

SOUTHERN EXPOSURE

A JOURNAL OF POLITICS & CULTURE

VOL. XVII NO. 4 \$5.00

Facing the '90s

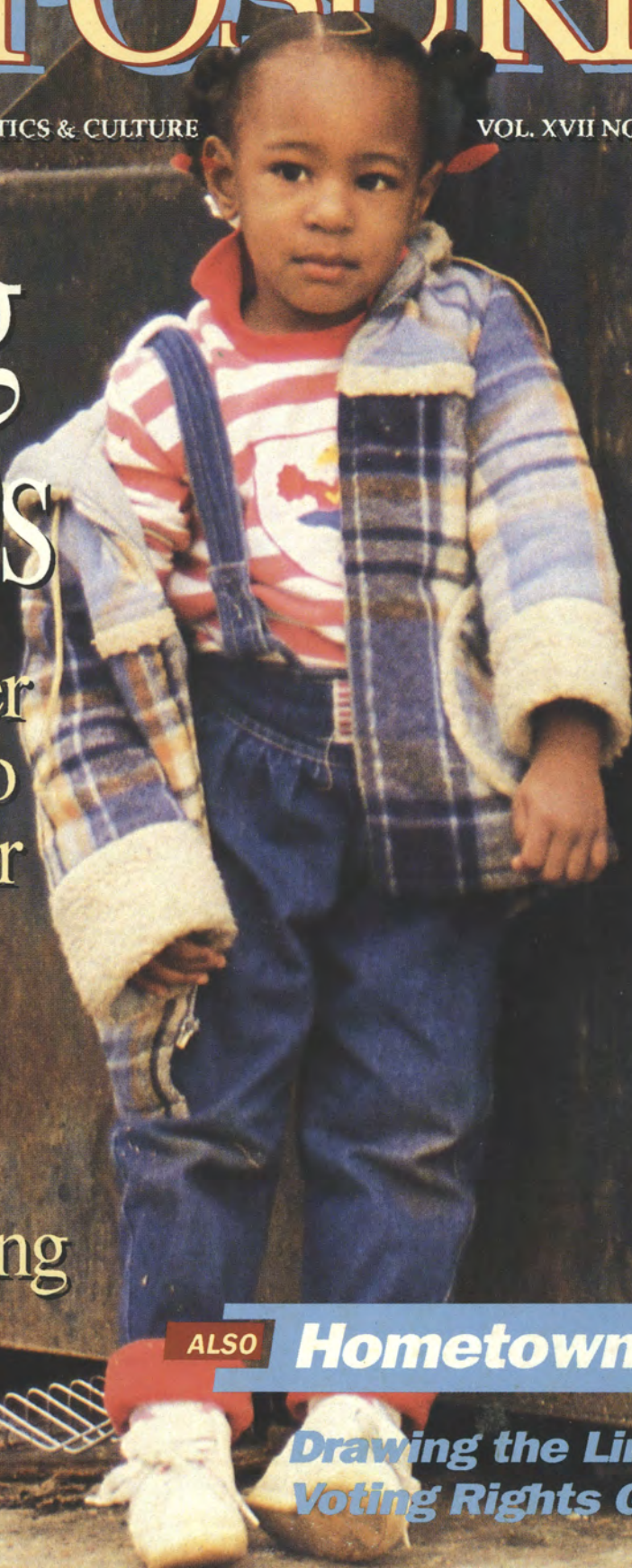
Why does her
future look so
much like our
past?

The answer
from ten
award-winning
journalists.

ALSO

Hometown Movies

**Drawing the Line: A
Voting Rights Guide**



SOUTHERN EXPOSURE

Project Editor: Marc Miller

Managing Editor: Eric Bates

Design: Jacob Roquet

Cover Photo: Thomas E. McCarver

Editorial Intern: Tracie Fellers

Circulation: Sharon Ugochukwu

Fiction Editor: Susan Ketchin

Special thanks to: Page McCullough, Sally Gregory, Jim Overton, Kay Alexander, Barry Yeoman, Marcie Pachino, Grace Nordhoff, Wells Eddleman, Carol Roquet, Rob Amberg, Leslie Nydick, Jerry Wilson, Ginny Montes, Will Coviello, Peter Wood

Institute for Southern Studies Board of Directors: Cindy Arnold, Laura Benedict, Julian Bond, Cynthia Brown, Pat Bryant, David Cecelski, Alice Gerrard, Christina Greene, David Harvin, Robert Hinton, Jim Lee, Tema Okun, Jim Overton, Joe Pfister, Ted Rosengarten, Len Stanley, Dimi Stephen, Sue Thrasher.

Executive Director: Meredith Emmett

Research Director: Bob Hall

Southern Finance Project: Tom Schlesinger, Marty Leary

Winter Issue: Copyright 1989, Institute for Southern Studies, 604 W. Chapel Hill Street, Durham, NC 27701.

Southern Exposure is published quarterly by the Institute for Southern Studies. Annual subscriptions are \$16 for individuals and \$20 for libraries and institutions.

Southern Exposure is indexed in *Alternative Press Index*, *The American Humanities Index*, and *Access: The Supplementary Index to Periodicals*. Address all editorial and subscription correspondence to *Southern Exposure*, P.O. Box 531, Durham, NC 27702. Second-class postage is paid at Durham, NC 27702 and additional offices. ISSN: 0146:809X. Post Office No. 053470.

POSTMASTER: Send form 3579 with address changes to *Southern Exposure*, P.O. Box 531, Durham, NC 27702.

POSITION AVAILABLE *Southern Exposure* and its publisher, the Institute for Southern Studies, are looking for an Investigative Reporter to:

- ▼ research and write investigative pieces for the magazine
- ▼ assist in editorial production
- ▼ develop and oversee strategic research projects
- ▼ prepare periodic media reports on the state of the region

Applicants must have strong investigative journalism skills, proven writing ability, and a knowledge of and commitment to the South. Women and people of color are encouraged to apply. The Investigative Reporter will receive \$18,000 plus benefits.

To apply, please send a resume, three references and samples of your investigative work, and a cover letter explaining your interest in the position to: Meredith Emmett, Institute for Southern Studies, P.O. Box 531, Durham, NC 27702.

Encyclopedia of Southern Culture

Charles Reagan Wilson and William Ferris, Coeditors

Ann J. Abadie and Mary L. Hart, Associate Editors

Foreword by Alex Haley

"An invaluable piece of work, a resounding reaffirmation that the South does indeed exist in fact as well as myth, despite and because of the profound and often wrenching changes of the past three decades."—Hodding Carter, *Washington Post*

The *Encyclopedia of Southern Culture*, a ten-year project involving more than 800 scholars and writers, offers an extraordinary portrait of one of the nation's richest cultural landscapes. Its broad goal is to identify the forces that have supported either the reality or the illusion of the southern way of life—people, places, ideas, institutions, events, symbols, rituals, and values. "It's the first attempt ever to describe every aspect of a region's life and thought, the impact of its history and politics, its music and literature, its manners and myths, even the iced tea that washes down its catfish and cornbread."—Lew Lord, *U.S. News & World Report*

1,656 pp., 349 illus., 15 maps, now available \$49.95
\$59.95 after January 1, 1990

Developed for the Center for the Study of Southern Culture at the University of Mississippi
A Selection of the Book-of-the-Month Club and of the History Book Club



available at bookstores or from

THE UNIVERSITY OF NORTH CAROLINA PRESS

Post Office Box 2288 / Chapel Hill, North Carolina 27515-2288

Toll-free orders: 1-800-848-6224

U.S. POST SERVICE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION Required by 39 U.S.C. 3685		
1. Title of Publication SOUTHERN EXPOSURE	2. Publication Title and No. 0146809X	3. Issue of Filing 10-1-89
4. Issue Frequency Quarterly	5. Number of Issues Published Annually 4	6. Annual Subscription Price \$16.00
7. Complete Mailing Address of Known Office of Publication (Not the Post Office): P.O. Box 531 Durham NC 27702-9998		
8. Complete Mailing Address of the Headquarters or General Business Office of the Publisher (Not the Post Office): P.O. Box 531 Durham NC 27702-9998		
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Not the Post Office): Publisher: Institute for Southern Studies Editor: Eric Bates P.O. Box 531 Durham NC 27702-9998 Managing Editor: Eric Bates P.O. Box 531 Durham NC 27702-9998		
10. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of all stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual owner. If the publication is published by a corporation, the name and address must be stated.) (Do not leave blank.)		
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities (Do not leave blank.)		
12. For completion by nonprofit organizations authorized to mail at nonprofit rates (Do not check this box unless the organization has no commercial purpose): <input checked="" type="checkbox"/> Non-Profit Organization <input type="checkbox"/> For-Profit Organization		
13. Publication Title, Complete Mailing Address, and City, State, and ZIP+4®		
14. Issue Date for Circulation Data Below		
15. Extent and Nature of Circulation (Do not leave blank.)		
16. Total Number of Copies (Net press run)		
17. Total Number of Copies (Net press run)		
18. Total Number of Copies (Net press run)		
19. Total Number of Copies (Net press run)		
20. Total Number of Copies (Net press run)		
21. Total Number of Copies (Net press run)		
22. Total Number of Copies (Net press run)		
23. Total Number of Copies (Net press run)		
24. Total Number of Copies (Net press run)		
25. Total Number of Copies (Net press run)		
26. Total Number of Copies (Net press run)		
27. Total Number of Copies (Net press run)		
28. Total Number of Copies (Net press run)		
29. Total Number of Copies (Net press run)		
30. Total Number of Copies (Net press run)		
31. Total Number of Copies (Net press run)		
32. Total Number of Copies (Net press run)		
33. Total Number of Copies (Net press run)		
34. Total Number of Copies (Net press run)		
35. Total Number of Copies (Net press run)		
36. Total Number of Copies (Net press run)		
37. Total Number of Copies (Net press run)		
38. Total Number of Copies (Net press run)		
39. Total Number of Copies (Net press run)		
40. Total Number of Copies (Net press run)		
41. Total Number of Copies (Net press run)		
42. Total Number of Copies (Net press run)		
43. Total Number of Copies (Net press run)		
44. Total Number of Copies (Net press run)		
45. Total Number of Copies (Net press run)		
46. Total Number of Copies (Net press run)		
47. Total Number of Copies (Net press run)		
48. Total Number of Copies (Net press run)		
49. Total Number of Copies (Net press run)		
50. Total Number of Copies (Net press run)		
51. Total Number of Copies (Net press run)		
52. Total Number of Copies (Net press run)		
53. Total Number of Copies (Net press run)		
54. Total Number of Copies (Net press run)		
55. Total Number of Copies (Net press run)		
56. Total Number of Copies (Net press run)		
57. Total Number of Copies (Net press run)		
58. Total Number of Copies (Net press run)		
59. Total Number of Copies (Net press run)		
60. Total Number of Copies (Net press run)		
61. Total Number of Copies (Net press run)		
62. Total Number of Copies (Net press run)		
63. Total Number of Copies (Net press run)		
64. Total Number of Copies (Net press run)		
65. Total Number of Copies (Net press run)		
66. Total Number of Copies (Net press run)		
67. Total Number of Copies (Net press run)		
68. Total Number of Copies (Net press run)		
69. Total Number of Copies (Net press run)		
70. Total Number of Copies (Net press run)		
71. Total Number of Copies (Net press run)		
72. Total Number of Copies (Net press run)		
73. Total Number of Copies (Net press run)		
74. Total Number of Copies (Net press run)		
75. Total Number of Copies (Net press run)		
76. Total Number of Copies (Net press run)		
77. Total Number of Copies (Net press run)		
78. Total Number of Copies (Net press run)		
79. Total Number of Copies (Net press run)		
80. Total Number of Copies (Net press run)		
81. Total Number of Copies (Net press run)		
82. Total Number of Copies (Net press run)		
83. Total Number of Copies (Net press run)		
84. Total Number of Copies (Net press run)		
85. Total Number of Copies (Net press run)		
86. Total Number of Copies (Net press run)		
87. Total Number of Copies (Net press run)		
88. Total Number of Copies (Net press run)		
89. Total Number of Copies (Net press run)		
90. Total Number of Copies (Net press run)		
91. Total Number of Copies (Net press run)		
92. Total Number of Copies (Net press run)		
93. Total Number of Copies (Net press run)		
94. Total Number of Copies (Net press run)		
95. Total Number of Copies (Net press run)		
96. Total Number of Copies (Net press run)		
97. Total Number of Copies (Net press run)		
98. Total Number of Copies (Net press run)		
99. Total Number of Copies (Net press run)		
100. Total Number of Copies (Net press run)		

FEATURES

- 8 Small Town, Big Screen** *By Tom Whiteside*
In the midst of the Depression, a Southern filmmaker created a democratic style of hometown movies.
- 51 Drawing the Line** *By Eric Bates*
How election districts are drawn in the South this year will shape state and national politics for the rest of the decade.
- 56 Power in the Delta** *By Faith Gay*
Arkansas voters have put plantation-era politics on trial. The charge: rigging elections to keep blacks out of office.
- 60 The Color of Ballots** *By Wade Rawlins and Dick Kopper*
When Chattanooga citizens fought for fair elections, the political and social history of the city unfolded in federal court.

COVER SECTION

- 14 Bottom of the Class** *By Emily Bentley, Allan Freedman, and Janet Jimmerson*
Timber taxes are kept low in Alabama — and students are the ones who suffer.
- 20 Pay Dirt** *By Paul J. Nyden*
Coal companies, campaign contributions, and officials who look the other way.
- 25 Our Coast** *By Frank Tursi and Jon Healey*
Awash in a sea of change, a valuable heritage is slowly seeping away.
- 30 Care and Punishment** *By Olive Talley*
Medicine behind bars can turn life in prison into an early death sentence.
- 36 The Face of Poverty** *By Diana Sugg, Linda Conley, and Allison Buice*
For most of the poor in Spartanburg County, public aid provides plenty of nothing.

**DEPARTMENTS**

- 2 Dateline: The South**
- 4 Southern News Roundup**
- 42 Fiction: Beaner's Story** *By Stephen E. Smith*
- 48 Southern Voices: Killing Us Softly** *By Eleanor Smith*
- 64 The Last Word** *By Bob Hall*

DATELINE: THE SOUTH

DEKALB COUNTY, Ga. (Sept. 6)—A county judge overturned the sodomy conviction of James David Moseley, a carpenter who spent 18 months behind bars for having oral sex with his wife. The judge declared that the government should stay out of "a married couple's private consensual sexual practices." Oral sex between married adults has been illegal in Georgia for 156 years.

MONTGOMERY, Ala. (Sept. 28)—Mayor Emory Folmar ordered a city-owned art gallery to remove a painting titled "Television Evangelism," saying he considered the work unsuitable for a "family-oriented" facility. Area artists accused the mayor of censorship. "It goes back to the 1930s in Germany, when Hitler closed the Bauhaus," said the director of one local gallery.

ATLANTA, Ga. (Sept. 28)—State utility regulators voted to let Georgia Power bill consumers an extra \$75 million next year to pay for the construction of Plant Vogtle. The utility wanted to hike rates by \$323 million to pay for cost overruns at the \$8.87 billion nuclear reactor. Georgia Power and its parent firm, Southern Co., are under federal investigation for tax fraud and improper campaign contributions.

FORT STEWART, Ga. (Sept. 28)—The use of live mortars was suspended today after two soldiers were killed by a mortar shell that exploded during a training exercise. Three other soldiers were killed and 23 were injured a day earlier when an artillery shell overshot its target during a similar exercise at Fort Sill, Okla.

DALLAS, Texas (Sept. 30)—A federal grand jury indicted five members of the Confederate Hammerskins, a group of neo-Nazi Skinheads, for vandalizing a Jewish temple and attacking blacks and Hispanics in Robert E. Lee Park. Authorities said it was one of the first times Skinheads have been charged with conspiring to commit violence.

AUSTIN, Texas (Oct. 2)—The state Supreme Court ruled unanimously that funding for the nation's second-larg-

est school system is unconstitutional. The court found that annual spending per pupil varies by as much as \$17,000 between rich and poor school districts, and ordered legislators to resolve the "glaring disparities" by next May.

SMYRNA, Ga. (Oct. 3)—Sylvia Daniel, whose manufacture of assault guns earned her a reputation as the "First Lady of Firepower," announced she is liquidating her entire inventory of weapons. Daniel makes the paramilitary-styled MAC-10 and MAC-11 machine guns favored by drug gangs. Critics of the weapons, which would be outlawed by legislation pending in Congress, said they suspect Daniel may try to reopen her business under another name.

LITTLE ROCK, Ark. (Oct. 7)—A military appeals court ordered the Air Force to reinstate former officer Naomi Haye with full back pay, saying she did not receive a fair trial on charges that she had affairs with a fellow officer and an enlisted man. Neither of the two men were ever tried. Haye, a white officer, said she was singled out for prosecution because she is married to a black enlisted man.

PULASKI, Tenn. (Oct. 7)—About 200 Nazis and Klansmen were greeted by empty streets today as more than 180 local businesses closed up shop to protest a march by white supremacists. Local churchgoers displayed orange ribbons to symbolize brotherhood and bought up most area motel rooms to thwart the marchers. "We used to ignore them," explained Chamber of Commerce director Bettie Higgins, "but they interpreted our silence as approval."

KINGS BAY, Ga. (Oct. 8)—More than 100 people staged a peaceful demonstration at the Trident nuclear submarine base, saying the government should abandon its multibillion-dollar missile program and spend the money on social services. Eleven protesters—including a 79-year-old Florida grandmother and several people who had walked more than 200 miles to join the nonviolent demonstration—were arrested for entering the base.

MIAMI, Fla. (Sept. 29)—Nicaraguan contras closed their Miami headquarters after the Bush administration cut off funding for the office, saying guerrilla leaders should join their troops in Honduras. At the height of its operation, the Miami office cost U.S. taxpayers \$1 million a month. "Some of those guys missed the boat," said one administration official. "We're just not going to support a useless Miami bureaucracy anymore."

ATLANTA, Ga. (Oct. 11)—Angry students at Therrell High School staged a two-hour sit-in in the gym to protest the destruction of a mural depicting school history. As workers painted over the mural, students met with Principal Alphonso Jones before marching out of the building in protest. Those who refused to return to class were removed from school grounds by security guards.

NORTH MIAMI, Fla. (Oct. 18)—Leo, a frozen cockroach measuring 1.8 inches from head to tail, was named "Biggest Roach in the South" today in a region-wide contest. "Roaches in Florida are like thoroughbreds in Kentucky," said contest judge Tom Daubert. "They just are big roaches." Leo, found near the garbage cans at a north Dade County cafeteria, now goes on to New York to compete for the title of "World's Largest Roach."



Illustrations by Steven Cragg.

DALLAS, Texas (Oct. 20) — State prison officials used broad censorship powers to suspend an inmate-produced newspaper called *The Echo*, forbidding the editor to print legal affairs articles. The paper won a 1987 Gavel Award from the Texas Bar for its reporting on legal issues. Prison officials say such stories lead to “unnecessary lawsuits.”

DEHUE, W. Va. (Oct. 18) — Humanity prevailed over hostility when striking United Mine Workers rescued three non-union coal workers whose van plunged 75 feet into a flooding creek. State police said one non-union worker was trapped inside the van, and would have drowned without the strikers’ help. “We really hate these guys, but we couldn’t let them die,” said James Justice, a miner on strike against Pittston Coal. “We don’t want nobody hurt. We just don’t want anybody taking our jobs.”

BATON ROUGE, La. (Oct. 19) — A Honduran television network is suing Jimmy Swaggart Ministries for failing to pay \$6,100 for broadcasts on three Honduran stations. Swaggart has lost nearly two thirds of his viewers since widely publicized allegations that he has consorted with prostitutes and plundered his ministry to pay for his extravagant lifestyle.

OXFORD, Miss. (Oct. 23) — The University of Mississippi suspended the all-white Beta Theta Phi fraternity for three years after two members were left bound and naked at a nearby black college with the letters KKK written on their chests. The move — which included disciplinary action against 14 students — came one year after the first black fraternity moved onto campus.

CHARLOTTE, N.C. (Oct. 24) — Government records released by federal regulators revealed that Duke Power Co. secretly paid a former employee who agreed to keep quiet about potential safety hazards at nuclear plants in 1986. The language in the out-of-court settlement was similar to “silence-for-money” deals at a Texas nuclear plant deemed improper by the U.S. Labor Department.

OAK RIDGE, Tenn. (Oct. 27) — Oak Ridge National Laboratory suspended commercial shipments of tritium today after discovering a leak in the de-



ATLANTA, Ga. (Oct. 5) — School officials in Tokyo announced they will open the first full-time Japanese elementary school in the South next fall. The goal: to teach courses in Japanese for children who come to the U.S. with their parents. An estimated 276 Japanese companies and 6,000 Japanese citizens are currently based in greater Atlanta.

vice that loads the radioactive gas into storage canisters. Four grams of the gas has been missing for months, and officials are unsure whether it has leaked into the atmosphere or been stolen. The military uses tritium to make nuclear warheads.

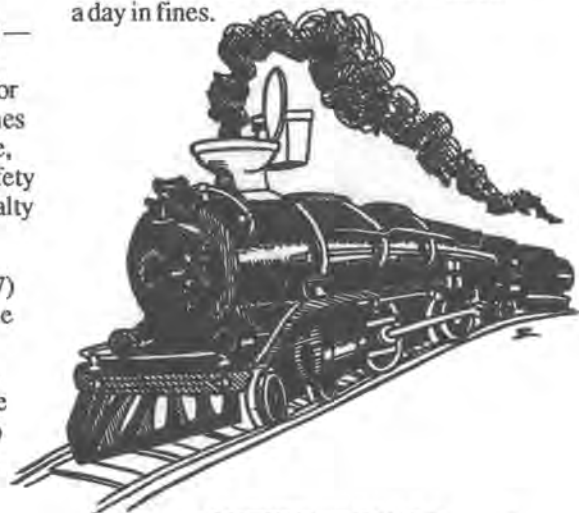
TALLADEGA, Ala. (Oct. 29) — Former televangelist Jim Bakker began his 45-year prison sentence this week after his conviction on charges of defrauding his followers. Bakker’s brother Norm told worshippers that the incarcerated minister likes prison food and gets along well with his bunkmate because “they both make their beds first thing in the morning.”

BIRMINGHAM, Ala. (Nov. 1) — The U.S. Labor Department fined the Interstate Lead Company \$2 million for exposing workers to lead levels 20 times higher than federal standards. The fine, which follows 10 years of repeated safety violations, was the eighth-largest penalty in department history.

CORAL GABLES, Fla. (Nov. 7) — Supermarkets and florists across the state raked in a tidy profit by selling branches of brightly colored leaves to Northern immigrants homesick for the autumns they left behind. “We have to make believe,” said Connie Goldwin,

owner of Blooming Miracle Flower Shop. “It’s our only indication that there’s a change of season.” The leaves, coated with preservatives, sold for 99 cents a branch, or \$10 a bough.

