -- however he could get Jesse. When Mr. Smith was too drunk to catch Jesse, which happened often, he would wait until Jesse was asleep, and then go beat him in his bed, or he would trap Jesse in the bathroom for a beating. Very often in dysfunctional families there is a "scapegoated" child who gets blamed for the problems of the family. Jesse was the scapegoat for all of his family's myriad problems. Maltreatment of this sort -- unpredictable and unpreventable (for example, by the child adjusting his behavior) -- is particularly devastating, as it creates an atmosphere of unpredictability. Jesse could be hit at any time for any reason and he lived with that knowledge throughout his life.

44. Jesse reacted to these beatings by shutting off his feelings, or as another of Lettice's daughter's, Linda Jackson, described it, "Jesse didn't seem to care if he got beat." Thus, from a very young age, Jesse, who was withdrawn and who did not express reactions to beatings, was depressed and dissociating as a way of coping with traumatic events. Dissociation is a psychological defense mechanism in which normally occurring connections among feeling, thoughts, behavior, and memories, are unconsciously detached in

order to lessen the sometimes overwhelming anxiety and pain associated with complete awareness of traumatic events. In Jesse's case, his behavior as a child indicated that he suffered from a detachment in his sense of self when he was abused, so that he did not personally experience the trauma that was inflicted upon him; instead, the beatings and abuse happened to some one else, or to a depersonalized self.

45. From the time he was about seven years old, Jesse received a special punishment for not returning home on time. First, he was locked in his room, but Jesse often escaped through a window. Then, based on the belief that Jesse would not run away in girl's clothing, Mrs. Smith designed a different punishment for Jesse. Jesse was forced to wear a dress and sit on the front porch, and Mr. Smith would stand guard at the screen door to make sure he remained there. Jesse was publicly humiliated -- children from the neighborhood came to look at and tease Jesse. According to Evelyn, her son Willie received this punishment once, but never "got into trouble again." Jesse, on the other hand, continued to run away and receive this humiliating punishment. He would often find a way to get inside, find boys clothing and run away from home for several hours at a time.

46. When Jesse's mother returned to Mobile from Detroit in 1961, she brought two sons who were the products of her marriage to Mr. Preyer. Evelyn concentrated her attention on her two youngest sons, to the exclusion of Jesse and his siblings. To now be faced with two male siblings with whom the mother was attentive and loving caused Jesse more pain, hurt and additional feelings of rejection by his mother.

47. The death of Mr. Smith in 1961 irrevocably altered the circumstances of life for Jesse and his family. To the extent that there had been even the illusion of security

or family cohesiveness, that notion was shattered. Jesse was especially disturbed and saddened by his grandfather's death. As is often the case with beaten children, he loved his grandfather and remained loyal to him, despite the abuse he had suffered. A solitary child already, he became even more withdrawn after his grandfather's death.

## **INSTITUTIONAL HISTORY**

### **The Detention Home**

48. It was at this time that, as a result of his attempts to escape the physical and psychological abuse he faced at home, Jesse started to miss school. He began to associate with children from outside of the neighborhood. Given his abusive and chaotic home environment and his frustrations in academic environments, it is not surprising that he sought other arenas in which he could feel a sense of mastery, self-worth and competence. He "supported himself" by shoplifting and other types of petty thefts.

49. His first arrest was for truancy in May, 1963 and he appeared in Mobile County Family Court. Proceedings in court were clearly influenced by the race of the child before the court: the judge would not address African American parents; no African American child was represented by counsel. A probation officer stood in court with Jesse, while the judge handed down the pre-determined punishment. After three additional arrests, he was placed in the "colored" detention home.

50. The detention homes in Alabama were racially segregated, overcrowded, unsupervised and offered no rehabilitation services. There was no classification system, so dependent children and truants were housed with delinquents charged with serious crimes.

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The children were generally allowed out of their rooms for 1-2 hours a day and there was no nighttime supervision. Rapes were not uncommon.

51. Jesse recalls that the detention home in Mobile was run by an African American couple; the only other staff was a cook. The man who ran the home beat the children with a fan belt or a paddle for "the smallest thing;" "it was run like a boot camp." The boys were charged with cleaning and maintenance of the premises. Jesse stayed at the home for several weeks at a time after his arrests. Jesse was small and weak, and looked to the other boys for guidance. He became acquainted with boys from other neighborhoods at the detention home, including one boy named Freddie Square, who was later to become a powerful and corrupting figure in Jesse's life.