MOSS POINT, Miss. (Nov. 8) — Local citizens picketed a train carrying 10 million pounds of out-of-state human waste, demanding that it leave immediately. The train — dubbed the “poo poo choo-choo” — arrived in town after being driven out of Louisiana by residents who complained about the smell. Governor Ray Mabus ordered GSX Chemical Services to remove the train or face \$2 million a day in fines.



VIRGINIA ELECTS THE FIRST BLACK GOVERNOR

Sometimes it seems a "New South" gets proclaimed every time someone puts up a shopping mall.

But if anyone wants proof that such a thing really exists, look no further than the November 7 election in Virginia, where Democratic Lieutenant Governor Doug Wilder became the first black elected governor in U.S. history.

Wilder's narrow victory — by four-tenths of one percent — exposed a cultural fault line running through Virginia.

Republican Marshall Coleman beat Wilder in almost every part of Virginia, except the two that now matter most: the fast-growing suburbs around Washington, D.C. and Norfolk, which now comprise almost half the state's population.

In fact, in the Washington suburbs, where two of every three voters were born outside the state and one of five didn't even live in Virginia four years ago, Wilder won a staggering 58 percent of the vote.

"Marshall Coleman won the Old Dominion, but Doug Wilder won the New Dominion," observed University of Virginia political analyst Larry Sabato.

These new Virginians are hardly liberals — the suburbs are a Republican base. But Wilder's pro-choice stance on abortion helped him pry away many traditionally GOP voters, especially women.

Wilder ran TV ads with a statue of Thomas Jefferson, portraying himself as a libertarian who would keep government out of women's personal lives; he painted Coleman as a crude, Bible-thumping fundamentalist who would turn state health and education boards into "Moral Majorities."

In Virginia, Thomas Jefferson beats Jerry Falwell any day.

The pro-choice stance also helped Wilder's running mate for lieutenant governor — little-known car dealer Don Beyer — score a major upset over Eddy Dalton, widow of a former Republican governor. She had been considered a shoo-in on name recognition alone.

Despite jubilation over Wilder's victory, his 6,500-vote margin left many Virginia Democrats with a bitter taste in their mouths: After all, pre-election polls gave Wilder, who campaigned as the logical heir to two popular Democratic administrations, a 15-point lead; even exit polls projected a 10-point win.

So what happened?

Quite simply, white voters lied.

On election day, traditionally Democratic rural areas and blue-collar neighborhoods turned against Wilder — an ominous sign that hasn't received much attention from the commentators prophesying a "new day" for black politicians seeking white votes.

Wilder refuses to discuss the racial implications of his narrow victory, saying people should look to "the bottom line."

Meanwhile, some are already looking ahead, mentioning Wilder as a vice presidential possibility for 1992.

—Dwayne Yancey

STRIKING MINERS ELECT UNION LEADER TO VIRGINIA HOUSE

One of the only rural areas in Virginia that gave Doug Wilder a majority is also sending Jackie Stump to Richmond. The 250-plus pound coal miner is heading to the state capitol to claim his seat in the House of Delegates. When he does, he might be wearing camouflage — the attire of choice for thousands of United Mine Workers on strike against the Pittston Coal Group.

Stump — the UMW district president in southwest Virginia — unseated incumbent Donald McGlothlin Sr. on November 7 in a last-minute, write-in campaign. Although Stump announced his candidacy only three weeks before election day, he defeated his opponent — a 24-year veteran of the statehouse — by a more than 2-to-1 margin.

Stump and McGlothlin are distant cousins and Democrats, but Stump criticized the incumbent for not fighting hard enough for the interests of working people in his district. McGlothlin has failed to take a position on the Pittston strike, which began April 5. He is also the father of Circuit Court Judge Donald McGlothlin Jr., who has fined the union more than \$30 million during the walkout.

Stump said that the son's actions were

Photo by Keith Graham/Roanoke Times & World-News



DOUG WILDER FLASHES THE VICTORY SIGN ON ELECTION NIGHT.

not a motivation for running against the elder McGlothlin. "I didn't run against the judge. He has got a job to do," Stump said. "I'm sure he didn't ask his dad what he should do about being a judge, and I'm sure Don didn't ask his son what he should do about running a campaign race."

To get out the vote, union members and supporters worked quickly to teach residents in mountainous Buchanan and Tazewell counties how to write-in a candidate. They visited virtually every household in the district during the campaign and provided voters with rides to the polls.

The UMW electoral strategy was modeled on a 1986 effort in West Virginia in which six miners were elected to state assembly and local offices in the midst of a bitter strike against A. T. Massey coal. Those elected have since become effective leaders on behalf of workers and rural communities.

Stump promised to represent all his constituents, union and non-union, but vowed to give working people a voice in Richmond. Although he would like to change Virginia's so-called "right-to-work" law, Stump acknowledged it might be tough: Governor-elect Doug Wilder is sympathetic to some criticisms of the law, but has never promised to work to change it.

"Getting a politician to see that something is wrong and getting one to do something about it are two different things," Stump said.

—Mike Hudson and
John Enagonio

MOUNTAIN GROUP CALLS IT QUITS AFTER 76 YEARS

One of the oldest organizations devoted to social change in the Appalachian Mountains has ceased to exist. At its 76th annual meeting, the board of the Council of Southern Mountains voted to disband in the face of dwindling finances and threatened legal action by the Internal Revenue Service.

The Council — which published the magazine *Mountain Life and Work* and

gave birth to the black lung movement — had been scraping by for years with a small staff and little money. "I suppose more could have been done to save the organization, but I think we still have the right to go out with our heads up," Mike Henson wrote his fellow board members after the final meeting. "It was simply too big a job to do with the resources we had."

The Council dated back to 1913, when missionaries from throughout the southern Appalachian region met in Atlanta and formed the Conference of Southern Mountain Workers. Most were newcomers to the mountains interested in establishing schools and clinics and promoting mountain handicrafts. In 1925, the Council took over *Mountain Life and Work* from Berea College.

As the only regionwide organization, with the only regional publication, the group helped foster a sense of Appalachian identity. Critics say the early Council excluded native Appalachians and fostered the paternalistic attitudes of missionaries who came to "civilize" mountaineers. But Loyal Jones, a historian and former director, also credits the Council with "bringing people together at a time when roads and communication were bad."

In 1947 a new director, Perley Ayre, infused the Council with an interest in economic development. Under his leadership, the group attempted to fight poverty by working with both low-income people and the local power structure. It was, according to Jones, "a romantic attempt to bring the Left and Right together."

The conflict created by this approach reached a peak when federal anti-poverty volunteers supervised by the Council became involved in wildcat coal strikes, protests against strip mining, and challenges to local officials. Conservative board members objected, and the volunteers left to form a separate group.

But the turmoil was only temporarily calmed. In 1968, local activists who questioned why the group was run by outsiders took over the annual conference. Under local leadership, the Council took on strip miners, established cooperative businesses run by low-income people, aided victims of mine disasters, and

played a pivotal role in the black lung movement.

At the same time, however, wealthy funders like the Ford Foundation began to drop their support for the Council. By the 1980s, staffers worked long hours with no pay, and *Mountain Life and Work* appeared only sporadically.

In some ways, the Council's most important contributions contributed to its undoing. Over the years, local groups took over issues raised by the Council and were more successful at garnering grassroots support and maintaining a specific focus. "One reason these groups are here today is that the Council was there to break the ground, inspire people, show it could be done," noted board member Mike Henson.

As Henson stated in his motion to dissolve the group, "The mission of the Council of Southern Mountains can be said to have been accomplished with distinction, courage, and dignity." It is a fitting epitaph for a mountain institution.

—Denise Giardina

DISABLED DEMAND ACCESS TO BUSES

After years of fighting for equal access to public buildings and transportation, more than 100 disabled people took to the streets of Atlanta in September to demand that buses and office towers be open to all citizens.

The demonstrators — members of a Denver-based group called American Disabled for Accessible Public Transportation (ADAPT) — linked arms and wheelchairs to block doors and elevators in the Richard Russell Federal Building on September 26. The action forced workers and visitors to climb the stairs in the 26-story office tower, underscoring the barriers disabled people face in their daily lives.

The next day, protesters circled the Greyhound station downtown and chained themselves to buses, halting bus service for five hours. More than two dozen demonstrators were arrested, prompting some to liken the protests to



DISABLED DEMONSTRATORS HALTED BUS SERVICE IN ATLANTA FOR FIVE HOURS.

The unprecedented agreement followed an announcement by the Federal Reserve Board that it was delaying First Union's proposed merger with Florida National Bank until it could examine the bank's lending practices in Charlotte and Florida. The merger would make First Union the second-largest bank in Florida.

First Union insisted the federal examination had nothing to do with its promise to commit more than \$5 million in low-income mortgages to two predominantly black Charlotte neighborhoods, and \$4 million in loans to small and minority-owned businesses. Local housing advocates said otherwise.

"Before the Fed's action, First Union would send one of its attorneys to talk with us," said Jane Burts, a member of the Charlotte Reinvestment Alliance. "Afterwards, they sent the chairman of the North Carolina affiliate."

Activists in both Charlotte and Florida had challenged the First Union merger by filing a complaint under the Community Reinvestment Act (CRA). Passed by Congress in 1977, the CRA was intended to put an end to redlining, the widespread practice of denying loans to black and low-income communities.

Until recently, regulators were reluctant to halt the merger of banks accused of discriminatory lending, and critics contended that the law was too weak and poorly enforced. As pressure from community groups mounted, however, Congress tagged affordable housing provisions and beefed-up monitoring of CRA standards on to legislation designed to bail out the savings and loan industry.

Many industry analysts regard the delay of the First Union merger as a sign that regulators intend to be more vigilant in enforcing community reinvestment standards. But whether or not the feds intend to get tough, affordable housing advocates throughout the South plan to step up their efforts to combat redlining.

With bank mergers on the rise, neigh-

the civil rights movement a quarter century ago.

"The civil rights movement started because of busing," said Jerry Eubanks, a Chicago sanitation department dispatcher whose legs were amputated below the knees after a train accident. "We just want the right to ride the bus."

The three-day protest was timed to coincide with the annual convention of local transit authorities, who oppose legislation pending in Congress that would require wheelchair lifts in all buses bought with federal dollars. ADAPT accuses local officials of buying up new buses to skirt the requirement. Only a third of the nation's 50,000 buses currently have wheelchair lifts.

Transit officials meeting at the American Public Transit Association Convention insisted that it should be up to local governments to decide whether to make buses accessible to disabled riders.

"We assume the bill will become law, and if it does we'll implement it," said Albert Engelken, deputy director of the transit association. "But that doesn't mean we have to be happy about it."

Protesters were happy, however, when they scored a small victory: Federal officials agreed to investigate local transit authorities that are buying new buses without wheelchair lifts. But

ADAPT leaders vowed that the protests will continue until public buses open their doors to all riders.

"We are a fringe group that has become mainstream," said Michael Auberger, co-founder of the group, which now has 1,800 members and 33 chapters nationwide. "It attracts the person who has been within the system and grown tired of it, and the person who is locked out of the system."

—Tracie Fellers

BANK YIELDS TO COMMUNITY PRESSURE

Back in 1986, Ed Crutchfield didn't have anything nice to say about advocates of affordable housing. In a speech before fellow bankers, the chief executive of First Union Bank in Charlotte, North Carolina said community groups pressuring banks to invest in low-income neighborhoods were just "a pain in the neck."

But this November, top officers of First Union sat down at the negotiating table with a committee of black community leaders and housing advocates and promised to pump more than \$9 million in loans and grants into loan-starved Charlotte neighborhoods.

borhood leaders say, it is more important than ever to push for reforms so that community needs don't get lost in the shuffle. In Florida, a coalition of community groups is vowing to continue its opposition to the First Union merger.

"First Union is redlining almost every black neighborhood that it serves in the state," says Ben Ochshorn of Gulfcoast Legal Services. Letting the bank double its presence in Florida is "the last thing regulators should do."

—Marty Leary

STATE SHUTS DOWN "WHITES ONLY" BAR

North Augusta is a prosperous, mostly white community of 16,000 on the banks of the Savannah River in South Carolina. It is a quiet place — or at least it was, until a controversy erupted over a "whites-only" policy at a local restaurant.

Local residents have known for nearly a decade that the Buffalo Room bar and restaurant has refused to serve black customers, but many considered it no big deal until the FBI started investigating the establishment on charges of racial discrimination last August.

Almost overnight, the town found itself being portrayed as a bastion of segregation. Bruce Salter, the owner of the Buffalo Room, stood on the porch and openly defied black members of the NAACP who tried to enter the restaurant.

"Anytime you got more than two niggers, you got trouble," Salter proclaimed. "I pick my customers."

Both the NAACP and the U.S. Justice Department filed civil suits against Salter. Finally, as pressure mounted, state liquor officials stepped in. On October 24, in a 10-page order that invoked the names of Dr. Martin Luther King Jr. and Rosa Parks, the state revoked the Buffalo Room's liquor license.

"This case is a dreadful reminder of the way life was before and during the era of Dr. Martin Luther King," the order read. "Listening to the testimony is like reliving a lunchroom sit-in during the 1950s. King's dream was that his children would be judged by the quality of their character and not by the color of their skin. Today, a new generation must continue to forge a more tolerant nation."

The order rejected an offer by Salter to drop his whites-only policy, and ended with a highly unusual renunciation of over a century of racial discrimination:

"It was a long time between President Abraham Lincoln issuing the Emancipation Proclamation in January 1863 and the day when Rosa Parks refused the instruction of bus driver J.P. Blake to move to the back of the bus," the order said. "And although change was slow, it did take place.

"If we do not learn from history, we will repeat our mistakes. The state of South Carolina has learned and because of our experiences, we have a governor and an attorney general who are not afraid to say that discrimination is wrong. Not bad for a state from which not one member of the U.S. House or Senate voted for the Civil Rights Act of 1964."

—Tracie Fellers

FAR RIGHT FUELING ANTI-GAY VIOLENCE

Violence against gays and lesbians is not only increasing — it is fueled by discriminatory government policies and hate-group recruitment, according to a new report published by the Center for Democratic Renewal (CDR) in Atlanta.

Entitled "Quarantines and Death: The Far Right's Homophobic Agenda," the report outlines the connections between white supremacist groups like the neo-Nazis and Ku Klux Klan and the anti-gay views espoused by New Right proponents like Senator Jesse Helms.

Noting that documented incidents of homophobic violence have jumped from 2,042 in 1985 to 7,248 in 1988, the report cites a pattern of "organized terrorism against gay men and lesbians."

According to the report, the violence

is driven by the anti-gay bigotry that ultraconservatives and white supremacists use to attract new recruits.

The New Right, which targets homosexuality in its campaign for "traditional values," couples Christian rhetoric with wide political influence to scapegoat homosexuals for the "decay of civilization." Hate groups like the Klan, on the other hand, view homosexuality as part of a conspiracy to dilute the "white race" and openly call for whites to "Gas Homosexuals."

"Although there are clear distinctions in the way that various elements on the Right justify and use homophobia, their constituencies are not likely to make [such] distinctions," the report notes. "Instead, homophobia, racism, and 'morality' are likely to be jumbled up in a ball of hate and fear."

Gays and lesbians, many of whom still live in social and political isolation, make easy targets for the far right. Many are afraid to report threats or attacks, particularly in a climate marked by government discrimination against people with AIDS and outright censorship of reports of anti-gay violence.

Such violence, the report emphasizes, ultimately threatens the civil rights of all citizens. The misuse of AIDS test results and public quarantine policies could set a precedent for handling other diseases.

"We hope to show gays and lesbians that they have a lot in common with other targeted groups such as blacks and Jews, and non-gays that it's to their benefit to associate with gays who are working for change," said Mab Segrest, co-author of the report and research director for North Carolinians Against Racial and Religious Violence. "The monograph is a tool for the gay and lesbian community, civil rights groups, anti-hate groups, or any individual who wants to understand the manipulation of hate groups."

—Kay Robin Alexander

Copies of the 39-page report can be ordered for \$5 from CDR, Box 50469, Atlanta, GA 30302.

Readers are encouraged to submit news articles to Southern News Roundup. Please send original clippings or photocopies with name and date of publication, or articles of no more than 300 words.



A KLAN POSTER ADVOCATES ANTI-GAY VIOLENCE.

SMALL TOWN BIG SCREEN

LEXINGTON, N.C. — In 1936, photographer H. Lee Waters needed to try something new. Business was slow at his portrait studio, as it was throughout America during the Depression. He and his wife Mabel had been running the studio for 10 years, and to keep it going they made portraits smaller and lowered the price.

They conserved film by making as many as nine individual exposures on a 5" by 7" sheet. Contact prints of these negatives, cut and sold individually, were about twice the size of a postage stamp. At 10 cents each they sold reasonably well, but it wasn't enough. Waters needed a big idea.

Finally, he found what he was looking for. Waters switched to a different me-

dium, and for the next six years he made more portraits than he had ever dreamed possible. He reached more customers than ever before and satisfied them more completely. The images he created were larger now, larger than life. Waters became a filmmaker.

*In the midst
of the
Great Depression,
an itinerant
Southern filmmaker
created a
democratic style
of hometown
movies.*

By Tom Whiteside

Traveling from town to town in four Southern states, Waters filmed the public life of each community — busy sidewalks of the downtown shopping district, school groups, factory workers on break or at shift change, parades, picnics, sports events, tricks and stunts.

Since no theaters had 16mm equipment, he returned to each town two weeks after he filmed, carrying his own projector to give a half-hour show at the downtown movie theater. He called his films *Movies of Local People*.

The silent films ran as an added attraction before the regular feature, and Waters received a percentage of the box office receipts.

Photo by Tom Whiteside



Tickets were a dime or a quarter, but in a typical two-day run thousands of local residents would come to see themselves, their family and friends on the big screen.

"It started out as a hobby for me, but I soon saw that it could be a good business, too," explains Waters, a lively but mild mannered octogenarian who still runs his studio on Main Street in Lexington and enjoys talking about his days as The Cameraman. "Everybody went to the movies during the Depression."

From July 1936 to July 1942, Waters traveled to 118 towns and gave more than 250 shows of *Movies of Local People*. His subject was the audience and his audience was the subject. He attended every show and judged from the audience's response what

people liked and didn't like, and then adjusted his filmmaking style accordingly.

The result was a fascinating body of work unlike anything else ever filmed. These are not the boring, Chamber of Commerce "Your Town" movies of the



1950s, filled with static shots of the mayor, chief of police, and other city officials at their desks. Instead, these films offer a candid view of the small-town South, democratic and lively. Waters was on the street, filming people at work and at play. Blacks are seen as frequently as whites, and in a few towns where Waters contracted with black-owned theaters, only black citizens appear in the film.

CAMERA! ACTION!

Waters shot with a Kodak Cine Special, and often kept up a rapid in-camera editing pace to get as many local residents as possible into his movies. Babies and youngsters are prominently featured, and there are advertisements for hardware stores, dry cleaners, beauty shops, bottling plants, car dealerships, cafes, and many other busi-

NORMAN PINKELTON (ABOVE) HAS WORKED TO PRESERVE THE FILM HE APPEARED IN 50 YEARS AGO (BELOW).



Film historians are working to retrieve and restore the movies H. Lee Waters made documenting daily life in more than 118 Southern towns between 1936 and 1942. If you have information about one of the movies or want to know if copies are available for any of the following towns, contact Manuscript Department, Perkins Library, Duke University, Durham, NC 27706.

Virginia

Bassett
Damascus
Dante
Danville
Fieldale
Lebanon
Martinsville
Saltville
Wytheville

Tennessee

Mountain City

South Carolina

Blacksburg
Bishopville
Camden
Cheraw
Chester
Chesterfield
Fort Mill
Fountain Inn
Gaffney
Great Falls
Hartsville
Lancaster
Lockhart
Rock Hill
Timmons ville
Whitmire

Winnsboro
Woodruff
York

North Carolina

Albemarle
Angier
Apex
Asheboro
Belmont
Benson
Bessemer City
Boone
Burlington
Chapel Hill
Charlotte
Cherryville
China Grove
Clayton
Cliffside
Concord
Conover
Cooleemee
Cramerton
Denton
Draper
Durham
Elkin
Erwin
Forest City
Fuquay Springs
Gastonia
Gibsonville
Graham
Granite Falls
Greensboro
Haw River
Henderson
Hickory
Hillsborough
Jackson
Kannapolis
Kernersville
Kings Mountain
Leaksville
Lenoir

Lexington
Liberty
Lillington
Lousiburg
Lumberton
Madison
Mayodan
Mebane
Mocksville
Monroe
Mooreville
Mt. Airy
Mt. Gilead
Mt. Holly
Nashville
Newton
North Wilkesboro
Norwood
Oxford
Pilot Mountain
Pineville
Pittsboro
Raeford
Red Springs
Rockingham
Rockwell
Roxboro
Rutherfordton
Salisbury
Sanford
Scotland Neck
Selma
Shelby
Siler City
Smithfield
Spencer
Spindale
Spray
Statesville
Swannanoa
Taylorsville
Thomasville
Troy
Valdese
Wadesboro
Wake Forest
Warrenton
Winston-Salem

nesses. There are also trick shots for comic relief: fast motion shots of Main Street, the cars flying by at 150 miles an hour; reverse-motion shots of swimmers jumping out of the pool and up to the diving board; split screens of the church steeple sinking into the building below. The main draw, however, was always to “see yourself as others see you.”

The Eastman Kodak Company had introduced the 16mm format in 1923 as a do-it-yourself version of “real movies,” but only the wealthy or photographically proficient had taken up the practice of amateur filmmaking. The popular explosion of home movie making did not occur until after World War II, with the baby boom. At the time Waters was filming, most people had never seen themselves on the movie screen. “See Yourself at the Movies” was a very popular idea. Theater managers usually invited Waters to return, and in some communities he made as many as six different visits, shooting new footage for each engagement.

When Waters visited Greensboro, North Carolina in July 1939, one person he captured, in two brief shots, was Norman Pinkelton of the White Oak mill village. For Pinkelton, those brief moments

MOVIES of LOCAL PEOPLE
SEE YOURSELF IN THE MOVIES

Your Home Town in the movies

PLUS OUR REGULAR PROGRAM



H. LEE WATERS WITH A CAMERA SIMILAR TO THE KODAK CINE SPECIAL HE USED TO DOCUMENT LIFE IN 118 SOUTHERN TOWNS.

on film continue to be a source of great joy.

"I was personnel manager for Cone Mills in 1973 and this fellow came by and said he had an old film of the mill villages, would we like to buy it? I looked at it and said, 'Oh my, yes.' I worked at Cone Mills for 49 years, and *so many* people from the White Oak, Proximity, and Revolution villages are in this movie. The first time I saw it I said, 'Oh lordy, there I am with my son. Wait a minute, I wasn't even married in 1939 — that's my little brother!'"

Pinkelton, now retired, serves as the unofficial historian for Cone Mills. He is an affable, talkative man. Over the past 16 years he has shown the Greensboro *Movies of Local People* 85 times to more than 3,000 people.

"I don't think public interest in this will ever slow down," he says. "I've done shows for the Cone Post American Legion, Fairview Senior Citizens Club, Proximity Community Club, Kiwanis, Lions, 17th Street Residents Reunion, the Historical Guild, Proximity Methodist Church — the list just goes on and on."

PRESERVING THE PAST

Thousands of people throughout the region share Norman Pinkelton's strong emotional ties to the films of H. Lee Waters. There is an air of excitement when the movies are screened, a sense of engagement usually lacking in the passive viewing of mass-produced motion pictures.

"I never get tired of showing this film," Pinkelton explains. "Nearly every time I show it, someone will say, 'Wait — can you back it up? I think I saw my brother' or something like that, you see, and I'll learn a new face. I can't show it unless I can talk."

As he watched the film on videotape in his living room recently, Pinkelton kept

up a steady stream of names: "There's Sunshine Wyrick, he was a policeman on the Square. He was there for 40 years and it was said that he never made an arrest. There's a Delancey boy, his brother used to play big league baseball. There's Charles Tippet, and Mrs. Macfarlane . . . Howard Tucker, he worked in the company store . . . Charlie McCann, Herman Simmons, Easley Byers,

Elmer Walters, Mrs. Witt, Julius McDaniel, Watson Tucker, Sam Trogdon, Grover Wall, Cleo Honeycutt, Bertha Hardy, Blanche Roberts. . ."

Like many people who have seen their hometown portrayed in *Movies for Local People*, Pinkelton is fascinated by the depiction of life as it was 50 years ago, and the changes that have since taken place. Fortunately, many of the films are still in good condition. Waters kept the originals in his garage in Lexington rather than leaving them in theaters after the first shows.

"Back in 1936 to 1942, I wasn't exactly sure what I was going to do with them," Waters recalls. "They all sat in my garage for quite a while. But I figured, somehow, it might be my old age insurance."



As he watched the film on videotape in his living room recently, Pinkelton kept up a steady stream of names: "There's Sunshine Wyrick, he was a policeman on the Square. He was there for 40 years and it was said that he never made an arrest."

It was. By the 1960s, the films were already of notable historical value, and Waters began a series of "return engagements" in many communities. When individuals, public libraries, and civic clubs expressed interest in the films, he began selling the originals. Because he never made duplicates, many of the films are scattered across the region.

A full-scale restoration of *Movies of Local People* is currently under way at Duke University in Durham, North Carolina. The search continues for many of the films. Negatives are being made from the 16mm originals that have been located, and these archival masters should be good for 100 years or more. Video transfers made from the negatives ensure that the films will remain available in the communities and a central collection at Duke.

As copies are made, the films are being shown once more in towns in North and South Carolina, Virginia, and Tennessee. To older viewers, the movies provide a vivid reminder of what life was like



SCENES FROM MOVIES WATERS SHOT IN NORTH WILKESBORO (ABOVE) AND JACKSON, N.C. (BELOW). MANY OF THE PEOPLE FILMED WERE REACTING TO A CAMERA FOR THE FIRST TIME.

in Southern communities during the Depression. To younger viewers, they offer a glimpse of the world in which their parents and grandparents grew up. Audiences at the screenings delight in watching the people Waters filmed react to a camera for the first time, seeing in their faces signs of the growing recognition of the camera as a powerful tool in society.

Forced by necessity to come up with a good business idea, H. Lee Waters created a priceless cultural artifact, a silent body of oral history. Many changes have



taken place in the region since thousands saw themselves on the screen for the first time. Another few decades will see the passing of that generation. Used today as a meeting place for different ages, perhaps the Waters

films can help us to better understand our own world.

They are certainly more helpful than Hollywood films of the same era. Ordinary citizens like Norman Pinkelton can truly teach us something about that kinder, gentler nation we've heard so much about lately. Every summer he tells his friends, "Don't buy tomatoes at the supermarket — just come by my garden and pick what you need." Last summer Pinkelton's garden had no less than 250 tomato plants. Home grown is best — be it tomatoes or movies. □

Tom Whiteside is a freelance artist and film historian. His documentary on H. Lee Waters, The Cameraman Has Visited Our Town, is available on videotape for \$25 from Tom Whiteside, 512 Watts Street #2, Durham, NC 27701.



"The first time I saw it I said, 'Oh lordy, there I am with my son. Wait a minute, I wasn't even married in 1939 — that's my little brother!'"

Facing the '90s



As we enter a new decade — the last of the 20th century — the rhetoric of New South boosterism continues. We live in a region blessed with fast growth and racial tolerance, we are told, a region of shining progress, where each day looks brighter than the last.

The winners of our 1989 Southern Journalism Awards, sponsored by the Institute for Southern Studies, present quite a different picture. In fact, we were struck by the enduring themes within their stories:

▼ Students in Alabama schools must go without textbooks and basic supplies because timber companies don't pay their fair share of property taxes.

▼ West Virginia coal companies contribute tidy sums to state candidates — and receive political favors in return.

▼ Condos and vacation homes are destroying the North Carolina coast, yet officials refuse to control the rapid development.

▼ Federal prisoners across the country are being maimed — and sometimes killed — by inadequate medical care.

▼ Blacks make up a third of Chattanooga, Tennessee, yet only one has been elected to the city commission since 1911.

▼ Poverty runs rampant in the black belt of South Carolina. A third of the poor are children, and most receive no public aid.

The children of the '90s, it would seem, stand to inherit a New South that looks an awful lot like the old one. The stories excerpted here (and in a special section on voting rights on page 60) reveal an almost feudal system in which corporations wield vast influence over some of the most basic aspects of daily life — our schools, our environment, our standard of living — and politicians sell favors to the highest bidder.

Fortunately, good reporters continue to dig deep, trying to get at the root of what's going on. And more and more often, their papers print their findings in detail, investing the time and space needed to conduct major investigations and in-depth features.

Unfortunately, many of these same papers also treat their em-

ployees like interchangeable parts in a vast newsgathering machine. Reporters, after all, are workers — and like many workers in the New South, they are overworked and underpaid. Reporters at *The Alabama Journal* — who have won awards every year since our contest began — often earn less than \$16,000 a year, even after several years on the job.

The Charleston Gazette, another paper with award-winners three years in a row, offers experienced reporters with graduate degrees in journalism a starting salary of \$15,000. Before reporters can accept such a generous offer, however, they must sign a personnel form giving the company the right to fire them at any time — without cause, without notice, and without compensation ("except as to wages owed").

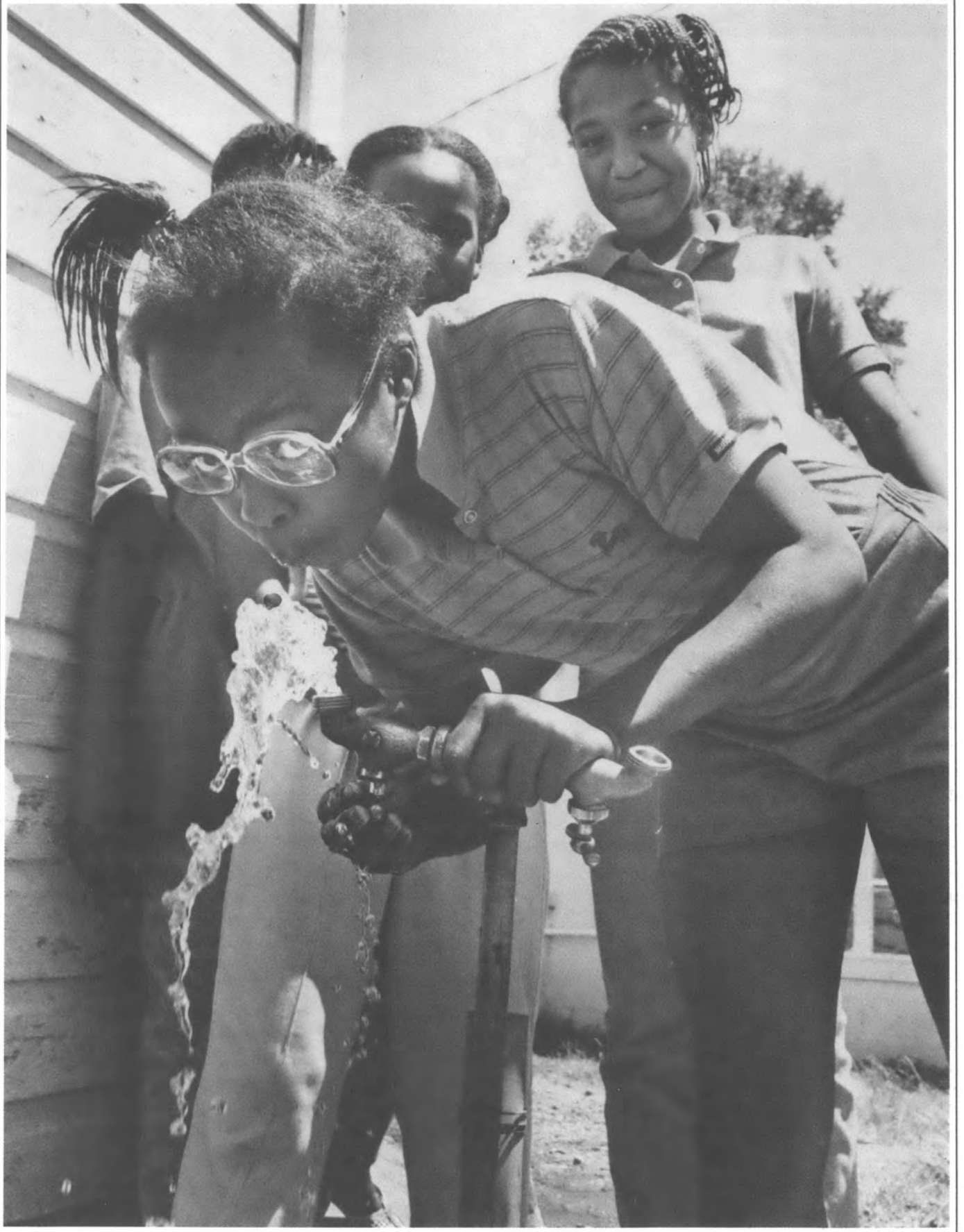
Despite such conditions, reporters still fight their bosses to print what they discover. When they win — or when editors take the initiative to assign reporters to major investigations — the result is better journalism in our daily paper.

We began the Southern Journalism Awards in 1987 to honor reporters whose stories broaden the range of issues, voices, and sources typically found in the mainstream media. To ensure that this year's winners were measured by progressive community values as well as professional standards, the entries were reviewed by a panel of 29 judges that included professors, editors, authors, and community leaders from across the region. The judges spent hundreds of hours reading and discussing the 155 entries submitted this year, and we are deeply grateful to each of them.

The final panel consisted of Don Baker, Les Dunbar, Denise Giardina, Jim Lee, Paul Luebke, and Elizabeth Tornquist. Other judges included Bill Adler, Richard Boyd, Margaret Brown, Kim Clark, Christina Davis-McCoy, Sybil Dorsey, Scott Douglas, Jerry Hardt, Roger Hart, Lois Herring, Neill Herring, Celestine Hunt, Mark Lee, Sylvia Miller, Marc Miller, R.W. Reising, Linda Rocawich, Mary Ann Ross, Rob Sikorski, Bertha Sims, Vernie Singleton, Lena Stewart, and Hollis Watkins.

We are especially grateful to Marc Miller for excerpting the lengthy award-winners. His efforts make this collection truly representative of the best of the Southern press.

—Eric Bates



STUDENTS AT TATES CHAPEL ELEMENTARY SCHOOL IN ALABAMA DRINK FROM A BARE SPIGOT OUTSIDE.

Bottom of the Class

Timber taxes are kept low in Alabama — and students are the ones who suffer.

By Emily Bentley, Allan Freedman, and Janet Jimmerson

Alabama Journal



Alabama's public schools are in trouble. From elementary schools without libraries to teachers without basic

supplies, the schools are being asked to do more with less. An inequitable tax structure, a legislature that puts politics before pupils, children of poverty who start behind and never catch up—all are part of this complex problem, the subject of a four-month investigation by the Alabama Journal.

After the 11-day series ran, the governor reactivated an education study commission to recommend funding avenues in 1990. He also included a provision in his budget to allow county commissions to raise local property taxes through referenda without the legislature's permission. At least half the money raised from those referenda would go to education. But some legislators have criticized the governor for not including more provisions for raising local taxes for schools.

MONTGOMERY, ALA. — Some hard lessons are being taught in the state's public schools. They aren't lessons teachers have prepared, but they are lessons of economics, politics, and history.

If public-school children could comprehend these lessons, they would learn that economics largely determines their chances for a good education.

They would learn that at the same time the public cries for greater commitment from teachers, administrators, and pupils, Alabama's financial commitment per pupil is fourth lowest in the nation.

And they would learn that Alabama's constitution sidesteps any guarantee of public education.

Some Alabama public schools hold their own in comparisons of pupil scores throughout the country, but other schools are at the bottom of the class in every educational category.

Tates Chapel Elementary School, tucked in the hills of southwest Wilcox County, is part of a school system where less than adequate has been allowed to be more than enough, according to teachers and residents. The school, which has no library, houses kindergarten through sixth-grade classes — even though the state Department of Education recommended closing it four years ago.

Principal James Gildersleeve hesi-

tantly compares his school and the public schools in Mountain Brook, an affluent city near Birmingham. In Mountain Brook, classes are small, funding for education is a priority, and most parents are well-educated professionals. Mountain Brook student scores average in the 80th to 90th percentiles on standardized achievement tests, meaning only 20 percent or fewer students in the nation score higher. Wilcox County scores are near the 20th percentile.

Mountain Brook schools offer computer courses, art, and a range of foreign languages and special classes. Many Wilcox County students do well to have textbooks of their own.

The economics of the schools reflect the communities of which they are a part. Walking across a large parking lot at Mountain Brook High School, a school administrator said, "I've been told this is the only school in the state where every kid drives two cars to school." Most of the students in the Wilcox County school system ride school buses.

RICH AND POOR

Wilcox County's heritage is one of rich Black Belt soil, stately plantation homes, and slave labor. Private schools educate most local white children. "Most

of our students are low-income, disadvantaged," said Gildersleeve.

What does that mean for students?

Gildersleeve said it means they need more and get less.

While many schools and many of the 720,000 students in Alabama have made strides in recent years, a four-month investigation by the *Alabama Journal* shows that the state's public schools suffer from inadequacies and inequities that in many ways result from a lack of commitment to public education. The *Journal* found that:

▼ In many of Alabama's poorer rural counties, even the best students lack basic reading and writing skills. Many students come from homes with no books or role models for academic achievement. Children enter the school system with poor communication skills. And schools do not have the resources to reverse a legacy that spans generations.

▼ In the 1986-87 school year, Alabama ranked 48th in the nation in the amount of money spent per pupil — \$2,610 each. Alabama ranked second behind Mississippi in the amount of federal funds it receives as a percentage of total school revenues.

▼ Alabama has the lowest property taxes per person in the nation. Property taxes are a prime source of local funds for schools.

▼ Landowners work to keep property taxes low, reducing revenues available to fund public schools. Some of the poorest counties are those where the fewest number of landowners control the most land. In Wilcox County, 10 percent of the landowners control 71 percent of the land, according to a University of Alabama study.

▼ The Alabama Farmers Federation and the timber industry contribute funding and voices to defeat local property-tax in-

creases for schools. They contribute heavily to elect state officials to protect landowner interests. Governor Guy Hunt's 1986 gubernatorial campaign benefited from \$83,493 from the Farmers Federation and at least \$18,554 from the state forestry political action committee and timber-related companies.

▼ For many years, state officials and others bragged about the state's low property taxes, but some are beginning to assert that reliance on sales, income, and other taxes has left the state with an inequitable tax structure. Forest and farm lands make up more than 85 percent of the state's 32 million acres but account for only 17 percent of the state's tax base.

▼ Legal experts say unless the state moves quickly to correct inequities in school funding, it could face costly litigation.

▼ Many Alabama schools aren't integrated because of a complicated mix of racism, class differences, and fear. Political leaders have shown little interest in

overcoming these barriers.

▼ Alabama's average teacher earns \$5,000 less than the average teacher elsewhere in the United States, but many say they'd prefer better and more materials to a higher salary. They've come to accept low pay, overcrowded classrooms, poor materials, and inadequate budgets as part of the job.

▼ Some school teachers drive school buses to supplement their salaries, and many have used personal money to purchase classroom supplies.

▼ The requirements to be a teacher in Alabama have been reduced to one: graduation with a C-plus average from a college teacher-education program.

▼ About 370 of the 391 public high schools in Alabama field football teams. But only 286 public high schools offer a foreign language class, and fewer than 100 offer a computer class.

▼ The state's economy is tied to the quality of education possessed by its students, and unless educational standards

are improved, the state's economy will be crippled by an abundance of under-skilled workers.

▼ Across the Southeast, state after state has moved to reform its educational system. Based on the experience of these states, it is clear that a strong leader, such as the governor, is required as a first step to creating meaningful reform. Governor Guy Hunt hasn't demonstrated such leadership, nor has he been able to heal a fractured state political system.

MONEY AND POLITICS

The problems of public schools are complex.

Pumping more local funding into the schools is one solution. In Wilcox County, for example, the biggest local resource is pine trees

Photo by Frank C. Williams/Alabama Journal



TIMBER MAKES BIG PROFITS IN ALABAMA, BUT WEALTHY LANDOWNERS AND POLITICIANS UNDERCUT SCHOOLS BY KEEPING TAXES LOW.

and products made from them. But because of low property-tax rates and low property assessments, the resource that could provide more funding for schools is largely untapped.

Wilcox, the county often eyed as having one of the worst educational systems in the state, is not alone. In Albertville, in Marshall County in north Alabama, the tax base is more stable and student scores are good, but local residents recently refused to raise property taxes to build and renovate schools. The state fire marshal has threatened to close some antiquated school buildings there, but that didn't convince voters more money was needed, says Dr. James Pratt, superintendent of the system.

Politics at the state level further complicate providing a good education. Some teachers were left hanging earlier this year when the legislature — ironically in a session dubbed an “education summit” by Hunt — failed to approve a state education budget during the regular legislative session. Some of those teachers were lost to other states.

And in parts of Alabama, schools still basically aren't integrated, often because whites continue to enroll their children in private schools, as in Wilcox County. Education experts admit that integration in the 1960s created a backlash by many whites against public schools, and the impact on perception of public schools lingers.

For those reasons and more, it would be almost impossible to correct everything that is wrong with public education in Alabama with one piece of legislation or one state school-board resolution or one task force or even one term in any political office. But education and business leaders agree that if Alabama is to fill a future role of something more than a developing nation — providing unskilled workers for low-paying jobs — the educational needs of the people of the state must be addressed.

TIMBER AND TAXES

Principal James Gildersleeve boasts about the two-classroom structure behind Tate's Chapel Elementary School. The building he is so proud of is part of MacMillan Bloedel Inc.'s legacy to the education of Wilcox County's children. MacMillan Bloedel is a large timber company, with operations near Pine Hill. Fourteen years ago, Gildersleeve got the company to donate the lumber for the

building, which houses a special reading class and a third-grade class.

While Gildersleeve considers the lumber he got from MacMillan Bloedel a windfall, the timber company owns 22,034 acres in the county and leases about 60,000 more, which means it has access to and reaps profit from about 13 percent of the land in the county. MacMillan Bloedel paid \$162,508 in property taxes last year on its acreage and other property in the county. Of that, about \$35,876 was for the county schools. MacMillan Bloedel is one of Wilcox County's biggest landowners.

Because of exemptions, low millage rates, and appraisal rules that favor agricultural and timber land, some officials believe the timber interests don't pay their share in supporting the community, particularly the public schools. But MacMillan Bloedel president Wyatt Shorter emphasizes that his company pays income and sales taxes and does

what it can to help the local community. “We're long-term citizens,” he said. He said he cannot judge whether his company pays its share of the property-tax burden. He would not reveal the company's annual profit.

Local residents seem hesitant to bite the hand that feeds them, even if it is providing only part of the support it could. MacMillan Bloedel is the county's largest employer. It employs 1,200 people, with about a third of those from Wilcox County. Businesses related to the pulpwood, paper, and lumber mill, including hauling and other contractors, provide many more jobs.

“They can't be expected to take care of everything. They've done pretty good,” Gildersleeve said of the timber company. “We do a good job under the circumstances.”

The circumstances are too few teachers, books, and supplies, too little space, and too few ways to help underprivi-

59 CENTS AN ACRE

After its investigative series ran, the Journal editorialized:

“If each child had a book, it would be better.”

That plaintive comment from a Wilcox County teacher says a great deal about the cruel inadequacies of education funding. Locally generated funds for education amount to very little in the rural Alabama counties where much of the land is in timber and is taxed at an astonishingly low rate.

The story the tax figures tell can only be interpreted one way. The major landowners, whether timber companies or individuals, don't pay anything even approaching a reasonable ad valorem tax. Fifty-nine cents an acre for valuable timberland is disgraceful. In essence, it's a free ride on property taxes, a negligible sum paid on property of considerable value under an inequitable system that benefits a handful of people and some large corporations at the expense of thousands of children.

This reeks of injustice. As long as a fair share of taxation is dodged by these companies and individuals, poor counties like Wilcox and Lowndes are destined to remain that way and the children who grow up there have little chance to do better. A solid education, their best tool for escaping poverty, is being denied them.



leged students. At Gildersleeve's school, there is no library. Fourth- and fifth-grade students were crowded into one classroom last year, and this year, the same students have class together as fifth and sixth graders. The water fountain is a bare spigot outside.

The teacher and teacher aide in the classroom try to keep order, but noise from about 40 children and from fans that stir the dusty air makes it difficult for some children to hear or focus on lessons. One blackboard hangs on a paint-peeled wall at one end of the room. A large heater takes up one corner. Students in the back squeeze between desks to reach the chalkboard for math problems.

Lillie Snell, the teacher aide in the class, said it is difficult to teach in the packed room. "There are too many in there. We have 40," she said. "It is too many."

"Some children don't have enough books and supplies," Snell added. "If each child had a book, it would be better." She said the children would take learning more seriously if conditions and supplies were better. "The classroom just has too many children to help the children like they're supposed to be helped."