#### **The Alabama Industrial School For Negro Children At Mount Meigs**

52. When Jesse was 14 years old, he was sent to the Alabama Industrial School for Negro Children at Mt. Meigs ("Mt. Meigs") after being caught for "joy-riding." Mt. Meigs was, by all accounts, a harsh, brutalizing, inhuman environment for any child. Boys at Mt. Meigs were required to perform grueling farm labor, which was often accompanied by severe beatings, given for the most minor infractions. They were required to pick large amounts of cotton, cucumbers and other crops, and in general to work well beyond what was humanly possible for a young adolescent boy. The school was essentially a slave labor camp, as the proceeds from the farm went to fund the institution and its all-white Board of Trustees, whose members owned the farmland that surrounded the school.

53. Minor infractions, such as leaving blades of grass or seeds in the cotton resulted in a beating. Mt. Meigs was particularly hard on city boys like Jesse because they

had no experience with farm labor. At the instruction of Superintendent E.B. Holloway, when the boys lagged behind in output, the guards beat them. Boys were often beaten until they bled, and then the guards would not permit the boys to wipe the blood off. Boys were made to lie flat on their stomachs and beaten unmercifully. If a boy rubbed a lick, then that lick did not count, and more were administered.

54. Guards wielded lead-filled sticks which they referred to as "John Henry." If a boy did not pick his quota of whatever crop was in season, he would be beaten. During cotton season, for example, a boy was required to pick two mattress-sized bags of cotton a day. The guards used "John Henry" to determine whether a boy had met his quota -- if "John Henry" made a dent in his sack, then it was not filled, and a beating would ensue.

55. One guard named Glover discovered another, even more despicable, use for "John Henry." He would first poke a hole in the ground. He would then force the boy about to receive a beating to lie on the ground and insert his penis in the hole. Just before beating them, the guards would say, "Put your prick in the ground, let your ass go 'round and 'round." Glover also crippled at least one boy by inflicting a particularly brutal beating.

56. Another common place for public beating by guards was "the morning bench," where boys gathered in the mornings before being forced to work the fields. A guard, or often Superintendent Holloway, would use "John Henry," to beat the boys. A boy being whipped was also not allowed to yell out in pain, and was only permitted to say things like, "Thank you, Mr. John Henry." Whips, fan belts, sticks were also used for beatings. Occasionally, older inmates known as "charge boys" were ordered to beat other inmates. One former inmate remembers being called an "animal" by the guards.

57. Living conditions at Mt. Meigs were atrocious and sub-human. The sleeping quarters were divided into cottages, each containing ten rooms. Each cottage contained one hundred boys, aged nine to eighteen. The rooms were inadequately heated in the winter, and the boys were not given enough blankets to keep warm. In the summer the rooms were extremely hot. All of the boys had to wear cast-off army fatigues that were so large for them that the sleeves hung down over their hands and the pant legs had to be rolled up. The food was almost inedible, and boys often went hungry. Boys were often forced to run to and from the fields, a distance of several miles. If a youngster collapsed from exhaustion, he would be beaten by guards who would accuse the boy of faking illness.

58. Children could be committed to the industrial school for anything. Runaways, truants, as well as violent offenders, were housed together. Dorms were virtually unsupervised, and boys had to fight or other boys would take sexual advantage of them. Older inmates raped boys as young as 13 years old; "charge boys" often participated in the rapes. It was not uncommon to witness graphic violence, such as witnessing an inmate poke another's eye out with a stick or a nail. Jesse witnessed unrelenting violence and sexual assaults while he was there. Some boys committed acts of bestiality on farm animals. In addition, Jesse and many of the other boys would use glue, alcohol and cleaning fluids as intoxicants whenever the substances were available.

59. Guards at Mt. Meigs were often illiterate and had no training at all; violence was the only method they knew to resolve conflicts or impose discipline, and fist-fighting among the boys was condoned. Whenever another boy wanted to intimidate someone, he simply went to one of the guards and said, "Boss, can I get five with this ole

nigger?" The victim would have to fight, or face "John Henry." If a boy lost and did not have some strong "home boys" to protect him, he would be forced to submit to sex with the boy that beat him, and anyone else who wanted him. Accordingly, boys at Mt. Meigs learned to resolve conflicts only by violent means.