WHITE FLIGHT

Wilcox County historically has expected little from its public schools. And little is what children have received. Test scores are among the worst in the state. Wilcox County 10th graders averaged in the 19th percentile on 1987 standardized achievement tests. The average was even lower on certain subjects, including reading and science.

Many teachers in the system know their students have trouble reading. Some teachers are disillusioned about how to solve the problem. "We have trouble getting them to read," said Joann Young, an English teacher at Wilcox County High School in Camden. Finishing homework also is a problem, she said. "There's a lack of motivation." Many students do not see education as important since it isn't stressed at home, she said. In many instances, parents can't read or simply don't like to read. "For a lot of students, [school] is just a way of getting out of the house."

"We do not have adequate books," Young said. The material in use has only a few exercises for each grammar concept or story. "Our students need more than that

to grasp what we're trying to teach," she said. She wants a basic English book she can use to help students with individual problems.

Like other school superintendents throughout the state, Wilcox County Superintendent Dr. Odell Tumblin said her system is underfunded. "Local support is low." Yet people ask her, "Why is Wilcox so poor? Why is Wilcox so segregated? Why is Wilcox so substandard?"

Tumblin said the problems of the school system are part of a divided community where most people with political power and financial means care little about the public schools. Their children attend private schools, she said. Almost all white students go to one of three private schools. Twenty-eight white students attended Wilcox County public schools last school year. White flight after integration in the 1980s left the public schools without funding or community support.

Tumblin contends that the power structure drains resources from the public schools to use in the private ones. But the Wilcox County Commission's attorney, George Fendley, said such accusations are unfounded. Fendley's children go to

private school, and his father helped start two private schools in the area. "I'd love to be a proponent for the public school system, but the way their test scores are, I don't think they're very good," said Fendley. He said people send their children to private school for the sake of their education.

"Few people are willing to talk about it," he said, referring to the separate school systems. Whites are afraid of being labeled racist, and blacks don't want to be labeled anti-white. And Fendley said he doesn't see communication opening up or things changing.

Wilcox County is about 71 percent non-white. Wilcox has the fourth lowest per capita income of Alabama counties. Yet the county has an abundance of pine trees, the resource that

Photo by Mickey Welsh/Alabama Journal



BEAT-UP LOCKERS LINE DARK HALLWAYS AT WILCOX COUNTY HIGH SCHOOL, WHERE STUDENTS OFTEN GO WITHOUT TEXTBOOKS . . .

feeds the state's largest industry. According to "Land Ownership and Property Taxation in Alabama," a University of Alabama study, 10 percent of the landowners in Wilcox County control 71 percent of the land there.

Families who have owned large parcels of land on the area's rivers and passed it down through generations since plantation days still hold many acres among brothers and sisters, fathers and sons. For example, several Wilcox families — the Hendersons, Bonners, and Schutts — own more than 6,000 acres apiece, according to 1987 tax-assessor records. Much of that is in timber. Paper and pulpwood companies, like Scott Paper Co. and Gulf States Paper Co., also own significant acreage.

CHEAP TREES

Forestry and farming interests — the Alabama Forestry Association and the Alabama Farmers Federation — work at the local and state level to keep property taxes down. They continue to do so even though county and city property taxes are the primary means of local support for education.

One of their successes was the 1982 "current use" law under which timber and agricultural land is appraised at a lower rate than its fair-market value. According to the land ownership study, timberland is appraised at an average of \$227 an acre. That would yield 59 cents an acre in property tax, while timberland appraised at highest use, an estimated \$15,000 per acre, would yield about \$78 an acre.

In addition to that, MacMillan Bloedel gets tax breaks under the Wallace-Cater Act, which exempts the company's \$500 million production plant from property taxes as long as the company owes money on the bonds sold to build it.

Currently, Wilcox County levies a 20.5-mill tax on property in addition to the state's 6.5 mills. Six of the county's mills go to

the county school system, but because of lawsuits and courthouse errors, the county has collected as little as 3 mills for the schools at times over the past few years. The amount collected fell to 3 mills again October 1 as a 3-mill tax measure that went into effect in 1968 expired.

With 2,878 students enrolled in its public schools, the Wilcox system's annual budget seems to be healthier than those of some other school systems when the budget is compared to the number of students. The system's 1987-88 budget allocated almost \$9 million. Wilcox spent more per student than the state average in the 1986-87 school year, according to state Department of Education figures. Tumblin attributes that to dwindling enrollment. The Wilcox county school system also receives a boost from federal funds. But with local millage dropping to 3 mills, local revenues will fall.

Some legal experts say Alabama could be setting itself up for lawsuits over inequitable school funding, which has been challenged in other states. Richard Cohen, legal director of the Southern Poverty Law Center, said Alabama's school funding system could be chal-

lenged. "I certainly think that the longer the legislature puts off reforming the system, the more likely it is to end up in federal or state court. To avoid the hazards of litigation, people would be wise to put their house in order."

While school systems with broad-based local support and funding expand course offerings to include computer classes and several foreign languages, Wilcox County schools struggle to provide the basics. For the first time in its history, the Wilcox County school system has a school — J.E. Hobbs Elementary School — accredited by the Southern Association of Colleges and Schools. School officials are working to get another school, Pine Hill Consolidated School, accredited. Tumblin said that will improve the education of children going through the schools now.

At Wilcox County High School, conditions are dismal. A dark hallway lined with broken and dented lockers leads to 11th- and 12th-grade classrooms. Leaky ceilings, cracked windows, and broken doors illustrate the overall condition of the school.

Wilcox County high-school students are slated to move into a new, \$7.5 million consolidated high school (there now are three high schools) this year. The school is being built using state Public School and College Authority funds, a pool of money doled out by the governor, state school superintendent, and finance director for school construction. However, some residents complain that when the school is finished, students will have to be bused hundreds of miles each day. And Fendley said he doubts that the move into a new multi-million-dollar school will improve the education offered the county's public school students. □

Photo by Patricia Miklik/Alabama Journal



... WHILE THE HIGH SCHOOL IN MOUNTAIN BROOK, AN AFFLUENT CITY NEAR BIRMINGHAM, RESEMBLES A COUNTRY CLUB.

Pay Dirt

Coal companies are operating outside the law — and making campaign contributions to officials who look the other way.

By Paul J. Nyden
Charleston Gazette



Between July 1988 and June 1989, Paul Nyden wrote 175 articles about abuses in the coal-mining industry and weak

enforcement by the West Virginia Department of Energy. His articles regularly led to the denial of mining permits and the collection of delinquent fines and reclamation fees. They also helped make mining enforcement a major issue in the 1988 gubernatorial election, in which Gaston Caperton defeated Governor Arch Moore, a three-term incumbent.

CHARLESTON, W.VA. — Six weeks ago, John Adkins, a non-union coal operator from Kentucky, began stripping mountaintops on Winifrede Hollow. Chain-link gates and a guard shack bar local residents from driving up the dirt road to his mines. Department of Energy (DOE) officials have not stopped Adkins from producing coal, despite a federal law that prohibits him from operating a mine anywhere in the United States.

Adkins runs the mines for Fields Creek Coal Company, a subsidiary of Carbon Fuel, which is a subsidiary of the ITT Corp. Adkins' company, SAAC Industries, has four corporate directors, one of whom is a federal mine inspector. This, too, violates federal conflict-of-interest laws.

Jack Kirk, president of the United Mine Workers local in Winifrede, is one of 800 miners laid off since 1982. Carbon Fuel, then U.S. Steel, scaled down mining operations along the hollow. Today, Carbon Fuel's huge cleaning plant sits up a side road like a great metal ghost. Two

weeks ago, Kirk graduated from the University of Charleston with a degree in nursing. He believes he'll never work in the mines again, so he's looking for a job at a local hospital.

"This new company won't hire us," Kirk said. "They bring in these outlaw operators from Kentucky. They hire three or four people off the hollow, then bring in the rest from Kentucky. It's easy to get a permit in West Virginia. The Department of Energy doesn't check."

Two days ago, DOE officials were still looking into Adkins' background, according to Mark Scott, director of mines and minerals, even though federal law requires state regulatory agencies like DOE to finish background checks before allowing an operator to dig the first shovelful of dirt. Kentucky officials did check Adkins' background: they have prohibited him from operating a coal mine in that state, said Larry Grasch, deputy commissioner of Kentucky's Department of Surface Mining, Reclamation and Enforcement.

OTHER WINNERS For investigative reporting in Division Two (newspapers with circulation between 30,000 and 100,000):

Second Prize to Ginny Graybiel, with Michael Burke, Mark O'Brien, and Tony Welch of the *Pensacola News Journal* for their aggressive pursuit and bold revelations of kickbacks, political slush funds, corruption, and worse at the city's leading corporate citizen, the Gulf Power Company.

Third Prize to Michael Collins of Covington's *Kentucky Post* for his insightful and informative articles on the shameful state of bus safety and government regulation, especially of school buses.

Adkins filed two applications to strip 323 acres in West Virginia. On both forms, Adkins typed "N/A" (not applicable) in response to a question asking whether any company, subsidiary, affiliate, or partnership he operated had been cited for mining violations. Adkins signed the forms and swore to their truth on March 15. Both applications were filed on behalf of SAAC Industries. The office telephone Adkins gave DOE is the number for the main switchboard at the Knights Inn in Kanawha City, West Virginia. Adkins moved out more than two weeks ago.

Adkins has operated several coal companies in Kentucky. Some have long histories of environmental violations. The companies include TAG Coal Corp. (a contract miner for A.T. Massey), Commonwealth Mining Co., A&A Fuels, 4-R Coal, Riley Hall Coal Co., and Templeman and Adkins Coal Corp. Reached at his offices in Chesapeake, Adkins said his mining record in Kentucky is clean.

According to Kentucky regulatory officials, Adkins left some of these companies, such as TAG Coal, before environmental violations were cited.

Scott said, "The people in Kentucky told me they did not have John Adkins blocked for any state violations... They did have him down with some sort of a relationship with a company that owed delinquent AML [Abandoned Mine Land] fees. But the information we have is that he may not be responsible for that."

However, the Applicant Violator System, run by the U.S. Office of Surface Mining, ties Adkins directly to Commonwealth Mining. According to Grasc, Commonwealth Mining has "outstanding AML fees in excess of \$53,000... If he applied right now for a permit in Kentucky, he would be permit blocked."

Adkins operated Commonwealth Mining with a partner, Michael

Templeman. In 1986, Templeman opened another non-union strip mine on Campbells Creek under the name Templeman Construction Co. Before coming to West Virginia, Templeman ran up at least \$78,437 in unpaid fines and reclamation fees in Kentucky. Apparently, DOE gave him a mining permit without checking his background. When Templeman filed a permit application with DOE on February 20, 1986, he was less than truthful. Asked to list all mining companies he operated during the previous five years, Templeman typed "NONE."

After Templeman's mine opened, overloaded coal trucks destroyed a little bridge over Spring Fork. Templeman paid \$1,000 toward the cost of replacing it. The Department of Highways paid the rest — more than \$37,000.

Within a year, Templeman had disappeared. He left Spring Fork without giving his workers their final paycheck. He never paid \$28,000 in fines he owed DOE. He exposed bare 90-foot-high

walls around two mountains but never reclaimed them. In June 1988, DOE forfeited Templeman's \$25,000 reclamation bond and revoked his mining permit.

"NOTHING EXCEPT WASTELAND"

Denver Andrews from Pikeville is another business associate of SAAC Industries. Scott said he had never heard of Andrews and that his name doesn't appear in DOE files. The name does appear on incorporation papers Adkins filed with Secretary of State Ken Hechler on January 26. Andrews is identified as a corporate director and as the individual who receives the company's legal correspondence.

Andrews is also a federal mining inspector. Richard Leonard, a spokesman for the Office of Surface Mining in Washington, said it is "definitely illegal" for any OSM official to be associated with any coal company. The federal agency is investigating Andrews' ties to SAAC Industries.

Reached by telephone at the OSM offices in Pikeville, Andrews said he was "good friends with John Adkins and his father, who passed away three years ago." Andrews praised Adkins' reclamation work in Kentucky. "His last job here was a picture perfect job," Andrews said.

Labor Commissioner Roy Smith said it was tough to find Adkins. "We have chased these people around. You almost have to be a wizard to locate some of these mines." Smith said Adkins violated state law by operating a mine without posting a wage bond. When Department of Labor officials found Adkins on Friday morning, he finally posted a \$40,000 wage bond to cover a

Photo by Earl Dotter



AN IDLE MINE IN SOUTHERN WEST VIRGINIA SHOWS HOW COAL OPERATORS OFTEN LET ENVIRONMENTAL DAMAGE GO UNATTENDED FOR YEARS.

BLACK GOLD AND THE A-TEAM

State and federal laws prohibit corporations from making direct political contributions. Only individuals and political action committees (PACs) can donate to such campaigns. State law limits individuals to a maximum contribution of \$1,000 in each primary and \$1,000 in each general election, or \$2,000 total. Individuals also may give up to \$5,000 to federal PACs, such as the West Virginia Republican Party's "A-Team." Here's a sampling of Moore contributors, grouped by company or family affiliation:

▼ **Addington Resources, Appalachian Mining — \$5,000.** Kentucky coal operators Larry, Robert, and Bruce Addington and two of their wives each donated \$1,000 last spring, shortly after buying coal lands in West Virginia. Despite public protest, DOE gave the Addingtons a permit in June to strip 892 acres near Boomer. When the Addingtons prospected for coal without permission in February, Faerber did nothing.

Last year, "in a record year for political spending in Kentucky, the Addington family of Eastern Kentucky may have set a record of its own," the Louisville *Courier-Journal* reported. "The family, along with associates and employees of companies it controls, gave at least \$257,500 ... to political committees and causes."

▼ **Ashland Oil, Ashland Coal, Ashcoal Ltd. — \$5,000.** Six Ashland executives gave \$4,500 to Moore this year. Ashland's PAC gave \$500 to the A-Team in 1985. At least three top Moore officials once worked for Ashland — Faerber, Leabery, and Highways Commissioner William Ritchie. In 1972, Ashland gave Moore \$20,000 in cash — illegally.

▼ **Bell Mining, M&J Mining — \$3,000.** Charles and Lois Sorbello each gave Moore \$1,000 in 1984. This year, Charles gave \$1,000. For the past two and a half years, Sorbello's Marion and Harrison county mines have stirred widespread opposition. Subsidence from Sorbello's deep mine in Worthington destroyed homes, farmland, and the town water tank. Faerber has done nothing.

▼ **Dock's Creek Terminal/E-Town Supply — \$11,000.** Eleven officers each gave \$1,000 to Moore. This Kentucky-based company owns a large coal-loading dock on the Big Sandy River near Huntington. Residents have complained

about coal dust in the air.

▼ **Lysander Dudley — \$3,000.** Dudley, commissioner of Moore's Office of Community and Industrial Development, gave Moore \$1,000 in December 1980, in May 1984, and in April 1988. During Moore's 1972 campaign, Dudley and coal operator Lawson Hamilton Jr. collected thousands of dollars from coal strippers aboard the riverboat "Robin D" but never reported them.

▼ **Fairchild International — \$3,250.** Jack and Myrleen Fairchild gave \$1,250 to Moore in 1984 and \$2,000 to the A-Team. Fairchild International manufactures Wilcox mining machines. When the state Supreme Court ordered stricter roof-control measures in Wilcox mines in 1986, Faerber delayed implementing them until the court held him in contempt.

▼ **Land Use Corp., Bright Coal Corp. — \$14,000.** In 1984, William Bright gave \$2,000 and his wife Patricia gave \$3,000 to Moore — an apparent violation of the contribution limit. In January 1985, Bright gave the A-Team \$5,000. This year, William, Patricia, and Jennie Bright each gave \$1,000 to Moore. So did a company sales officer. Bright's contract mines use more Wilcox miners than any company in the state.

▼ **Maben Energy, M.A.E. Services Inc. — \$10,000.** In 1984, President Henry Paul Kizer, with serious environmental problems at his southern West Virginia mines, gave \$2,000 to Moore. Other company officials gave \$5,000 in 1984 and \$3,000 in 1988. Kizer doesn't like to bet on a single horse. In this year's Democratic primary, he gave \$1,000 each to Caperton, See, and Dan Tonkovich.

▼ **A.T. Massey — \$5,000.** Moore got \$4,000 from Massey executives in 1984, including \$2,000 from President E. Morgan Massey. This year, Massey executives donated \$1,000 to Moore and \$7,000 to Caperton, including \$1,000 from his cousin Austin. Austin and Gaston Caperton are barred from getting mining permits because both were officers of Slab Fork Coal when it went bankrupt and forfeited reclamation bonds.

▼ **Snowshoe Co., S.S. Joe Burford — \$8,000.** S. Franklin and Joseph Burford polluted streams during construction at their Pocahontas County ski resort and failed to reclaim coal mines. The Burfords gave Moore \$4,000 in 1984 and another \$4,000 to the A-Team. In May 1985, the ski resort went bankrupt. Their coal company still owes \$90,000 in fines and forfeited a reclamation bond in October.

month's wages and fringe benefits for his 17 employees, six weeks after hiring them.

Mark March, an international representative for the United Mine Workers, said Adkins symbolizes a trend. "I've been in eastern Kentucky for two years. It's common knowledge that if you want to mine coal, you go to West Virginia. It's gotten strict in Kentucky." March said Adkins pays employees about \$12 an hour, about 75 percent of union wages.

The union was first organized in Winifrede Hollow in 1903. Kirk said the mines there were always union, even while violent mine wars raged nearby on Paint Creek and Cabin Creek in 1912 and 1913, and again in the early 1920s. He said Carbon Fuel has always been the hollow's lifeblood. "When they hired us, Carbon Fuel told us they were hiring us for life. They said we would retire from here and our sons would retire from here."

Sitting in the union hall beside the winding blacktop road, Kirk said he's given up any hope of ever working in the hollow again. He is angry that coal operators come in from other states, bring most of their employees with them, and take their money back.

"These guys hide everything by setting up dummy companies. They get out of their obligations. They take our minerals. They take our money. They don't leave us nothing. Except wasteland."

STRINGS ATTACHED

One thing that coal companies *do* leave behind is big campaign contributions to top state officials. When Arch Moore Jr. ran for a third term as governor in 1984, coal operators and their friends donated at least \$270,000 to his campaign. This year, they gave Moore \$150,000 during the primary. They matched that during the general election, where Moore faced insurance executive Gaston Caperton, a Democrat. Including donations from oil and gas executives, Moore has received close to \$500,000 from energy-related donors in the 1980s — about 18 percent of the \$2.8 million he has raised.

These estimates may be low. Contribution lists, especially those filed in 1984, don't identify corporate ties of many donors. The total would also increase if other contributors were in-

cluded, such as mining engineers, lawyers who represent coal companies, and companies that sell mining equipment and supplies.

Jack Hickok, chairman of Common Cause/West Virginia, believes all political contributions come with strings attached. "I am sure people don't give contributions without expecting something in return... You expect something positive or expect to avoid something negative." Hickok believes the public ultimately pays dearly for private campaign financing. "We are deluding ourselves if we believe it doesn't cost us anything when defense contractors are contributing millions to political candidates. And when coal companies contribute to local candidates, we probably pay one way or another."

Over 90 percent of Moore's coal donations came from small- and medium-sized operators. Most live in West Virginia. Critics say small operators bought DOE with their contributions, while small operators say they contributed because they believe

Moore is good for business and especially good for the coal business.

House of Delegates Speaker Chuck Chambers, a Democrat from Cabell, said, "Larger corporations are used to doing business in many states and are able to protect themselves. Smaller companies may feel they are more at the mercy of DOE. They may perceive the best way to protect themselves is by making large contributions to the governor, who appoints the energy commissioner and other important personnel."

John Leaberry, Moore's campaign manager, said smaller coal producers donate because "they are local people who have grown up in West Virginia. They are part of the local fabric of communities here... Somebody like the Justices or the Comptons [small operators] are very substantial members of their communities. Their position on a gubernatorial race is just one aspect of their involvement in the community." Leaberry himself worked for a coal company briefly in 1987, after resigning as Moore's workers compensation commissioner.

ILLEGAL DONATIONS

When you thumb through hundreds of pages detailing Moore contributors, controversial names regularly pop up. The list is topped by Kenneth Faerber, the small operator Moore named to head DOE in July 1985. Officers from Faerber's former coal and reclamation companies also figure prominently.

William Bright, who uses several Wilcox thin-seam mining machines, and Jack Fairchild, who makes them, were Moore contributors in 1984. In 1986, Faerber tried to delay implementing court-ordered safety rules covering Wilcox miners.

The list includes the Addington brothers from Kentucky, who gave Moore \$5,000 in April after buying coal lands in the state. The list shows \$8,300 in contributions from officials at P&C Bituminous Coal, the company where Leaberry was general manager when it opened its first mines a year ago. And several contributors created serious environmental problems, such as James Laurita Sr., Frank Burford, Joe Burford, Jasper Petite, John Petite Jr., Charles Sorbello, Carl Graybeal, Daniel Minnix, and Don Harrold.

Moore's support from surface miners dates back at least to 1972, when he beat Jay Rockefeller. At that time, Rockefeller lent support to the "abolition" movement to outlaw strip mining.

That year, coal companies gave Moore tens of thousands of dollars — legally and illegally.

Coal people also supported Moore's opponents in 1984 and 1988. Some gave to more than one candidate for governor. Clyde See got more than \$103,000 in coal contributions during his campaign for the Democratic nomination. Caperton received over \$31,000 from coal executives, including \$7,000 from officers of A.T. Massey subsidiaries. His cousin, S. Austin Caperton III, is vice president of Massey Coal Services in Daniels.

Moore raised \$874,450 for the 1988 primary — nearly as much

Photo by Chris Dorst/Charleston Gazette



MINERS AND COMMUNITY MEMBERS PICKET THE OFFICES OF CARBON FUEL, OUTRAGED BY "OUTLAW OPERATORS" THE COMPANY BROUGHT IN FROM OUT-OF-STATE.

as See and Caperton combined. See raised \$580,975 and Caperton, \$353,319. Moore loaned no personal funds to his campaign committee. See loaned \$85,000 and Caperton, \$1.8 million, according to reports filed with the secretary of state.

PLAYING FAVORITES

What do you get by making a political donation? Do you buy influence, or simply a friendly hearing at the state Capitol? Do donations guarantee a break from regulatory officials? Or do you simply buy better, more responsive government?

When Moore appointed him, Faerber said he was an "advocate" for industry. During his time in office, coal production reached its highest level since 1970, topping 137 million tons last year. Faer-

ber said DOE doesn't favor small coal companies who help finance Moore's campaigns. "I don't think you can draw any conclusions on the basis of contributions. They don't give money in order to get a permit."

Delegate Thomas Knight, a Democrat from Kanawha who usually opposes Moore and Faerber, also warns against drawing simple conclusions. "Campaigns are very expensive. When someone supports you with a contribution, you will listen to them with a friendly ear. That's only human. Some take it further and do unusual favors for people. That goes beyond listening," he said.

Knight believes Moore might be friendlier to small operators, especially since West Virginia deep mine operators supported Clyde See in the 1984 general election. "Political retribution is not unusual," Knight said. "When it came time

to make a critical appointment, Moore made it for his friends."

Some, such as the United Mine Workers, believe Faerber has sacrificed miners' safety and reclamation, especially at small mines. They point to similarities between lists of contributors and operators they believe got favors. Although he said he doesn't oppose higher production, Michael Burdiss, the UMW's political director, questions the way DOE issued permits.

"Faerber talks about increased production due to lack of red tape. That might mean he is allowing outlaw miners to move into West Virginia," Burdiss said. "The international union has asked Congress to investigate how mining permits are obtained and who receives them to see if there is favoritism."

Washington lawyer L. Thomas Galloway, who has won several lawsuits requiring more rigorous enforcement of environmental laws, hesitated to comment on the role of political contributions. "But I can say that the decline of the West Virginia surface-mining program has coincided with the Moore administration. During this administration, the enforcement program fell from its position as one of the two or three top Eastern programs to become one of the worst," Galloway said. "The decline is reflected in almost every major component of the system — initiation of enforcement action, issuing of cessation orders, assessment of penalties, blocking permits to people with outstanding violations, bond forfeitures."

DOE's separation from other environmental agencies creates problems, according to Speaker Chambers. "Smaller operators need help to deal with bureaucratic red tape. It can be pretty tough for a legitimate small operator to deal with all the environmental, health, and safety regulations. But this has to be balanced with broader public interest concerns," Chambers said. "We have taken something as major as the coal industry, probably the dominant factor in the state's economic and social life, and allowed it to have a separate regulatory program... That is like having one set of state police to check cars on the highways and another set to check the trucks. We only have one environment. When you have major competing interests, which are not balanced and regulated within the same framework, one interest is going to suffer." □

ON THE PAYROLL

Ken Faerber went to work for Governor Arch Moore in February 1985, after a dozen years in the coal industry. The most controversial figure in Moore's administration, Faerber plans to return to the coal business even if Moore wins a fourth term.

Faerber graduated from the University of Missouri in 1973 and became an environmental analyst for Peabody Coal in St. Louis. Two years later, he came to West Virginia, when Fil Nutter of Hobet Mining hired him partly on the recommendation of John Sturm, who knew Faerber at Peabody. Faerber entered the mine reclamation business with Charles Jones in 1978, forming Green Mountain Co., Battle Ridge Co., Kimberly Industries, Pinnacle Industries, and Charleston Lawn and Tractor.

In October 1985, the U.S. Office of Surface Mining ruled Faerber had a conflict of interest. They gave him 90 days to sell his interests in Green Mountain, Battle Ridge, and Kimberly.

During confirmation hearings in February 1986, Faerber revealed his companies received more than \$3 million in reclamation contracts after he went on the state payroll.

Faerber was one of Moore's biggest contributors in 1984. With his wife and children, he gave a total of \$18,200. In 1984, when Kristopher and Kori Faerber gave Moore \$2,000, they were 8 and 6 years old, respectively. Both children also contributed to Moore in 1980. Faerber's relatives, James and Ruth Sims of St. Louis, each gave Moore \$1,000 in 1984. Faerber and

his wife contributed another \$1,000 each in July 1986.

A Kanawha County grand jury indicted Faerber in March 1987 for using his children to circumvent campaign contribution limits. Faerber maintained he did nothing wrong, and Moore returned the children's contributions in April. In July, the indictment was dismissed on a legal technicality. The charges were not revived. —P.N.



EX-DOE CHIEF KEN FAERBER

Our Coast

Awash in a sea of change, a valuable heritage is slowly seeping away.

By Frank Tursi and Jon Healey

Winston-Salem Journal



For an entire summer, Frank Tursi and Jon Healey of the Winston-Salem Journal investigated what development means

for the people and fragile ecosystems of the North Carolina coast. Their week-long report documented the rapid destruction of a region where condos are replacing sand dunes.

COROLLA, N.C. — Edward Ponton probably won't remember when his house was surrounded by woods and marsh, when quail and white-tailed deer were common sights. Instead, condominiums and townhouses will be the stuff of Edward Ponton's childhood memories. In place of deer, he will remember BMWs and Volkos.

Three-year-old Edward babbled in the back seat while his father, Buddy Ponton, guided the four-wheel-drive Isuzu down the rutted, sand path. This used to be called the Old North Road, and it used to cut through a tangle of marsh on the sound side of Corolla, a once-remote fishing village on Currituck Banks. The road has been moved a bit, and much of the marsh has been cleared and the building lots marked off for the condominiums. A hole has been dug for a lake.

Ponton stopped the Isuzu. A covey of quail scrambled into the underbrush, and a deer bounded across the road. Edward watched in wide-eyed wonder at a scene that he'll not remember and not likely see again.

"I don't know. I guess a person is entitled to make money," Ponton said after

awhile. "And maybe if this were my land, I'd do the same thing, but it just don't seem right."

Ponton, a stout man, has forearms thickened and shoulders broadened by a life as a commercial fisher. He moved to Corolla 20 years ago from his native Virginia Beach. He bought two acres on Spry Creek because it offered easy access to Currituck Sound. He built his house with his own hands. He fished and he prospered.

Then he watched as people discovered Corolla. They came from up North mostly, and they built huge, expensive houses on the beach. They inched closer and closer and closer. These new condominiums are just a few hundred yards from Ponton's house in the swamp.

"I reckon the tourists will take it all over," said Ponton, the last commercial fisher in Corolla. "They may just run me off."

Tourists are fairly new to the Currituck Banks, a 23-mile-long wind-swept peninsula that hangs from the Virginia cape. They're old hat on Ocracoke Island, 100 miles away at the other end of the Outer Banks. Both places were once considered the last frontiers on the North Carolina Coast. No more.

OTHER WINNERS For feature reporting in Division One (newspapers with circulation over 100,000):

Second Prize to Claudia Smith Brinson, Mike Lewis, Bobby Bryant, and Debra-Lynn Bledsoe Hook of *The State* in Columbia, South Carolina for their careful and caring look at "Surviving Old Age."

Third Prize to Bill Graves of Raleigh's *News and Observer* for his portrait of the frustration and inequity experienced by North Carolina's rural schools.

As the land between them developed, the two far-flung places of Corolla and Ocracoke didn't look so far-flung anymore. As more shell shops and overpriced restaurants filled the empty spaces at Nags Head and Kill Devil Hills, the wildness of the Corolla dunes and the serenity of the Ocracoke beaches became marketable commodities. The problem with people, though, is that they tend to change the very things that attracted them in the first place.

\$400,000 A LOT

That change may be most dramatic in Corolla and along the rest of the Currituck Banks. Bordered on the east by the Atlantic Ocean and on the west by Currituck Sound, the banks were a wilderness of marsh grass until a few years ago, where life was dictated by the sea. The handful of people who lived on the banks depended on what the ocean and sound grudgingly offered. Most North Carolinians had never heard of the place, let alone been there. Those who had usually belonged to one of the exclusive hunting clubs that made the banks their private playground for more than a century.

For one thing, getting to the Currituck Banks wasn't easy. If they didn't go by boat across the sound, the adventurous tourists took U.S. 158 across Wright Memorial Bridge. They took a left and passed through the hills and the thick maritime forest of Southern Shores. Then the going got rough. The public road ended north of Duck, a small village 20 miles south of Corolla that marks the beginning of the banks.

Earl F. Slick, a wealthy Winston-Salem businessman, owned the hard road for the next 11 miles. Fearing rampant development, he put up a steel gate and hired

armed guards to bar the way. Unless they had a pass, casual visitors had to travel up the beach in a four-wheel-drive.

Once they got to Corolla, there wasn't much to see or do. There was the historic Currituck Lighthouse, a post office, a general store, a church, and a couple of dozen houses scattered in the marsh. No motels, no restaurants, no beach cottages to rent.

All that has changed. After years of wrangling and lawsuits among developers, the state and the private owners agreed to give the banks to the federal government as a national park. But James Watt, then secretary of the interior, killed that idea as too expensive. After more wrangling, the state took over the private road from Slick in 1983 and extended N.C. 12 to Corolla, which then became fair game.

Land prices doubled overnight. Oceanfront lots in Duck now sell for \$300,000. Before the public road, an 8,000-square-foot waterfront lot in Co-

rolla could be had for \$125,000. Now it can't be touched for less than \$400,000.

The Corolla I remembered was a place of sand dunes and marsh grass. I used to visit it while on fishing trips to Currituck Sound, stopping in the store next to the post office for a sandwich and a cold drink. I hadn't been there in years, but I had heard about the development since the road opened. The reports didn't prepare me for what I saw as I headed up N.C. 12.

Where trees draped in Spanish moss once grew over the road in Duck, houses and stores now sit in developments with names like Sea Hawk and Osprey, Carolina Dunes and Snow Geese Dunes. Earl Slick's former land, which now is a sanctuary owned by the National Audubon Society, offers a glimpse of what the banks used to be. Then it starts again. Huge, two- and three-story houses that sell for more than \$500,000 face the ocean on Dolphin Street and Bonito Street, Mallard Arch and Canvasback

Court.

The license plates on the cars in the driveways tell where the money is coming from: Virginia, Pennsylvania, Ohio, New Jersey, New York. That's where the developers are spending their advertising dollars, Rick Willis told me later. He is the vice-president of Outer Banks Ventures, Inc., which is developing a section of Corolla. "The whole emphasis has been on upscale developments," he said. "We get very little business in North Carolina. Those people are inclined to go to the Southern beaches."

To be sure, these are not typical beach cottages. Most are built on large tracts. The houses generally are spaced apart and, in the nicer developments, built in contour with the terrain.

The problem is the

Photos by David Rolfe/Winston-Salem Journal



LEVIN "POP" SCARBOROUGH, THE OLDEST RESIDENT OF DUCK, FEARS RAPID DEVELOPMENT ALONG THE COAST MAY SWEEP HIM FROM HIS HOME.

terrain can't be counted on to stay put. The sand dunes that surround the houses are moving, pushed across the island by the wind. The history of Currituck Banks offers many examples of homes and entire settlements that had to be abandoned to the dunes. The modern inhabitants have resorted to building sand fences to slow the advance, and then using bulldozers to shovel what breaks through the defenses off the roads and driveways.

To the Northerners, the homes are just investments, said Jerry Olds, chair of the Currituck County Board of Commissioners. "Yankees come, spend their money, and go home," Olds said. "Damn Yankees come and stay. We don't have many damn Yankees."

BIG BUCKS IN DUCK

What the county does have, Olds said, was the second-fastest growth rate in the state last year. Its permanent population has more than doubled since 1970, and development may be outpacing the county's ability to provide trash pickup, police protection, and water and sewer services. The county borders Virginia, and its northern section is getting the spillover from the booming Norfolk area, Olds said. Its southern reaches are feeling it from Dare County, which is the only North Carolina county that's growing faster than Currituck.

To be sure, the county has made good money off all this growth, Olds said. A land-transfer tax entitles the county to one percent of all real-estate transactions. That brought in \$100,000 in July, he said. "That's not bad for a county with 14,000 people," Olds said. "We're making enough, along with our portion of the sales tax, to build our schools. But what I am concerned about is that we monitor closely our water resources. The county is experiencing so much growth that we're looking at a moratorium to stop it. We need to step back and take a look at it."

Anything that would slow the traffic a bit would please Levin Scarborough. At 89, he is the oldest resident of Duck. A native of

"JUST A DITCH"

The North Carolina coast will never look like New Jersey's because enlightened state laws prohibit the building of seawalls and other "hardened structures" on the beach, and the Cape Hatteras and Cape Lookout national seashores have preserved some of the wildness of the barrier islands.

Though much has been saved, there still is a great deal to lose. A little island in Onslow County would have been lost to the bulldozers if not for a little woman with a lot of fight.

Lena Ritter steered her small, beat-up wooden boat through Stump Sound, a narrow body of water that separates Topsail Island from the rest of Onslow County. Compared to the big sounds and rivers on the northern coast, Stump isn't much. "It's just a ditch compared to those places," Ritter said, as the boat chugged through the water.

Stump Sound is home, though. Ritter, 52, grew up nearby, in a small community that everyone calls Tar Landing. She has worked these waters all her life, clamming in the summer and oystering in the winter. She wasn't about to stand by and watch her sound be polluted.

We passed Strawberry Island, where as a girl Ritter helped her daddy pick oysters. Pollution from a sewage plant wiped out the bed four years ago. Then came Deer Nose Island, nothing more than a spot of spartina grass just above the high-tide mark, and then Bullet Island. Finally, Permuda Island.

Ritter beached the boat and we got out. Permuda is about a mile long and no more than 450 feet wide. The remnant of an old barrier-island chain, the island is uninhabited and thickly forested with live oaks and bay trees and wax myrtles. If not for Ritter, the trees would have been replaced by houses, parking lots, and high-rise condominiums. If not for her, it would have looked pretty much like Topsail Island, whose tall buildings could be seen clearly in the distance.

Ritter read about the developers' plans for Permuda in a newspaper in December 1982. No problem, she thought. "I was naive enough to think that all I had to do was go to the planning board and county commissioners, and that everything would be all right," Ritter said as we stood under a 200-year-old live oak. "We elect these people and pay these people, and I thought they'll do the right thing. Boy, did I learn."

State and county officials learned

that Ritter isn't easily put off. She organized her neighbors, started petition drives. It turned into a five-year struggle that included trips to Raleigh and phone calls and meetings. This was all new to her. Just getting dressed up was new. She usually wears jeans and a sweatshirt. Dresses? She didn't own one. Pantsuits had to do.

All that traveling around and letter-writing kept her off the water, though. So she had to take a job with a pie company in Holly Ridge, making boxes on the graveyard shift.

"There's no way they could have developed the island without ruining the sound," she said. "It was very discouraging at times, but that's what kept me going. It wasn't cheap, and it wasn't easy."

But it paid off. The developers dropped their plans after the state Division of Coastal Management refused to give them a permit. The battle finally was won last year when the state bought the island as a nature sanctuary.

For her efforts, Ritter received a Nancy Susan Reynolds Award from the Z. Smith Reynolds Foundation. The real reward, though, can't be measured in dollars or inscribed on plaques.

We were in the shallow water, kneeling on the bottom and working up clams with our hands. Later, she diced them up and added carrots and potatoes and tomatoes. It was the finest clam chowder.

"I plan to use this water as long as I'm able to climb in and out of the boat," Ritter said, as she placed another clam in the wire basket that floated in an inner tube beside her. "But in 10 or 20 years if I can't, then your daughter or anyone else should be able to come out here and catch some clams or do whatever." —F.T.



LENA RITTER

the community, Scarborough lives in a red-and-white house he built off the main road in 1954. His was one of the few houses then.

He now has lots of neighbors. Next door is Duck Island Shoppes, where I browsed among shelves of beach towels and bathing suits, expensive watercolors and cheap knickknacks. A sign across the road announces the imminent arrival of The Atrium, a tinted-glass and shiny-metal building that will house 25 offices and retail shops.

The boom in Duck started about 10 years ago, Scarborough said, as we sat in his living room. "When it started, it went fast," he said. "The traffic increases a third every year."

Back before people knew about Duck, Scarborough could sit in one of the rockers in his front porch and watch two or three cars go by an hour. He'd wave to the drivers, since he knew them all. During a weekend in the summer, he now counts as many as 1,000 cars an hour. "It's terrible, and they go through here all night," he said, shaking his head.

When he was growing up, Duck consisted of two stores, a post office, and a

few homes. None of those houses were on the beach.

"You could have bought all the land you wanted on the beach for \$3 an acre," he said. "Now you couldn't buy it for \$3 a bushel, I reckon. We didn't ever think that land would be worth anything on the beach. You couldn't have gotten me to pay taxes on it if you had given it to me. I guess if I were more farsighted, I could be a billionaire."

As it is, he's probably sitting on a minor fortune. One of Scarborough's sons has sold his house and moved to the mainland. Scarborough has been offered good money for his. "I've got too old," he said. "I hate to pull up stakes and move on, but I might have to if they keep putting the squeeze on me."

The new bridge across Currituck Sound might make the squeeze intolerable. The state is studying the possibility of building a bridge north of Wright Memorial Bridge to connect the mainland with the banks between Duck and Corolla. It would offer people another avenue of escape in case of a hurricane, but it also would cut the driving time to the banks from the north by an hour.

Buddy Ponton takes the philosophical approach: any new bridge will bring more people and may hasten his departure. "But if the state is going to allow this kind of development to happen, then they owe it to those people to give them a way to escape," he said as we sat around the dinner table. Big blue crabs that Ponton had caught that morning sat steaming in a pot.

"We're just seeing the tip of the iceberg if interest rates don't go up," Ponton said. "There's big bucks on the water. I may be forced out because I may not be able to pay the taxes."

PINK-SKINNED TOURISTS

Charlie Williams knows all about taxes. Williams, 75, a retired commercial fisherman and fishing guide, lives in a rambling old house away from the din of Ocracoke Village. It is full of old black-and-white photographs of the people who came to fish with Williams.

Fishing provided a good living, Williams said. He bought his house and the two cottages he now rents with the thousands of pounds of trout, flounder, and mackerel that he caught and sold for pen-

nies a pound. At those prices today, he'd be hard pressed to catch enough fish to pay his tax bill, which last year went from \$400 to \$1,370.

"That's ridiculous, isn't it? They got me valued at \$180,000," Williams said. "It's got so bad, the natives can't live here." Property taxes rose 300 percent on Ocracoke after a revaluation last year. It's the price the 700 full-time residents pay for living on what is the most valuable land in Hyde County.

The ultimate price will be higher, Alton Ballance knows, and it can't be measured in mere dollars. "It's the Martha's Vineyardization of Ocracoke," said Ballance, an Ocracoke native who teaches in the public school on the island and is a Hyde County commissioner. "At the root of all this is the transformation of a small fishing village. At what point do we start to lose our character, lose whatever it is that makes us attractive? That's the real danger."



CONDOMINIUMS AND TOWNHOUSES ARE RAPIDLY REPLACING MARSHES AND WOODS ALONG THE CAROLINA COAST.

Ocracoke, the southernmost dot of inhabited land on the Outer Banks, once was the end of the line, an isolated stretch of sand 15 miles out in Pamlico Sound. It attracted only the hardest settlers, who made their living on the water and depended only on each other.

The rest of the world gradually found out about the place, bit by bit, ferryload by ferryload. They came to unwind and to be soothed by the sea. They went home and told their friends.

And so it went... and went... and went.

Now the island is awash in a sea of change.

The travel stories and the state's publicity brochures still gush about the "quaint fishing village" of Ocracoke, but it's becoming increasingly hard to find, especially in July as the pink-skinned tourists in shorts push their strollers in and out of the gift shops, and the RVs belch black smoke and crowd the narrow roads.

Tourists poured off the three ferries that connect Ocracoke to the rest of the state in record numbers this summer. Merchants reported that this was their busiest season, and the motels and restaurants that ring the picturesque harbor, Silver Lake, stayed full.

Lanie Boyette-Wynn, who grew up on the island, is in her fifties and can remember when there were no paved roads and getting to and from the island required a long trip on a mail boat. She poured coffee for me in the office of her motel and cautioned about making too much of recent changes on the island.

People complained in the 1940s and '50s about Ocracoke changing, Boyette-Wynn said. "So everything has to be put into perspective. Yes, we're changing, but the whole world is changing. I hope we never change enough that what makes us special is lost. There's still a great deal of difference between Ocracoke and Myrtle Beach or Hatteras. It's still laid back and barefooted. When it's time to go crabbing, you drop everything and go."

AN UNCAGED BEAST

Boyette-Wynn's words came back to me as I walked down Howard Street late one

afternoon. There's still something different about Ocracoke. The narrow, sand roads wind through ancient live oaks and yaupon trees. Most of the people who live in the small houses along it can trace their roots back to the island's first settlers in the 18th century. Many of those settlers are buried in family cemeteries that dot the woods.

The beaches also are different. There are still long, deserted stretches of them, even on a summer day. Most of the 16-mile-long island is included in the Cape Hatteras National Seashore, which affords protection from motels, restaurants, and ice-cream stands.

Which puts all the development pressure on the village of Ocracoke, 775 acres on the south end of the island that aren't in the national seashore.

That worries Ballance. Development in moderate doses is healthy, but once uncaged, the beast, he knows, is hard to manage. "Sometimes I think we don't have as much control as we'd like," he said. "Development means money to the people here, but when does it make us victims? How do you say enough?"

Rampant development tends to run

over people like Edgar Howard, who sat in a yellow rocking chair on the porch of Ballance's bed-and-breakfast. He cradled the long-neck Vega banjo that he bought in New York City many years ago for \$200. Howard, who will turn 84 soon, left Ocracoke when he was 11, went North, and began playing in rag-time bands. He played for Gene Autry, and he played in Las Vegas. In the summers, he'd come home and play for his relatives and friends in a band he named The Harmaniacs.

On a steamy morning, he played for Amy Glass' tape recorder. Glass spent the summer sitting on porches, talking to the old-timers of the Outer Banks. It's part of an oral-history project by the National Park Service, which sees it as a way to preserve those simpler times.

"I got me something like that," Howard said of the recorder. "I listen to Al Jolson on it."

For the next hour, Howard brought back a little of the days of Jolson. With Alton's uncle Morris Ballance on guitar, Howard went through bits of his favorite songs: "Toot, Toot, Tootsie Goodbye," "Dixie," "Listen to the

Mockingbird," "Bye-Bye Blues," "Memories."

An oleander bush bloomed white in the yard, and the dew on the dark-red fruits of the crab-apple tree behind Howard glistened in the sunlight. The surrounding trees almost filtered out the noise and bustle of the modern Ocracoke.

With some prodding from Morris Ballance, Howard came up with a ditty called "Patty's Hollow." Howard and his brother wrote the song about Ocracoke long ago.

The refrain goes like this:

It's the choicest spot in town.