60. Jesse was one of the smallest boys at Mt. Meigs. His nickname was "Little Robe," given because of his small stature. Jesse was in the "little boy house" and in "little boy line" in the fields. He was beaten by both guards and inmates. Charge boys would stand behind him and make sure that he did not leave grass in a row, which was an impossible task. When the charge boys found grass in Jesse's row, they would make him lie down on the ground and whip him across his thighs and legs until he could not walk. He was also beaten by guards who wielded "John Henry" at the "morning bench" until his thighs were sore and, in some instances, broken open. Guards would beat Jesse three to four times a week. In addition, Sharon reports that Willie, who is now deceased, told her that Jesse was raped at Mt. Meigs.

61. Occasionally, boys would try to escape from Mt. Meigs. If they were captured, an "X" would be cut into their hair, their shoes confiscated, and they would be given all white clothes to wear. One inmate who was caught after an escape attempt remembers that his mother complained to the guards about his subsequent treatment, and that he received better treatment after that. He recalls that Jesse did not have many visits and that no one in Jesse's family stood up to the officials on Jesse's behalf.

62. In fact, Jesse had only one family visit the entire time he was at Mt. Meigs. Evelyn drove down with the family of another boy from the community who visited



their son at Mt. Meigs once per month. She did not visit Jesse again. Evelyn recalls that Jesse had lost weight, had bruises, and looked unhappy.

63. The schooling at Mt. Meigs was minimal. Teenagers received what seemed like a 5th grade education. Schoolbooks were outdated and the teachers uninterested. There were a couple of programs designed to teach a trade, but only four or five boys were involved in those programs at a time.

64. Jesse's feelings of hopelessness and helplessness were apparent from a very young age. Rather than assist Jesse in coping with his feelings of despair, Mt. Meigs never provided children with any rehabilitation services, meaningful educational programs, counselling, vocational programs or psychological services. African American children were required to work in the fields to keep the farming business operational for the profit of members of the all-white Board of Trustees. When white children were integrated into the facility, the farming business was abandoned. At least one court case focused explicitly on the way in which the segregated status of the juvenile justice system in Alabama contributed to a desperate lack of resources at Mt. Meigs. Little of what went on at Mt. Meigs served any rehabilitative function. Indeed, Jesse returned to society debilitated. He had no plans for his life beyond simply getting out of Mt. Meigs. Researchers on delinquent behavior have often commented critically on the fact that poorly managed juvenile institutions often contribute to an escalating pattern of criminal behavior by exposing younger, relatively unsophisticated children to older, more experienced and criminally sophisticated youth. Jesse's case was no exception.

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### **Jesse's Adolescence In Mobile After Mt. Meigs**

65. At age 16, Jesse came back from Mt. Meigs "a changed person."

According to family members and friends who had known him prior to his incarceration, he was more withdrawn and taciturn. He never talked about the conditions at Mt. Meigs. Doris recalls that he "just kept everything bundled all up inside." Sharon noticed that his personality had changed, that he had become more cynical and pessimistic. She begged Evelyn to get Jesse psychological help, but Evelyn did nothing. Jesse describes his experience at Mt. Meigs as, simply, "unreal." Clearly, the unrelenting physical and psychological abuse and neglect that Jesse experienced at Mt. Meigs served only to reinforce the negative psychological dynamics underlying Jesse's previously damaged psychological structure; dissociation became a common way for him to cope with chronic pain.

66. After his return, Jesse stayed with his mother for only a couple of days.

Tension again began to mount between Jesse and his mother so Jesse moved in with his grandmother. He got a summer job with the City of Mobile. One day Jesse was in Mrs. Smith's yard working when his mother came by. Mrs. Smith and Evelyn went inside and talked. Mrs. Smith came out with Jesse's mother and said to Jesse that this was his mother and that Jesse should go home with her. Jesse was very uncomfortable. Having no say in the matter, he returned home with his mother. After a few days, things got so tense between Jesse and his mother that he left.

67. Jesse started staying with friends and on the street. He once again met up with Freddie Square on the streets of Mobile, whom he had met in the detention home and at Mt. Meigs. Square was wild and fearless, and much tougher than Jesse. Square was also a

violent, streetwise criminal who stabbed several people on the streets of Mobile before his incarceration in state prison. Square introduced Jesse to more serious criminal activities, as well as to drugs and alcohol.

68. Jesse was close to his paternal cousin Doris Glover, with whom he stayed on occasion during this period of time. On the evening of September 2, 1966, about three months after Jesse's release from Mt. Meigs, Doris and Jesse had plans to go to a concert together. When Doris backed out at the last minute because of private reasons she did not feel she could explain to him, Jesse was upset and disappointed when he left her house. That night Jesse accompanied Freddie Square on two robberies, in which one person was killed. Square was arrested first and signed a confession in which he admitted to killing the shop owner while Jesse stood lookout. Several days later, Jesse went to Doris's house, knowing the police were after him. Doris had persuaded Jesse to turn himself in when the police arrived at her house, tipped off to Jesse's presence by a neighbor. Doris and Jesse said their farewells, and did not see each other for ten years. Jesse, sixteen years old, spent the next ten years of his life in notorious Alabama adult penal institutions.

**Mobile County Jail  
1966-1968**

69. Jesse, 16 years old, five foot, eight inches tall and weighing 135 pounds, was booked for murder and robbery and taken to the city jail in September, 1966. He stayed at the city jail for a short period of time before he was transferred to the Mobile County Jail, where he would remain incarcerated among the adult population for some 20 months, until May, 1968. The jail was segregated, with white guards watching over black inmates.

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70. Again, as in Mt. Meigs, Jesse was young and small, and was bullied by other inmates. And, as in Mt. Meigs, inmates had to fight to keep from being raped. Jesse had to fight all of the time. One inmate witnessed a time when Jesse could not fend off the attacker, and was sexually assaulted. Another inmate remembers that Jesse was assaulted by two inmates in the jail, and may have been raped by them. Some inmates were "turned into women," that is, they had to submit to sexual advances by a single inmate or group of inmates in order to survive. It is this brutal and predatory environment that confronted Jesse before he was 18 years old. Despite his age at the time of the offenses, Jesse was tried, convicted of second-degree murder and robbery, and sentenced as an adult by two all-white juries.

**Alabama State Prisons  
1968-1976**

71. In May, 1968, a few months short of his 18th birthday, Jesse was transferred from Mobile County Jail into the Alabama Prison System, where he stayed for the next eight years. By the time Jesse was paroled, the Alabama prison system was recognized as a national disgrace. It was considered the worst, most brutal prison system in the United States. It was also the focus of one of the most sweeping prison conditions lawsuits in American correctional history, and it was the target of continuing federal court intervention for many subsequent years.

72. One cannot overstate how brutal and degrading the conditions were that existed in the time that Jesse was confined in them. The physical conditions were simply not fit for human habitation.

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73. Jesse was first sent to Draper Prison in Elba, Alabama, in June, 1968. James Arnold was also incarcerated at Draper when Jesse arrived, and he remembered that Jesse looked scared.

74. Jesse was transferred to Atmore in October, 1968, where he stayed until January, 1970. He was then transferred to Holman, where he was confined until February, 1973, when he was sent to Atmore for another 7-month period before being transferred to Grove Hill Road Camp.

75. Typically, a young inmate entering Atmore was told by the warden that he was expected to fend for himself, and that, despite his youth, he would receive no protection from guards or inmates. The warden would then offer the young inmate one of several knives that had been confiscated from other inmates. Stabbings and rapes were an every day occurrence, and Jesse witnessed many killings in Atmore. The meanest inmates, "heavies," were given knives and used by the guards to transport inmates and for other tasks. These "heavies," mostly from Birmingham, had complete control in the prison population. Murders were common events and the violence was so bad that virtually everyone held a knife or other weapon when taking a shower. The guards simply turned their backs on inmate violence.

76. All of the guards at Atmore were white, and were rarely seen in the inmate dormitory. Knifings and rapes were common by day or night, and almost every new young inmate was sexually assaulted within days of entering the facility. The violent environment led to systematic manipulation and submission of younger inmates by older ones for sexual purposes. When young inmates first entered the prison they would be forced to

walk down a corridor naked, like so many cattle, allowing the older inmates to choose among them. The guards' complicity in such practices created intense pressure on new inmates to conform; those who resisted were often put in the "doghouse," a small cell with no lights, bathroom facilities or bedding, for two days with older inmates who were known sexual predators. Eugene Simpson recalls that the savagery of this system caused even some non-violent offenders to go berserk with knives and cut people up; in his opinion these unlivable circumstances "could have made an animal out of a priest."