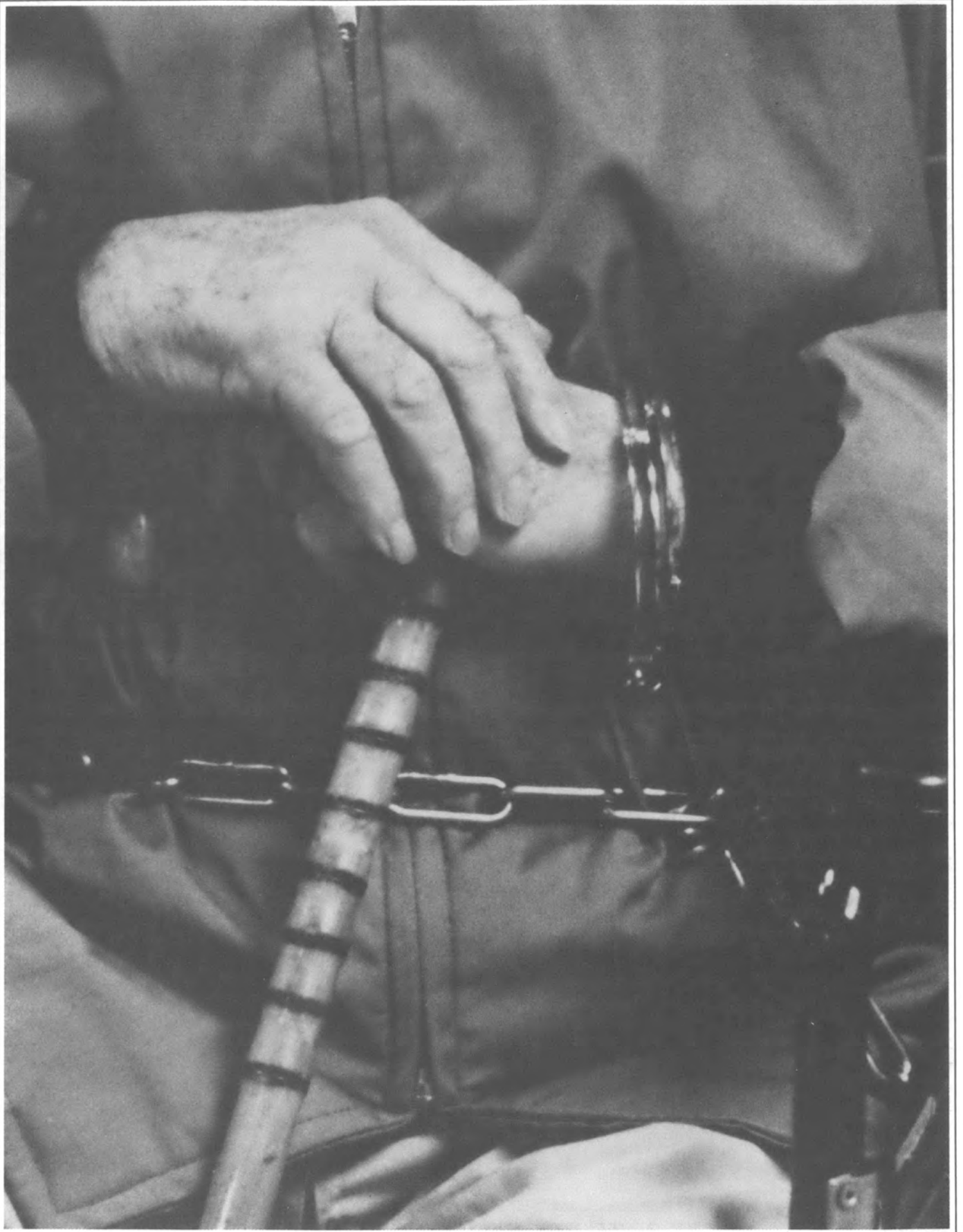
No one seems to frown when they holler,

Let's go to the hollow.

It apparently was a place of good whiskey and better women, and it now exists only in the failing memory of one old man and on Amy Glass' tape recorder. □



A CRABBER TENDS HIS POTS IN PAMLICO SOUND. UNPLANNED GROWTH THREATENS THE BILLION-DOLLAR FISHING AND TOURIST INDUSTRIES.



SHACKLES RESTRAIN AN 80-YEAR-OLD PATIENT IN A FEDERAL PRISON HOSPITAL.

Care and Punishment

Medicine behind bars can turn life in prison into an early death sentence.

By Olive Talley

The Dallas Morning News



The idea for a major series on health care in federal prisons came on December 28, 1988, when a Dallas Morning News

editor arrived at the Federal Correctional Institution in Bastrop, Texas. While he waited to interview a convicted bank robber, he noticed an older inmate in obvious pain, his ankles and wrists chained to a gurney in the lobby. The inmate's face was ashen. He had suffered a massive heart attack on Christmas Eve but had been treated for three days by only a physician's assistant. Finally, the inmate was about to be transported to a small country hospital to be examined by a doctor.

For a year, investigative reporter Olive Talley dogged the federal system, focusing on the major medical centers in Springfield, Missouri; Rochester, Minnesota; and Lexington, Kentucky. She examined nearly 1,000 lawsuits filed by prisoners in the last five years. She interviewed ill inmates, guards, prison officials, and current and former doctors and nurses who worked for the U.S. Bureau of Prisons.

Inmate Rinaldo Reino, left paralyzed and dependent on a ventilator after a series of catastrophic and incompetent medical procedures in prison, broke into tears at the end of his interview with Talley. "I pled guilty because I was guilty. But I pled guilty to 15 years—not death."

The series appeared from June 25 to 30, 1989.

DALLAS, TEXAS — Ronnie Holley was a healthy 32-year-old carpenter from South Texas when he entered federal prison for falsifying gun records. He was released early — disfigured and impotent — because of what officials called the "devastating effects" of surgery he underwent at the U.S. Medical Center for Federal Prisoners.

Ben Firth, a 56-year-old former truck driver convicted of hauling cocaine, died of a heart attack at the same medical center in Springfield, Missouri. He had suffered chest pains for several hours without examination by a doctor. A prison doctor later concluded that Firth's death was likely preventable.

Danny Ranieri, sentenced to seven years in federal prison on a tax conviction, was blinded by an overdose of drugs prescribed by a Kentucky prison doctor whose practice behind bars ultimately cost him his medical license.

Isabella Suarez, in a Chicago federal lockup on charges of stealing mail, lapsed into a coma and died after prison officials withheld her medication for epilepsy, according to inmates incarcerated with her. Charges against the 41-year-old mother had been dropped shortly before her death.

Criminologists and penal experts long have regarded the U.S. Bureau of Prisons and its health care for inmates as the Cadillac of the nation's network of state and federal prisons. But a *Dallas Morning News* investigation revealed a medical system plagued by severe overcrowding, life-threatening delays in transfers of in-

OTHER WINNERS

For investigative reporting in Division One (newspapers with circulation over 100,000):

Second Prize to Jane O. Hansen of the *Atlanta Journal-Constitution* for her disturbing and compelling documentation of the abuse children suffer while in the custody of Georgia's "protective" social-service agencies.

Third Prize to Mary Bishop of the *Roanoke Times & World-News* for her unusual, eye-opening series on the deadly poisons, scandalous regulation, and outright fraud involved in Virginia's home exterminating business.

mate patients to major prison hospitals, and critical shortages of doctors, nurses, and physician's assistants. Basic health care for prisoners scattered among 55 federal prison facilities is also thwarted by security considerations, tight budgets, bureaucratic delays, and legal entanglements, *The News* discovered.

The result is a health-care system that, while providing good care for many, sometimes creates needless suffering and death. The nearly 50,000 federal prisoners find themselves in a "take-it-or-leave-it" system in which inmates' requests for second opinions are rarely granted, even when the inmates offer to pay out of their own pockets.

Dr. Kenneth Moritsugu, medical director of the Bureau of Prisons, says inmates receive a "quality of care consistent with community standards" — a guideline established to meet the Constitution's safeguards against cruel and unusual punishment. However, many of those close to the prison health system say it lacks the oversight to shield captive patients from incompetent doctors and neglect. More than half the doctors in federal prisons fall into two diverse categories: young doctors fresh out of residency programs — most of whom are paying back the government for underwriting their medical training — or older doctors who have retired from "free world" practices or who previously worked in other government institutions, such as the military or the Veterans Administration.

UNFIT FOR A DOG

Perhaps the single biggest hurdle in providing medical care for inmates is the worsening shortage of doctors. The bureau is operating with 39 vacancies in its authorized medical/surgical staff of 129 doctors. And, according to Moritsugu, the prisons could be understaffed as much as 40 percent by September 1989.

The shortage —

compounded by even more severe shortages among registered nurses and physician's assistants — could reach "absolute crisis" proportions in the next 18 months, Moritsugu said. President Bush has announced plans to spend \$1 billion to accommodate 24,000 additional federal inmates by the early 1990s. That 50 percent increase in the prison population would glut the system's already strapped medical system.

"If there is a significant weakness to the system," Moritsugu said, "it is the shortage of health-care providers." Since he took the post as medical director in December 1987, Moritsugu said, he has struggled to hire more medical personnel and make other improvements, particularly in the area of assuring quality. His efforts have been hampered by the inertia inherent in a bureaucracy of 14,000 and by the negative image of prison medicine, which drives away top-flight people.

However, Moritsugu is skeptical of inmate gripes, even though complaints about shoddy health care in federal prisons are voiced not only by inmates but also by private doctors and lawyers and even prison medical personnel. Response

by the Bureau of Prisons, critics contend, has come slowly, if at all.

"As a former federal defender and lawyer in this field for 25 years, I can say without equivocation that medical service in the federal prison system is pathetic and unresponsive," said John J. Cleary, a San Diego lawyer. "I'd be reluctant to take my dog to them."

David Irvin, a lawyer and former U.S. magistrate in Lexington, Kentucky, won a \$625,000 judgment against the Bureau of Prisons on behalf of Jose Serra, whose leg had to be amputated because of what state medical examiners termed incompetent care. "If I were a sick inmate," Irvin said, "I would feel that my only real hope for treatment would be to get myself outside, either by furlough or to be referred outside for medical care."

In Chicago last fall, U.S. District Judge Prentice Marshall declined to send a sick defendant to federal prison because of "very disheartening instances" among other ill defendants he had sent to prison and who had not received adequate health care.

It is those beliefs that Moritsugu said he's working to dispel. "For the most

part, when somebody in the general public hears a mention of prison medicine, it raises the specter of dark corridors, bare bulbs, alcoholic physicians who may have lost their licenses in a state nearby and are here at the end of the road," said Moritsugu, a commissioned officer in the U.S. Public Health Service. "In fact, the standard that we provide to the inmates within our custody is good care, quality care. In some instances, it's even better care than what an individual who is not an inmate would be able to have access to."

Indeed, in its year-long inquiry, *The News* documented many instances in which



RONNIE HOLLEY, RENDERED IMPOTENT BY A BOTCHED PRISON OPERATION, REQUIRED EXTENSIVE SURGERY BEFORE HE COULD IMPREGNATE HIS WIFE.

“NOT PART OF THE SENTENCE”

Linda Clark was flown to the Federal Correctional Institution in Lexington, Kentucky, for an emergency hysterectomy after doctors consulting for a remote West Virginia prison discovered cancer in her cervix. After spending more than two months in Lexington, the 39-year-old Houston woman finally got the operation that West Virginia doctors had deemed an emergency. Prison officials attributed the delay to the lack of a full-time gynecologist at Lexington, which houses about 40 percent of the 3,271 women incarcerated in federal prisons.

Clark, sentenced to 25 years for a bank robbery in Corpus Christi, Texas, said a Lexington physician's assistant ignored her pleas for immediate care. "He said, 'You don't understand: there are emergencies that have been here long before you that are still waiting. You're not any more special than anyone else. You'll be seen whenever we get a gynecologist.'"

More than a year after Clark's surgery, Lexington — whose 1,357 inmates make it the largest women's federal prison and the only hospital exclusively for women — still has no gynecologist on staff. "I would be the first one to say I'd love to have a full-time gynecologist," said Warden Patrick Kane, who assumed the top post at Lexington in 1988. "I just can't find one."

The warden said he has tried to fill the vacancy, but it's difficult to find a qualified candidate willing to work behind bars for substantially lower pay. He said he has used consulting gynecologists who have "improved dramatically the delivery of routine care and emergency care in the ob/gyn area."

But doctors, lawyers, and sociologists who have studied women's health care in prisons suggest that the lack of a full-time gynecologist at the major women's prison facility is symbolic of a larger issue: women are overlooked in a penal society dominated by men. In the federal system, women account for 7 percent of the inmates and 23 percent of the staff.

"The major problem with regard to care has to do with the attitude toward women," said Dr. Timothy Barth, who worked as medical director at Lexington from February 1985 to September 1986. "I felt there was very little positive feeling [toward women]," he said. "I do think that the power relationship between male custodians and women inmates contributes to a lack of concern about women and a victimization of women in institutions."

Of all the health concerns encountered by women prisoners, pregnancy is perhaps the most difficult. Pregnancy creates not only unique medical demands but also emotional and ethical dilemmas that weigh heavily on prisoner and jailer alike. At Lexington, prison officials expect 65 inmates to give birth this year.

"They're not given the same considerations that you would assume pregnant women in our society are given, and that's minimal things," said Denise Bricker, a legal assistant in the Legal Aid Society, a federal defenders unit in Brooklyn, New York. Bricker's research recently persuaded a New York judge to reduce the sentence of a pregnant woman convicted on drug charges. Bricker's report concluded that the stressful and closed environment of federal prisons, coupled with the lack of prenatal care, endangers both the woman and her fetus. The problem is even more acute, she said, for drug addicts who often are forced to withdraw "cold turkey" without medication.

Both Bricker and prison officials say

that pregnant women often are viewed by their jailers — particularly men — as troublesome because of their many medical complaints. "When you're pregnant, you have aches and pains in places where you never realize you had," said Joyce Carmouche, manager of Lexington's Antaeus Unit, which houses an average of 30 pregnant women. "The importance is magnified by the fact that they think, 'I'm in prison and won't get the proper medical care because I'm in prison.'"

Ellen Barry, a lawyer with the San Francisco-based Legal Services for Prisoners with Children, recently intervened at the coeducational Federal Correctional Institution in Pleasanton, California, on behalf of two pregnant women with troublesome pregnancies. "In one case, a woman was placed in segregation [a small isolation cell] and not seen regularly. She had gotten pregnant in prison and was being punished." The prisoner did not lose the baby, but came close, the lawyer said. Barry said her other client had trouble obtaining treatment for severe cramping and bleeding. "It may be OK to punish a woman for bank fraud by incarcerating her, but losing a child is not part of the sentence."

Former bank teller Delania Logan, a minimum-security inmate serving four years at Lexington for embezzlement, delivered a healthy 5-pound, 10-ounce girl on March 17, 1989. But Logan's delivery, say critics, illustrates the harsh treatment accorded pregnant women. "I

was handcuffed.... I had a chain around my waist," Logan said, describing her trip from prison to a Lexington hospital. "They put a leg chain on my bed and shackled me to the bed. I had to stay like that for hours. I always had a guard with me — a male guard. I wouldn't let him stay in the room when the doctor examined me."

Although the 27-year-old mother had to give up her baby a few days later under prison policy, she at least was able to entrust it to her husband.

—O.T.



AN INMATE HAS HER HAIR BRAIDED AT THE LARGEST FEDERAL PRISON FOR WOMEN. THE PRISON HOSPITAL HAS NO GYNECOLOGIST ON STAFF.

prisoners received sophisticated treatment, including heart bypass surgery, cancer chemotherapy, kidney dialysis, and even kidney transplants. Some prisoners have written the Department of Justice in appreciation of the medical care they received. But in other cases, inmates had trouble getting seen by a physician or obtaining the simplest diagnostic tests.

Critics say that problems in prison health care primarily go unchecked because of a weak internal peer-review system, the bureau's self-imposed secrecy, inmates' lack of credibility among prison doctors, and the public's attitude that prisoners deserve whatever happens to them. Prison officials denied several requests under the Freedom of Information Act for documents on internal audits, accreditation surveys, and litigation pertaining to medical care. The bureau also refused to discuss specifics of dozens of individual cases, invoking the Privacy Act.

DIESEL THERAPY

The News did interview more than 150 people, including current and former prison staffers, past and present inmates, lawyers, and prisoners' advocates. Nearly 900 lawsuits were examined in the federal jurisdictions in which the Bureau of Prisons' largest federal prison medical facilities are situated. Among the findings:

▼ Full-time doctors are not available at all 55 prison facilities. In some smaller prisons, inmates have access only to physician's assistants — medical personnel trained to screen but not treat patients — who decide whether the prisoners need to be examined by doctors. As a result, many inmates do not get prompt, proper diagnoses.

Inmate Larry Allphin, for example, said he complained for five months of nausea and abdominal pain at the penitentiary in Terre Haute, Indiana; physician's assistants accused him of faking. Only when Allphin had urinated two units of blood in a matter of hours did a doctor see him. The doctor diagnosed Allphin's illness as cancer; he died two years later at age 38.

▼ Even when illnesses are diag-

nosed, treatment often is delayed so long that the illness becomes life-threatening. Sidney Mayley, 32, serving 25 years for bank robbery, had a history of cancer and had previously had surgery in prison for lip cancer. But it was six months after he notified officials of a suspicious lump on his jaw before he underwent diagnostic tests in Rochester, Minnesota. An outside doctor found that only immediate surgery could save Mayley's life, and an operation was performed within 24 hours. Mayley recently underwent reconstructive surgery and is recuperating.

▼ Despite a government airlift operated jointly by the Bureau of Prisons and the U.S. Marshals Service, ill inmates — including some emergency patients — undergo long, circuitous trips to reach prison medical centers. Prisoners assigned to bus transfers — which they call "diesel therapy" — are shackled at their hands and feet and chained to their seats for hours-long rides under conditions that one former federal magistrate described as "the pits." Some female inmates have complained of being denied sanitary napkins while in transit.

In one example documented by a



FEDERAL PRISONERS IN FORTH WORTH, TEXAS RECEIVE TREATMENT AT A "SECOND-TIER" MEDICAL FACILITY.

prison doctor, federal officials last year sent a critically ill inmate — one with bleeding around his brain — more than 300 miles by ground ambulance from Kansas to Missouri, yet transferred an anemic inmate by emergency airlift.

Last December, the government paid an undisclosed settlement to the family of Vinnie Harris, 31, of North Carolina, who died of asphyxiation after a guard taped his mouth shut with duct tape during a bus

transfer. Another inmate, August Mazoros, suffered sudden cardiac arrest and died within 24 hours of his arrival at Rochester. According to a lawsuit filed by Mazoros' family, the attack occurred after a 12-hour bus transfer from Springfield.

▼ Medical records often do not accompany inmates — even emergency patients — when they are transferred for medical care. In the case of one inmate sent to Springfield, former staff internist Dr. Dante Landucci wrote that "the patient arrived with so little documentation that it was impossible to know where he came from, let alone what was wrong with him."

▼ Some doctors who practice in federal prison lack U.S. medical training or board certification to perform specialty work they practice. Jose Serra won his \$625,000 judgment against the government after medical experts testified that his leg had to be amputated because of Dr. Paul Pichardo's delays and failures in treatment of Serra's vascular problems. The Mexico-trained doctor lost his license after the Kentucky medical licensing board determined he had failed to give Serra proper care.

▼ When confronted with evidence of malpractice or neglect, prison officials have responded slowly, if at all. In the Serra case, according to a former prison doctor, officials allowed Pichardo to resign rather than fire him, even after judgments against him totaled nearly \$1 million.

Some members of the Springfield operating room staff were so concerned about the qualifications of one surgeon that they filed formal protests with the hospital administration. The complaints came after what staff members termed a wrongful death. The administration rescinded some of the

surgeon's operating privileges but allowed him to continue other kinds of operations.

For 13 years, the bureau has fought a lawsuit alleging the wrongful death of a Terre Haute inmate who died within 10 minutes of being administered what his family's attorney alleged was an inappropriate drug for an asthma attack. The inmate's family says the prison doctor ordered the drug over the telephone without examining the patient. The doctor recently

resigned from the prison system amid pressure from a warden dissatisfied with his performance, said a source within the prison system.

▼ Overcrowding, understaffing, and rising health-care costs exacerbate the burden of providing medical care. According to the bureau's calculations, its facilities are overpopulated an average of 60 percent, with some units, such as the Metropolitan Correctional Center in Miami, overcrowded as much as 154 percent. Overcrowding is particularly acute at minimum-security camps: the newly opened Bryan, Texas, camp is overcrowded by 224 percent.

As the number of people convicted of federal crimes grows — particularly in drug cases — and juries become more aggressive in sentencing, prison officials project that the inmate population could top 100,000 by the turn of the century. The number of inmates grew 75 percent in the five years ending in 1988, while staff levels increased only 23 percent. Between 1980 and 1988, the cost of outside medical care for inmates rose 505 percent to \$20.7 million.

In addition to 39 vacancies among medical and surgical doctors, the bureau cannot fill 42 of the 250 authorized nurses' jobs and 179 of the 400 authorized positions for physician's assistants. At the Federal Correctional Institution in Milan, Michigan, the authorized medical complement is 17, but one doctor and two physician's assistants currently provide care for over 800 inmates.

900 LAWSUITS

Prison officials say that relatively few of the hundreds of lawsuits filed by prisoners each year pertain to medical care, reflecting prisoners' satisfaction with the overall medical care they receive. However, officials refused *The News'* request under the Freedom of Information Act for nationwide statistics on lawsuits filed against the agency. The agency said its records on lawsuits are computerized in files containing other information that is exempt from public disclosure.

However, inmates and defense attor-

neys argue that most medical complaints never make it to the courthouse. Many inmates don't have money to hire lawyers. Other inmates fear reprisal. And many prisoners — and even lawyers — say they are daunted by the complexities of prisoner lawsuits that require inmates to exhaust lengthy administrative appeals before going to court.

Another barrier to lawsuits, critics say, is that prison doctors have immunity from personal malpractice claims as long as they are working within the scope of their duties. Unlike proving negligence against a private doctor, inmates also must prove that the prison system showed "deliberate indifference." Thus, a prisoner could prove that a doctor was negligent but still not recover damages.

Even when inmates get their cases heard in court, they almost always lose. Of nearly 900 lawsuits *The News* examined, less than two dozen resulted in favorable rulings for inmates.

Legalities aside, observers of the prison system say medical care behind bars inevitably is tinged by the abiding hostility between inmates and their keepers. "It's not just the bureaucracy, but the

Springfield officials refused to allow inmate Clifford Redwine, a 63-year-old World War II veteran convicted on civil rights charges, to spend his own money on orthopedic shoes. Redwine, according to his lawsuit, had owned one pair of orthopedic shoes for 10 years and had worn them in state and federal prison for the previous three years before they wore out.

"Common sense may be at a premium here, but it would seem that permitting petitioner to buy the ... medical shoes at his own expense would be the logical solution to this dilemma," Susan Spence, an assistant federal public defender wrote on Redwine's behalf. After 18 months of legal wrangling, a judge granted Redwine's request.

Chicago attorney Jeffrey Steinback, who has represented dozens of inmates in federal prisons, said the tug of war between inmates and jailers sometimes becomes so intense that authorities withhold medical treatment as punishment. "You're a malingerer, or I don't like you — so suffer," he said, describing the jaundiced attitude of some prison doctors.