77. The only way a new inmate could protect himself from being sexually assaulted was to stab three or four of the predatory inmates, thereby gaining respect of other convicts. An inmate who was afraid of being victimized could not ask to be isolated. When an inmate informed a guard that he had been assaulted, the guard would often tell offending convicts, who would repeat the assault. Sometimes the complaining inmate would then be killed by the convicts for informing.

78. For young inmates like Jesse, arriving at Atmore was like stepping into a nightmare. When a young, good-looking inmate arrived and did not have any friends from Birmingham, it was inevitable he would be victimized by older convicts. The older convicts would "sell" a vulnerable young inmate "for cigarettes;" Jesse was sold in this manner several times. Jesse consistently tried to protect himself but was not successful at avoiding subjugation. For example, at Atmore in 1969, James "Blaiko" White, Clarence Zachery and Sam Crayton got Jesse drunk on Pruno (inmate produced alcohol), tied sheets in a tent around three or four beds in a dorm and then raped Jesse. Bobby Dubose was present, could hear, and knew what was taking place. When he heard that Jesse was being raped, Willie

Spencer rushed to Jesse's aid with a group of inmates, intending to defend him. He found Jesse crying in the make-shift tent with his pants down to his knees, wearing nothing else.

79. Jesse subsequently superficially stabbed both Zachery and Crayton in what was described as a "weak attempt" to get them to stop harassing him. Zachery was stabbed by Jesse at 4:00 a.m. the morning after the rape. Jesse was not disciplined for stabbing Zachery; rather, the warden said Jesse should have killed him. Another inmate, Willie Spencer, recalled that Mobile inmates threatened to kill Jesse if he didn't revenge the rape by stabbing Sam Crayton. Jesse received the alias of "Baby Lion" after these stabbings.

80. Regardless of how hard Jesse fought, he was still continually subjected to physical and psychological assaults in the general prison population as well as isolation. If a sexual predator wanted to rape a young inmate like Jesse, all he had to do was pay a guard, who would often put newer inmates in cells with inmates who were known as sexual predators. The warden and guards actually condoned the practice of older convicts taking young newcomers as "wives," and raping them by physical force or coercion.

81. Eugene Simpson recalls an episode where several Birmingham inmates forcibly took Jesse to the dental office. Suspecting they intended to rape Jesse, Simpson went to the office and when the door was opened saw that Jesse had been stripped to his underwear and was shaking with fear. Simpson, who was also from Birmingham, persuaded the attackers to let Jesse go.

82. For young inmates like Jesse, psychological pressure from the threat of sexual assault was unrelenting. The pressure was so constant and extreme that Jesse would sometimes "go off in frenzied states of mind." Because of the constant pressure of being

raped "he was not the same Jesse" after a while. Jesse attempted to escape from this nightmare by self-medicating with whatever drugs were available, including marijuana, nutmeg and glue. Once Jesse lifted his face out of a glue bag and began crying, saying he wanted his mother.

83. Jesse also had to cope with witnessing violence and the deaths of many people, including friends. One inmate, John Kiel, said that both he and Jesse witnessed at least 5 men get stabbed to death within 10-15 yards of them. Roosevelt Youngblood recalls that during a 1968 "sit-out" the warden sent the heavies into the yard with knives, guns and sticks which they used to beat the inmates into submission; a friend of Jesse's, Glen Dixon, was badly cut up by the heavies and then shot to death by the warden.

84. Both Jesse and John Woodall witnessed the murder of Dwight Ward by an inmate named "Paradise" in Holman Prison. Ward had been putting sexual pressure on Paradise when Paradise approached him and asked if Ward still wanted to have sex. When Ward answered in the affirmative, Paradise told him to "get the grease," referring to lubricant. Paradise walked to his cell, which was covered by a sheet. When Ward arrived at the cell entrance and pulled open the sheet, Paradise was waiting with a large knife. He stabbed Ward many times. When Ward hit the ground, Paradise shoved him with his foot to the tier below. Ward landed within twenty feet of where Jesse was standing.

85. Jesse was confined in isolation cells in Draper, Atmore and Holman on a number of occasions. It was common for newer or younger inmates to be sexually assaulted in the doghouse, and Jesse's experience was no exception. On one occasion when Jesse was in the doghouse, an inmate named Eugene Middlefield raped Jesse and then forced Jesse to



eat Middlefield's excrement. Jesse later reported this incident to a guard, but he was simply moved to the adjoining doghouse cell, where he was similarly assaulted.

86. Many inmates were killed trying to run from the farm fields at Atmore and Holman prisons. Often the guard would be brought to trial for the killing and the jury would always find it to be justifiable homicide. Once an inmate killed several of the dogs tracking him when he tried to escape. As punishment, upon his apprehension the inmate was forced to carry the carcass of the dog for eight days in 90 degree heat.

87. Jesse's mother wrote him from time to time but never visited. Other family members rarely, if ever, visited. Jesse was visited by a sister of another inmate while he was in Atmore. Jesse had dated her before his arrest. Gloria Jean Reed started to visit Jesse when her brother was sent to Atmore. She would visit Jesse about twice a month, along with her son Margo, who was about two years old. According to Gloria Jean, Jesse was wonderful to her son, and played the role of father figure for him. She remembers Jesse as a nice man who never raised a hand to her son. They developed a relationship which lasted until she married another man while Jesse was in Grove Hill.

88. Jesse was released from Grove Hill Road Camp on short notice, about a month into his work-release program, as a result of early release legislation passed to deal with prison overcrowding in Alabama. He left the prison abruptly and completely unprepared for everyday life in the outside world.

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### After Prison

89. When Jesse got out of prison in 1976, at age 25, he returned to Mobile, Alabama. His family remembers that Jesse was jumpy, nervous, confused, taciturn, defensive, and that he "couldn't sleep nights at all." Jesse lived with Mrs. Smith for about one month. He began to look around the community and realized that not a great deal had changed in Mobile in terms of race-relations and opportunities for African Americans. Young men he had associated with earlier in his life were standing on the corner -- unemployed or underemployed. Jesse had no vocational skills and was not prepared for a job. He went to Pensacola, Florida, where his mother and sister, Carolyn, who was now married, were living. Willie was in Pensacola and Edna was in Mobile living with her boyfriend.

90. Once Jesse was living with his mother in Pensacola, the awkward, tense feelings reappeared. He recalls the humiliation and frustration of being an adult, wanting to be on his own, but having no tools to help him make the transition. Jesse described his mother as being "just as uncomfortable with me as I was with her." Jesse worked for two weeks for minimum wage at a janitorial services job. Jesse returned to Mobile where he tried living on his own. He was frustrated. He wanted something better, but he had no skills. He knew he needed education but didn't know how to proceed. He lived between Mobile and Pensacola for about seven months after his release from prison.

91. Then one night Jesse showed up at Gloria Jean's house. Jesse told her new husband that he had come to take Gloria Jean away. The husband rebuffed Jesse, and Gloria Jean, pregnant at the time, was upset by the incident. Jesse was angry and hurt, but

Gloria Jean remembers that he "respected the fact that I was pregnant . . . and he didn't want to upset me more, so he left." He vowed, however, to come back for her. He told her husband that he didn't "have anything to offer her now, but I'll be back when I do have something to give her." The next day, Gloria Jean heard that Jesse had robbed a dry cleaners.

**Mobile County Jail  
1977**

92. The jail was very violent and overcrowded as a result of a federal litigation which installed limits on inmate population in the state prisons. Jesse was housed in cell number 305, a particularly violent one. Rapes and stabbings were as common in the jail as in state prison. Inmates in the jail would hold mock trials, complete with prosecutors, defense attorneys, witnesses and juries in which almost everyone was found "guilty" of the charged offense. The "sentence" for those convicted was to have sex with one or all of the other members of the cell block.

93. There were many escape attempts at the jail. Four inmates managed to escape by using a hacksaw to cut through the wall of a cell.

**Southern California  
1977-1981**

94. Jesse moved to Orange County, California and got a job as a stock clerk at Thermco. He and Charles "Chuck" Augustus, a co-worker, were sharing a hotel room in Anaheim at the time. Chuck introduced Jesse to a co-worker named Debra Huff (who's name has since changed to Debra Pickett). Jesse was "just the sweetest thing." A friend of Debra's had just died, and she remembers Jesse as always there for her and very consoling.