Doctors and nurses say, however, that it is difficult to sort out real symptoms from staged ailments, especially among a group of people who are largely manipulative, uneducated about their own physical well-being, and who distrust any medical diagnoses they receive.

And medical staffers — even the guards — walk a tightrope in a monolithic system that makes no allowances for individuals, said Ivan Fail, who before his recent retirement

spent 29 years as a guard. "We've got some damn good people in this system.... They don't want to be conned by inmates, but they're terrified of government retaliation."

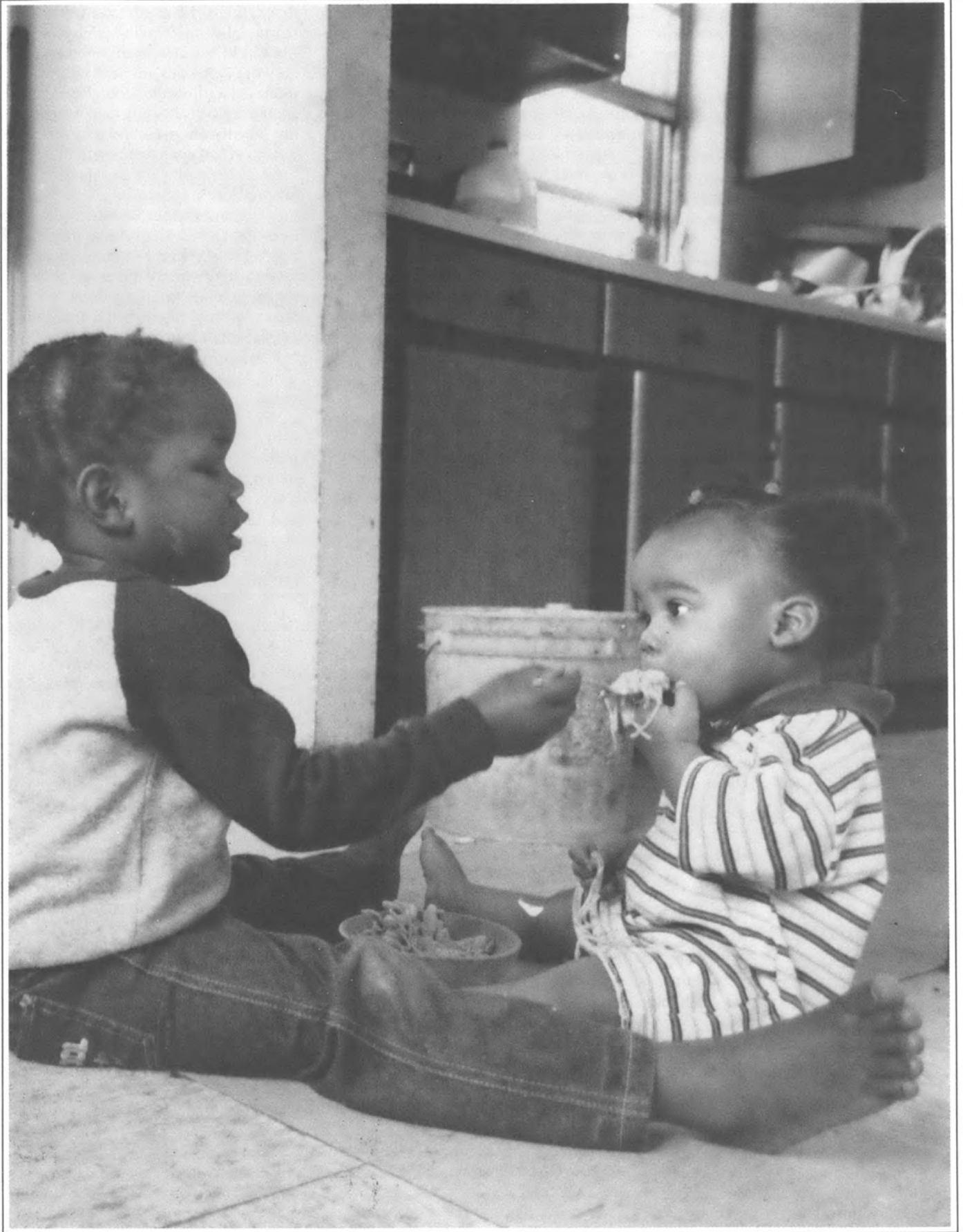
In 1983, superiors criticized Fail for providing a wheelchair — against a doctor's orders — to a convict who was dying of cancer and too weak to walk to the X-ray lab. "It was the humane thing to do," said Fail. □



A PATIENT CONSIDERED A "HIGH-SECURITY RISK" IS CHAINED TO HIS BED AT THE FLAGSHIP HOSPITAL FOR FEDERAL PRISONERS.

attitude which prevents [inmates] from obtaining treatment," said New York attorney Nathan Dershowitz. He represented Anne Henderson-Pollard, the wife and accomplice of convicted Israeli spy Jonathan Pollard, in an unsuccessful lawsuit alleging that she has received inadequate medical care.

Lawsuits filed by prisoners often reveal the depth and sometimes absurd consequences of that struggle for power.



NAVISHA JOHNSON FEEDS JERMAIN SPENCER COLD SPAGHETTI FOR BREAKFAST IN A SPARTANBURG HOUSING PROJECT.

The Face of Poverty

For most of the poor in Spartanburg County, public aid provides plenty of nothing.

**By Diana Sugg, Linda Conley,
and Allison Bulce**

Spartanburg Herald-Journal



From March 26 to 29, 1989, a team of reporters at the Herald-Journal documented the extent and depth of poverty in Spar-

tanburg, South Carolina. The series also identified the gaping holes in the safety net that compound the problems of the poor.

SPARTANBURG, S.C. — Standing shoulder-to-shoulder, they'd stretch eight-and-a-half miles across the city, from Westgate Mall to two miles past Hillcrest Mall. Children and elderly, black and white, they share one thing. Poverty.

The pain shows on their faces, from five-year-old John Anthony, who wants to move out of the housing project, to 73-year-old John Byrd, who wishes he didn't have to collect aluminum cans to buy food.

The more than 27,000 poor people represent one out of seven Spartanburg County residents, according to the 1980 U.S. Census, the last year for which government figures are available. Most will never escape this underclass, a group many say is greater than estimated and growing.

At age 11, Jeanne DeYoung already has that look, a face stained with the stigma of poverty. Sitting on a thin rug with her parents and younger brother, the Spartanburg girl wrapped her arms tight around her legs and stared at the floor.

Looking over at her daughter, Wanda DeYoung smiled. "We used to have a nice

house," she said. "Split level." That was before her husband's kidney operation last fall. Since then, Jerry DeYoung, 45, has been weak, unable to work and without disability benefits, while Wanda puts in 40 hours at a local mill. The \$180 weekly income leaves the family in poverty. They pay \$15 a week for this bare structure. While the rain pours down outside, the DeYoungs shove old blankets under the doors and windows, sit on the rug near the iron stove, and talk about being in a house again. But Jerry DeYoung knows how hard it will be to find a house. Like an estimated one-third of the households in the county, his family now makes less than \$10,000 a year.

The hopes and fears are the same in every shack, housing project, and run-down trailer where poverty leaves its mark. "I wouldn't blame it on any one thing. If I could just have enough to afford a home for my babies... just to get by, that would be good," said a young Spartanburg woman who did not want to be identified.

That modest wish doesn't have much

OTHER WINNERS

For feature reporting in Division Two (newspapers with circulation between 30,000 and 100,000): **Second Prize** to Maria Carrillo and Daryl Lease of *The Free Lance-Star* for their 32-page, one-day special report on race relations and discrimination in all phases of public and private life in Fredericksburg, Virginia.

Third Prize to Bob Anderson of the Baton Rouge *Morning Advocate* for his profiles of the devastation of Louisiana's wetlands, coastal islands, and the culture they once supported.

THE WAY OUT

The Tobe Hartwell housing project on Spartanburg's south side used to be Vernon Beatty's home. Today, the 32-year-old college graduate manages nine low-income housing complexes like the one he grew up in. For Beatty, a winter's day walk through his old stomping grounds brought back memories, as well as nods and smiles from folks who once were his neighbors. His grandmother still lives here "simply because that's where she wants to be."

Beatty and his six siblings, including Spartanburg City Councilor Don Beatty, are the first generation of their family to rise out of poverty. But breaking out didn't come without hard work, determination, and parents committed to seeing their children do better. "It was due to the way we were raised," Beatty said. "Our parents instilled ambition into us. Part of the problem today is our kids don't have role models."

Today, Beatty tries to be a role model for poor youngsters. His first step out of poverty was a job-training program in high school and college, so he encourages other impoverished young people to take part in such programs. And he advises them to ignore discouragement they may encounter as they attempt to pull their lives together. "It's difficult to do, but keep striving," he said.

Though Beatty escaped poverty, many never break its grip. One Southern expert who knows this well is Dr. Ronald D. Eller, director of the Appalachian Center at the University of Kentucky, a center that specializes in poverty issues. It's not Eller's job that has taught him about the hardships faced by the poor, it's his life. Eller was one of the first members of his family ever to go to high school and college.

"Clearly it is possible ... to overcome the problems of poverty, but frequently what that means is having to come to grips with giving up one's ties to family and community, migrating away from those areas," Eller said.

"Few individuals are willing to make this compromise. For a great many, it's a very difficult thing to do, especially those tied by family obligations." In the poor family, he said, there is one priority above all others — family. Yet to break the chains of poverty, a person must begin to move in circles that may lead away from this central unit.

Eller recalled his own experience. Born into a poor West Virginia family, he entered school with a heavy mountain accent and grammatical expressions that were peculiar to the culture he had known since birth. "I was told I had to learn to speak properly," he said.

Eller lost his accent and conformed. Later, when he went back into his mountain homeland as a social worker, he discovered the strength his impoverished roots had given him. "To be a hillbilly was something we did not want to be. We had to deny these things that had been our strength," he said. "I eventually came to learn to be quite proud of my own particular background."

It is this deeply ingrained, familial history that Piedmont Community Actions director John Shennan feels is particularly difficult to break away from. This type of poverty, however, represents the bulk of the poor in Spartanburg County, he said.

It also represents the bulk of South Carolina's poor, noted Marvin Lare, director of the S.C. Institute on Poverty and Deprivation, which he founded five years ago to study poverty and its causes. "It is very difficult to escape poverty in South Carolina," Lare said. "It's very difficult because of poverty itself. Poverty breeds poverty."

Poverty also breeds an oppressive spirit that is difficult to lift. The poor "have a completely different perspective on life," Shen-

nan said. "It's kind of a defeatist attitude, and it seems to be passed on from one generation to another."

Edith Anderson, 56, of Eastridge Apartments in Spartanburg, exemplifies this attitude. The daughter of a sharecropper, her life has been a struggle. Once during her marriage to a serviceman, she had all the things she needed. Today, divorced and alone, she lives on a \$354 monthly Supplemental Security Income check and a monthly \$80 allotment of food stamps. Her health is declining and her spirits are low.

"Were it not for the help of these agencies, I wouldn't be able to live. And even with their help, it's still hard to live," she said. "I wanted to go to college and become a schoolteacher and have interior-decorating as a hobby, but all my dreams went up in smoke," she said, recalling when her parents pulled her out of school at 16 to help plow the farmland the family worked.

The look of despair also haunted the face of a young disabled woman whose second marriage recently crumbled, leaving her with two children and no place to live. "We could stay in an abandoned car that belongs to me," she said, asking to remain unidentified. Fainting spells have kept her from holding a steady job. "If I could just have enough to afford a home for my babies ... just to get by, that would be good."

But getting by is not the same as getting out.

"The way out of poverty," Shennan said, "is through somebody getting a decent education or some good job training — and it's almost an accident. What I mean is people from low-income

homes or that student in a class that nobody sees, they're not the ones that seem to get picked for these motivational-type classes."

Eller would agree that the educational system can be discouraging to the poor child trying to get ahead. "To a great degree, the educational system is de-



VERNON BEATTY MANAGES NINE LOW-INCOME HOUSING PROJECTS, INCLUDING THE TOBE HARTWELL PROJECT WHERE HE GREW UP.

signed to serve urban and middle-class whites and culturally geared to serve their needs." He added that schools tell poor people that "if you want to make a success of yourself, you have to become something very different from your roots."

According to Eller, this is especially true for working-class blacks and whites in the South. "Their first priority is survival of the family, and every member of the family has to work together. Whether it be working in the tobacco fields or working as a family unit in the mill — the important thing was the survival of the family. When those kids go to school, they are confronted with a very different kind of environment that defines success in individual terms rather than as a collective unit."

Eller believes many anti-poverty programs started in the 1960s as part of the "War on Poverty" were not sustained long enough. He noted how many of the problems that keep people poor — illiteracy, low wages, unemployment, dilapidated housing — remain.

Single-parent families, a welfare system that often works against the family, violence, and an increasingly affluent society that perpetuates a materialistic value system are contributing factors in the mire of poverty, he said. "We have not adequately dealt with the issue of poverty in our society today. In that sense the 'War on Poverty' was a tragic failure."

Lare pointed to efforts between the private and public sectors that seem to offer some hope, such as efforts between industry and service agencies to increase awareness about literacy and job training. But overall, he, too, sees little evidence that poverty is about to be eliminated in South Carolina. "There are laudable efforts going on... but there are just a lot of barriers," Lare said.

Those barriers aren't insurmountable, though. Vernon Beatty scaled them. So did his brothers and sisters. But it wasn't easy, and they did it as a family.

Beatty considers himself lucky to have beaten the odds. "I lived in Tobe Hartwell for 19 years," Beatty said. "We were fortunate we were able to move. We've been very fortunate."

chance in the ninth-poorest state in the nation. Officially, 13.8 percent of the county's population is living in poverty, but only one-third of those poor people receive food stamps or welfare, the two primary government assistance programs. Statewide, the figure is one-half.

Louise Miller, 40, has experienced the frustration of trying to get adequate help. "I just feel like there's no hope. I done tried everything in the book, everything," the Landrum woman said. She and her two boys, ages two and eight, go to the bathroom in a bucket behind their house.

Two national studies have found that Miller's frustrations are compounded by a state welfare system that makes it even harder to get help here than in most other states. Getting welfare almost always hinges on a person's income. If the person doesn't make less than the poverty level dictated by the U.S. government, he or she isn't labeled poor. "Some work and make a nickel over what the law allows — they don't get any help," said Diane McGravy, who manages The Second Chance, a Goodwill Industries outlet store.

Marie Fowler lives just above the poverty line. The 54-year-old employee of

Inman Mills lives in a dilapidated, paper-thin house with her son and his family. "When you make too much, you don't get nothing," she said, shaking her head.

"CAN'T GET NO HELP"

Those who do get help are jamming assistance agencies. The Haven, a crisis intervention shelter, had 56 percent more people knocking on the door for help in 1988 than the year before, said Jim Evatt, the former director. The shelter closed in December when Evatt became ill.

At the Downtown Rescue Mission, the co-directors believe they could fill 200 beds with Spartanburg's homeless. Mission worker Dale Guger said that every day they have to turn away people looking for food, shelter, or help with an electric bill.

Even those who get help don't get enough. Several studies prove that public aid is inadequate and guidelines too complicated. So the assistance checks run out before the end of the month, and that's when many poor families eat beans until the next check comes. "They expect for the checks to last a month," said Willie



FRED McDANIEL, 75, HANGS HIS CHILDREN'S SCHOOL AWARDS ON THE WALL. HIS FIVE-MEMBER FAMILY LIVES ON LESS THAN \$5,000 A YEAR.

Mae Mitchell, a 46-year-old woman who, like one in five Spartanburg city residents, lives in a low-income public housing project. "It just don't last."

Spartanburg County Planning Commissioner Administrator Calvin Byrd said an individual and family would need at least \$2,500 more annually than the poverty levels just to provide the basics. For a family of four, the poverty level is \$12,100, but it would take about \$15,000 for that group to make ends meet here. Likewise, the poverty level for a single person is \$5,980, but a person living minimally would need about \$8,500.

No one even knows how many poor people live in the county today. Census figures won't be updated until 1990, and no other agency conducts a comprehensive survey. "We will never know how many people need help because some people don't want to tell social-service officials how much they make or whether they own their own home," said James Thomson, executive director of the Spartanburg County Department of Social Services.

But the depth of the problem is clear. Marvin Lare, executive director of the University of South Carolina Institute on Poverty and Deprivation, compares some of the conditions in the Palmetto State to those in Third World countries. Those who live in poverty every day believe it.

"Every damn house on this damn street — we're all in the same shape. Everyone here crawls into their shell because they can't get no help, nowhere, no way," said a 38-year-old Spartanburg man as he looked down a row of run-down houses on Weldon Street.

Shirley LeCounte, who lives in Northside, a city housing project, joins many of her neighbors in walking to the Second Presbyterian Church soup kitchen for lunch. Without that place, she said, many people wouldn't have one good meal a day. Many of those are young people.

Children carry the heaviest burden. One in every four children nationwide and statewide live in poverty, more than any other segment of the population. They start out with aspirations that rival their

middle-class counterparts, but once in school, they fall short, said Clemson University sociologist Chris Sieverdes. The reasons are many, but most never escape the cycle of poverty. They usually don't even finish high school.

STRUGGLING BISCUIT COOK

These issues offer only a glimpse of the trap of poverty. A web of government policies and social agencies, restrictions, and regulations often help the poor but sometimes block out others and intimidate more than a few.

One local woman, who identified herself as the "Struggling Biscuit Cook," wrote to the *Herald-Journal* after she received a 20-cent pay raise to \$4.20 an hour. "Don't be in any kind of hurry to get off your benefits," she wrote. "It's not worth it... I can't even make ends meet. I'm the mother of four kids... I was proud to get off welfare, ashamed to go into the grocery store to purchase food with food stamps. But now I wish I had them — you really can't make it without help."

Many local poor people don't understand the qualifications for different pro-

grams, or why benefits are cut off. Some don't know where to go for help, and others are discouraged by red tape, long lines, and complicated forms.

Pride is another obstacle. Many of the poor have worked hard all their lives. They've experienced difficulty making ends meet, but they don't want to ask for welfare.

Yet poverty isn't a private matter. Last year, Spartanburg County's Department

of Social Services had a budget of \$37 million. And poverty touches the public in other places besides the pocketbook. Many crimes are committed as a result of frustration, sociologist Sieverdes said. One 22-year-old Spartanburg man who didn't want to be identified explained that stealing food or selling drugs was necessary for him as a child. And others defraud the system, or a woman might have another child to get more welfare money.

Still, Sieverdes and local community workers estimated that only about 5 percent of the thousands seeking help abuse the system. The poor don't want to be where they are. Studies and interviews with about 300 local poor people and public officials by the *Herald-Journal* over the past eight months show that. More than half of this "underclass," as they have been called, works full time.

The tragedy extends as far as a person wants to look, because only half of all poor people in the county and across the United States have ever received any cash government assistance, according to a national study, "Holes in the Safety Nets." Many of the poor, the homeless, and others in need never make it to the agencies

to seek aid, the study says. They don't show up in statistics, and their names will never show up on a list of welfare recipients. "A lot of people don't want to discuss difficult and private things," said one middle-aged man at the Downtown Rescue Mission as he helped sort newsletters.

As for the community's reaction to its poor people, rescue mission worker Guger had this to say: "People in this town know what's going on. But they don't want to think about it. But if you don't take care of cancer, it spreads."



CHILDREN PLAY AT A COMMUNITY CENTER AFTER SCHOOL UNTIL THEIR PARENTS COME HOME. ONE OUT OF SEVEN SPARTANBURG COUNTY CHILDREN LIVES IN POVERTY.

MISTAKES AND RED TAPE

Agency officials and others say the South Carolina Department of Social Services (DSS) is so plagued by mismanagement and red tape that it can't even help itself, let alone help the needy. DSS, the state's public-assistance agency that last year distributed \$754 million in state and federal aid, is a source of frustration

for those running it, those governing it, and those who seek its help.

The agency's problems abound and are not easily solved. For example:

▼ South Carolina may have to repay the federal government \$46 million because of errors in determining welfare eligibility and payments from 1981 to 1988. Errors cited by federal reviewers include overpayments, underpayments, payments to ineligible applicants, and payments approved under one set of regulations then disallowed under another.

▼ A clerical foul-up in February caused a backlog of 8,176 unprocessed child-support checks, some of which dated back four months.

▼ In December, when DSS installed a statewide computer system in the food-stamps division, the result was long delays, and thousands of clients received their benefits late. The problem has been cleared up.

▼ Barely one in three of Spartanburg County's 27,177 people living in poverty received welfare or food stamps in 1988.

DSS officials acknowledge they aren't fulfilling their mission. "I know we are not reaching enough of the needy families and elderly in this community," said James Thomson, Spartanburg DSS director. "There are a lot of reasons for that, and the biggest one is the bureaucratic red tape we have to go through. We spend more time answering paper work than we do working with the clients."

But Representative Donna Moss, a Democrat from Gaffney, criticized the department. "There is a lack of communication between county and state DSS officials," Moss said. "The lack of communication between the two branches of the welfare department just compounds the red tape and management problems. Something has to be done about these problems because I don't want them to endanger welfare reforms. The taxpayers deserve a welfare system that works."

"I WANT A BREAK"

DSS administers the food-stamp program, Aid to Families with Dependent Children (family welfare), Medicaid health insurance benefits for poor people, and other social-welfare programs, not all of them for the poor. It disbursed \$302 million in state and federal welfare dollars out of its \$339 million budget. DSS also distributes \$451 million in state and federal Medicaid funds. The state agency administers the public assistance programs and provides policy and guidance to 46 county agencies, which are responsible for delivering the services to recipients.

Commissioner James Solomon concedes that his agency is entangled in red tape and rife with inefficiency, but said he is working to improve communications between the local and state DSS offices by streamlining programs and proposing additional staff to reduce waiting time. He said some other improvements are also needed, such as simplifying the paper work required by the federal government. "We have to start working from the federal government level to get some of these problems resolved," Solomon said.

linians who qualify for public aid receive it. And frequently those who do receive assistance don't get enough to provide for their families.

Solomon says the millions in his agency's coffers are inadequate and difficult to obtain from the legislature because of a negative image of the poor and DSS. "When the Department of Social Services was created, it was to help people who were down on their luck," Solomon said. "Our society now views public-assistance recipients as deadbeats who just don't want to work, but that is not true."

"Some people think that those of us who are struggling want it to be this way, but that is not so," said Kay Patterson, a Spartanburg mother of two who lives in public housing. "I want to break out of this hard life, but it is difficult when you are refused assistance for one reason or another."

Some needy families don't bother to apply for the assistance because they believe it is more trouble than it is worth. Thomson says he is frustrated by the fact that many poor people are too intimidated by the process to seek help, but welfare officials must ask

about income and personal possessions in order to make sure applicants qualify. "Each of the public assistance programs has regulations that stipulate criteria," he said. "Unless [applicants] meet that criteria, you cannot serve those people, and they fall through the cracks."

All of these factors combine to make it difficult for poor people to get assistance. Welfare officials say it is up

to state legislators and Congress to change the system. The lawmakers, though, say the first move is DSS's. "DSS has promised us that they will correct the problems, and we expect them to do it," Moss said. "The state DSS is requesting additional funding from the legislature this year to hire more employees. With all of the problems the DSS has had lately, I think legislators will take a long, hard look at the request before just approving it." □



POVERTY HAS STRANDED SHIRLEY LECOUNTÉ (LEFT) AND HER 12 CHILDREN IN A FIVE-BEDROOM APARTMENT IN A HOUSING PROJECT.

According to Solomon, "Politicians have to realize they can't fix the system by adding new regulations, which creates even more paper work than we already have." A single welfare applicant often must fill out dozens of documents before being considered for assistance.

And there is no guarantee of receiving help. Although the state DSS disbursed three-quarters of a billion dollars last year, only about one in three South Caro-

Beaner's Story

By Stephen E. Smith



etcha anything that Beaner's science project is an atomic bomb." That was just one of the rumors making the rounds at Bayside High School during the last week in April of 1962. Mary Helen Dumont had heard the bomb story from someone who'd heard it from some-

one who knew Beaner's older brother and was certain beyond any shadow of a doubt that Beaner intended to incinerate the school — and maybe the entire town of Bayside. It was a terrifying possibility: five thousand souls vaporized by a belligerent, unpredictable teenager. I admit to having been a trifle surprised that these rumors didn't occasion more concern among the majority of students and the school administration; I surmised, finally, that they were inclined to dismiss such gossip as nothing more than adolescent malarkey, the kind of teenage puffery no one takes seriously. But if they'd been in classes with Beaner for most of their lives — as had many of the students in the junior class and *all* of us in Mr. Clingfield's physics course — they would have been digging fallout shelters. We knew that Beaner Murphy could construct a bomb — maybe even an A-bomb — if he put his mind to it.

By the time I'd entered elementary school, Benny "Beaner" Murphy was already a playground legend. I had heard from older children that he had *beaned* his teacher on the head with a looseleaf binder on the very first day of first grade and had been sent to the cloakroom for the remainder of his natural life. I knew, also, that Beaner lived with an alcoholic mother and a worthless older brother named Dixon in an unpainted row house on an oyster-shell alley that ran behind the A&P



store. Mother characterized the denizens of this section of town as “less than worthless,” and I was forbidden to ride my bike down the street where the A&P was located. So my knowledge of Beaner’s home life was gleaned from fleeting glimpses as we drove by the A&P on Saturday mornings and from the half-truths and outright lies that were the mainstay of small-town existence.

I understood early that Beaner’s paternal origins were in doubt. The men of town — especially those who worked the water for a living — were given to making jokes about it. “I swear one of them Murphy boys has got your eyes,” I overheard one waterman say to another as I baited my crab lines on the town pier one summer afternoon. “Well, if he’s got my eyes, he’s sure as hell got your ears,” the other rejoined. And Beaner’s mother — a more abstract personage than her flesh-and-blood son — was the subject of much unflattering parlor gossip at Grandmother Botts’ house. “Well, I’ve heard tell that she’s got a different man there every night. She’s probably doing *you know what* for money.”

I caught up with Beaner in the sixth grade. He had waited there two years for my arrival, being in age that many years my senior. He might have remained indefinitely in the sixth grade except that the teacher who had twice failed him on the grounds that he was a “potential felon” eventually arrived at the realization that she would end her days tormented by Beaner if she didn’t promote him.

In appearance, Beaner was pure cliché: greasy black hair that rose sidewise in cresting waves that broke on top of his skull and curled luxuriously onto his protruding forehead, piercing Irish-blue eyes deep set in shadow, and a long slender nose, pointy as his chin. He was of slim build, small-boned and wiry, and he wore only T-shirts, blue jeans, and a black leather jacket. But Beaner’s most intimidating characteristic had more to do with his reputation than with his appearance. There was about him an air of danger, a razor-quick edge of unpredictability that keened-up one’s senses. Certainly he was what Principal Hanson referred to as an “agitator”; he constantly disrupted classes and tormented teachers, administrators, hall monitors, cafeteria employees, crossing guards, janitors, whimps, simps, nerds, dipshits, geeks and pissants — all those people he lumped into a group he referred to simply as “lunchmeat” — with a myriad of intimidating gestures and noises — incidental glances, gawks, growls, scowls, coughs, farts, sighs, etc.

I soon discovered, however, that there was a more complex facet to Beaner’s character. One morning, as Miss Coy, our sixth-grade teacher, was reviewing pronoun-antecedent agreement, I looked over and noticed that Beaner was reading from a book concealed in his lap. I assumed, naturally, that he was engrossed in, at best, a Mickey Spillane detective paperback, and at worst, one of the “smutty” novels that was in those puritanical days, all the snazz — maybe *Peyton Place* or *Fanny Hill*. At re-

cess Beaner scuffed out onto the playground, and I slipped the paperback out of his desk. It was entitled *Nausea* and was written by Jean-Paul Sartre. I leafed slowly through the pages expecting to find the obscene passages clearly marked, but discovered instead underlined paragraphs and accompanying margin notes: “Looking back before birth and into the very reality of death” and “The synthesis of final reality” written in the same scrawl used to scratch graffiti above the restroom urinals. *Synthesis? Final reality?* Clearly, there was something going on with Beaner that I did not comprehend.

For the next few months, I continued to slip books out of his desk during recess, encountering such memorable titles as *The Restlessness of Shanti Andia* and *The Medieval Mind*. One morning as I flipped through Beaner’s copy of *Life and Times of Frederick Douglass*, he caught me. “Get your ass out of my business!” he barked, grabbing me by the shoulder. I was so startled by his sudden appearance that I stumbled over my own feet and went sprawling onto the floor. The rest of the class was on the playground, and I thought for a moment Beaner might jump on me and pound me bloody, but he just stood over me, with a look of pure loathing in his blue eyes. Just then Miss Coy happened into the room and screamed, “Beaner, I’ve had it with you! You’re going to the principal’s office! I don’t intend to have this rough housing in my classroom!”

I pulled myself up and brushed myself off. “Beaner didn’t do anything,” I said. “I just stumbled over my chair and he was helping me up.”

Beaner looked at me, his eyes dark with anger.

“That’s a likely story,” Miss Coy said.

“It’s true,” I said.

“Is that what you were doing?” she asked, staring at Beaner.

He did not reply.

“All right,” she said, finally. “But if I catch you two misbehaving again, you’re out of my class. Do you understand me?”

“Yes ma’am,” I answered.

I would like to say that this act of self-sacrifice — based though it may have been on self-preservation — endeared me to Beaner, but this was not the case. And for the next four years I kept my distance.



y the time we were in Mr. Clingfield’s junior physics class, Beaner was openly reading *The Cherry Orchard* and *Elements of Chemical Thermodynamics*, and I had grown accustomed, as had my classmates, to the obvious dichotomy in his character. Probably Mr. Clingfield never noticed Beaner’s reading material. Short on pizzazz and long on whisky burns, he was attempting to exit the system without expending any

unnecessary energy or attracting unfavorable attention. Mr. Clingfield had only to make it through the year before he could retire with his reputation intact. Much to everyone's surprise, he had been assigned to teach the PSSC (Physical Science Study Committee) Program, a progeny of the great Sputnik panic of the late fifties. It was common knowledge among the students and faculty at Bayside that in the sanctuary of the teachers' lounge Mr. Clingfield nipped frequently from a flask he secreted in his jacket pocket.

On that first day of school, he took one look at our young faces, sweet faces, pulled his pink nose, and focused on Beaner. "You," he said, pointing, "you're in charge here until I return. I'll be in a meeting in the teachers' lounge." And he was out the door, his hand tapping lightly his jacket pocket.

No one moved. No one spoke. In the years we had been in school with Beaner, he had never been placed in charge of anything. Now he was in charge of *us*. Five minutes passed, ten, fifteen. Finally, Beaner closed his book and scuffed to the front of the room. He hooked his thumbs in his belt loops and rocked forward slightly on the balls of his feet. "Listen up, lunchmeat. From now on, you're going to do what I say to do and if anybody blabs, he's dead. Understand?"

We all nodded.

"Okay. You play it my way and you get a good grade in physics. You cross me and you get a frog on your permanent record."

We stared.

"Today, you do whatever the hell you wanta do as long as it don't attract my attention." And he scuffed back to his desk, sat down and resumed his reading.

And that's the way it went most of the year. We'd roll into physics class and spend the hour socializing, punching each other in the shoulder, tugging at the knot on Mary Helen Dumont's wrap-around skirt, and tossing wads of rubbish and dusty erasers about the room. Once a week Mr. Clingfield would deliver a stack of tests to the classroom door, and Beaner would promptly drop them in the trash can. Of course, none of us studied any physics — the text books had not been passed out — but at the end of each six weeks, in strict accordance with school policy, Beaner would distribute our grade reports. I don't know what he gave the other students, but no one complained — whether out of fear or satisfaction, I never knew — but I made my parents proud by bringing home straight A's in physics.

I admit to having suffered maybe just a twinge of guilt. I had a sincere dislike for science courses and I hated numbers, preferring instead to read Civil War books by Bruce Catton. But once, on a rainy afternoon in November when I was feeling particularly self-righteous, I happened to mention "the Beaner situation" to a classmate, Eddie Jenkins. Eddie, a frail studious bespectacled boy who feared and worshiped Beaner, instantly informed me that was none of his business, that it was out of his hands, and

that to open his mouth meant certain death. Eddie's reasoning made perfect sense to me — and to any of Mr. Clingfield's students who were capable of thought. So before we knew it, fall was a memory, winter had drifted into spring, and we were headed into the home stretch, Einsteins every one of us.



When something happened. It had to. PSSC physics was simply too good to be true. But it was not a disgruntled parent or a rowdy student who gave us away; it was Mr. Clingfield. Just to

pass him in the crowded hall that spring was to risk intoxication. His gait was irregular; his appearance scruffy. And so the inevitable: one afternoon during a particularly intense eraser battle, the classroom door banged open and there stood Principal Hanson.

"Where is Mr. Clingfield?" he asked as soon as the commotion had trailed off into a dazed silence. No one answered. He scanned the room. We stared back unflinchingly, too astonished by this intrusion to avert our eyes. Then he turned and pulled the door shut behind him. We bolted for our desks and sat waiting in silence. Through all this Beaner continued his reading. A minute or two passed. Then he closed the book and strolled to the front of the room.

"Here it is," he said, leaning against the blackboard with the palms of his hands resting on the chalk rail. "You don't know nothing about nothing. Clingfield has been here teaching all year and he just stepped out of the room for a few minutes today. Does everyone understand this?" Arching slightly forward, he looked deep into our souls. "Good," he said. And he walked back to his desk, picked up his copy of *Aesthetic: As Science of Expression and General Linguistics* and resumed reading.

About ten minutes later, Mr. Clingfield entered the room. He looked haggard, distraught, bewildered — drunk. He went directly to his desk, sat down and buried his face in his hands. A moment later the door opened and Principal Hanson entered and stood glaring at Mr. Clingfield. He seemed about to reprimand Mr. Clingfield in front of the class — when Beaner raised his hand and asked, "In the problem we were discussing earlier, what would happen to the kinetic energy if we doubled the velocity?"

Mr. Clingfield didn't move. Then he looked up and his bloodshot eyes brightened. "That's a good question," he said. "A very good question." And he walked to the blackboard and began to scribble an equation. "Right here you can see it," he said, breaking a piece of chalk against the board. "It would increase the kinetic energy by a factor of four."

For a moment we held our collective breath and then

even the thick-headed ones caught on. Notebooks flew open and we began copying the problem. Principal Hanson focused his attention on the equation, on Mr. Clingfield, on Beaner, then looked again at the class, this time with more confusion than anger, and walked out of the room, pulling the door shut solidly behind him.

Mr. Clingfield sighed and looked out at the classroom full of strangers. "Thank you" was all he said, and the bell rang.

The halls were immediately abuzz with the news of the discovery of Mr. Clingfield's malfeasance and Beaner's salvific intervention. As the day wore on the oft-repeated story acquired a new denouement.

Beaner Murphy, inveterate hater of all forms of authority, rescues from certain disgrace one of his sworn enemies. He asks a preposterously esoteric question of the teacher and the teacher, who is both drunk and stupid, muddles through with some implausible response. Then Beaner—enraged by the stupidity and hypocrisies of the adult world—cold cocks both Principal Hanson and Mr. Clingfield and is pursued for two hours through the catacombs of the school. Dogs are used to track him down and only after a fiercely violent struggle is he subdued—by no fewer than fifty policemen wielding nightsticks. Beaner finally yields to the overwhelming forces arrayed against him and is handcuffed and dragged off to the local lockup.

It was a great story, but to everyone's disappointment, the pursuit/incarceration component of the narrative was proved false when Beaner was seen driving from the parking lot with his shiftless brother Dixon.

I looked over at Beaner. He sat slumped passively at his desk, the collar on his black leather jacket turned up, reading in a book entitled *Paint the Wind*. Suddenly, he looked directly into my eyes. "Feeling cheated?" he asked.

Those remain the only unsolicited words Beaner Murphy ever spoke to me.

Mr. Clingfield did return the next day, but he sat quietly at his desk, reading the newspaper. Near the end of the period, he stood timorously before the class and apologized for not having taught us physics and explained that he had "certain physical problems" that prevented him from lecturing for "prolonged periods of time." He thanked us for having put up a good show for Principal Hanson, but noted that his job—and his retirement—were in jeopardy unless we could somehow prove to the administration that our class—the class that he had neglected to teach—had been of value to us, his students. He reminded us that the annual science fair would be held in two weeks and suggested that we might *redeem* ourselves by making an impressive showing. "I would like to help each of you make the best science project this high school has ever seen. And I know we can do it," he said. "I'm placing Mr. Murphy in charge of organizing our projects. When you have a plan, submit it to him." And he walked unsteadily to his desk. "I'm asking for your help," he added, his voice wobbling an octave on the words "your help."



The following day promised to be the apogee of my high school career, and that night in bed I spent sleepless hours reviewing the infinite scenarios. I had known trouble in my life—all the routine

adolescent traumas—and certainly the Clingfield escape involved me. But not, I felt confident, to the extent that I'd experience any long-term ill effects. Certainly Mr. Clingfield would suffer, and maybe Beaner would feel the wrath of authority. But I was safe, an innocent bystander, the hapless victim of forces beyond my control.

But when I walked into class the next day, I was crestfallen. Instead of an angry principal or a contrite Mr. Clingfield, there was a substitute teacher, an assistant football coach, a well-known cretin of gargantuan physical proportions who was said to tolerate no foolishness. He explained in his native but halting English that Mr. Clingfield was sick and would return the following day. "You can use this time, you know, to study some of that stuff you got to study for, or whatever it is you need to do without making no noise."



The science fair was The Big Deal of the school year. The objective of this exercise was to convince "the leaders of the Twenty-First Century" (an expression employed with irritating frequency by

Principal Hanson) that they were capable of saving America from the imminent *nuclear nightmare*. Local political luminaries and the ministers from various reactionary churches were, for reasons which defy explanation, preferred as judges. They would appear at the school gym on the appointed day and meander among the erupting volcanoes, tin-foil sun furnaces, phototropic geraniums, maze-sniffing rats, electro-stimulated cacti, etc., and scribble copious notes with respect to the project's level of inanity.

The majority of science students participated willingly in this exercise. It made no difference that they were one day destined to sell insurance or own pornographic bookstores or step on land mines in Asia; they poured their time and energy, their very souls, into producing scientific wonders no one would remember.

What patsies we were. I suspect we were simply too well brought up to do anything other than what we were told. And so we threw ourselves body and soul into contriving scientific wonders that would save our alcoholic teacher's reputation. Students stumbled into class toting

stacks of library books and spent hours leafing through the pages, making notes and chewing thoughtfully on the ends of their pencils. I came up with a scheme for a reenactment of the battle between the *Monitor* and the *Merrimack*. I wrote out my plan for baking soda propelled wooden models and submitted it in writing to Beaner. He glanced at my submission for two seconds and scribbled a definitive "good" on the first page. And that night I set about carving the ironclads out of blocks of wood.

As always, none of us had any idea what was going on in Beaner's head. Was he inclined to ignore Mr. Clingfield's supplications? Or did he intend to produce a science project of such magnificence, such startling originality and insight as to not only save our physics teacher from certain dismissal but to win him the Bayside Excellence in Teaching Award? Had his sad life with an alcoholic mother stirred within him some heretofore unknown modicum of compassion? Or did Beaner plan to even the score with a world that had treated him so shabbily?

Despite the fact that we knew nothing about physics, the proposed projects were rather inventive. Mary Helen Dumont planned a display in which the various brands of toothpaste were tested for abrasiveness. Itsey McGarby eviscerated flashlight batteries, exposing their innards and explaining with arrows cut from poster board the functions of the internal ingredients. Eddie Jenkins, whose father was an engineer for the highway department, wrote a lengthy explanation of periodic motion and transverse and longitudinal waves, though he admitted to me that he did not understand the project and was having difficulty constructing a device that would produce waves of adequate size and duration.

The opening of the science fair was scheduled for a Saturday, and on the preceding Friday we were sent to the gym to ready our display booths. Fifty or so cafeteria tables were arranged in a large rectangle, and we erected tall cardboard dividers meant to separate the projects. The plan was for each student to set up his display on Saturday morning and to have it ready for judging by early afternoon.

On the designated morning, Mother dropped me at the gym with a bag lunch and a caution not to lose her sauce pan, and I wandered inside to find the place writhing with activity. I began assembling my project at 10:00 a.m. and by 10:03 it was in operation. The *Monitor*, the sleeker and lighter of the two models, zipped across the pan of water with surprising alacrity. The *Merrimack*, on the other hand, listed conspicuously to port and bubbled in a sluggish circle. In front of the pan, I placed a sign I had carefully lettered the night before identifying the Civil War ironclads.

There were immediate difficulties, most notably the life span of the baking soda propellant. When replenished with fresh fuel, the models maneuvered well for two or

three minutes, bobbing into each other and the sides of the pan. But then the baking soda began to lose its effervescence and the ships' motion gradually diminished, coming to a complete yet historically accurate stalemate in the murky water. The first student to observe my project, a pimply ninth-grader, asked simply, "What's that got to do with science?" The question startled me. "Well," I said, "you know, the *Monitor* and the *Merrimack*." Thus demoralized, I spent the remainder of the morning helping Eddie Jenkins perfect his wave machine, which was more scientific than my project but, I thought, less entertaining. About noon, Eddie asked, "When's Beaner going to show up?" That was, of course, the question on every student's mind.

I had just finished my peanut butter and jelly sandwich when I spotted Beaner in the lobby of the gym. I looked at my watch. It was one o'clock, the time designated for the judging. Beaner pushed open the glass door and scuffed in. He was wearing jeans and his black leather jacket and was carrying a folded sheet and a shoe box under his arm. He walked past the other projects without so much as a glance and spread the sheet over the cardboard walls of his display booth, which was immediately adjacent to Eddie Jenkins', and disappeared inside.

At that moment the judges entered the gym. There were only two: the Honorable Leroy Dunn, the town mayor, and the Reverend Calvin "Brent" Hackney of the First Baptist Church of Jesus Christ Our Lord and Savior. They carried clipboards and pencils and were accompanied by Principal Hanson and our wayward teacher, Mr. Clingfield.

The assemblage moved slowly about the gym, pausing in front of each science project, the judges making elaborate notations on their clipboards and occasionally gasping, "That's just amazing." With the judging of each project, the number of on-lookers increased until Principal Hanson was forced to hold up his hands and shout, "Would you all please stand back so that the judges can have some breathing room?"

By the time the judges had reached my booth, there were about two hundred people crowding and elbowing against Principal Hanson's outspread arms. I had managed to refuel the *Monitor* and the *Merrimack* just moments before the throng sidestepped in my direction, and my model ironclads were bubbling about crazily. The judges stared at my explanatory sign and looked at each other. Then Mr. Clingfield came to my rescue. "Ah," he said, "for every action there is an opposite and equal reaction." The judges smiled, scribbled a word or two on their clipboards and moved on to Eddie Jenkins' wave display.

I eased around the perimeter of the crowd and took up position directly in front of Beaner's booth. He was leaning casually against the table with his thumbs hooked in the belt loops. He stared at me, but he didn't speak. The sheet was now spread over his project, which struck me as

lacking the dimension, the necessary bulk, that was a sure indication of scientific excellence. Just then the judges, Principal Hanson, Mr. Clingfield and the crowd jostled in beside me. Someone whispered, "Is that the kid who made the bomb?" Then the shoving stopped and there was silence.

"This is the project I've been telling you about," said Mr. Clingfield, his hand flailing forth with a dramatic flourish. "Mr. Murphy here is among the best physics students I've had the honor to teach in the last twenty-nine years."

The judges looked at one another and smiled. Principal Hanson just stared. Beaner didn't move.

"Well," said Principal Hanson, "would you mind showing us your project?"

Face expressionless, body relaxed, Beaner reached over and with the aplomb of a magician he instantaneously lifted the sheet.

On the bare formica table sat a standard, brown cardboard shoe box. Inside the box were rocks of the type one might find in the driveway of an expensive home — smooth, cream-colored rocks somewhat uniform in size and shape. But nothing else. And in front of the shoe box was a sign with just one word scrawled in magic marker: ROCKS.

The box was full of rocks.

Mr. Clingfield's eyes rolled back in his head. The judges stared.

"Would you mind explaining this?" asked Principal Hanson.

Beaner ran his eyes along the crowd. "Speaks for itself," he said.

What in the world did Beaner intend? What was the point? Rocks? What was he thinking? A shoe box full of rocks? Rocks in a shoe box? I looked around at the other projects, then at the bewildered faces of the crowd, and finally up at the high steel-beamed ceiling of the gym. And suddenly it came to me. Couldn't they see? Didn't they get it? Amidst all this ostentatious nonsense, this haphazard detritus, here was a moment of perfect simplicity! Rocks! Just rocks! I startled myself by laughing out loud. There followed a few muffled coughs and the clearing of two or three throats. Someone moaned, someone else sighed. But no one spoke until Principal Hanson said, "I believe that it's time we moved along." Then looking at Mr. Clingfield he spoke in a voice loud enough for everyone to hear, "We'll discuss this after the judging." And the mob shuffled off to the next project, leaving me staring into Beaner's icy blue eyes.

"They didn't understand," I said. "They didn't get it."

"I told you once," Beaner said, "get your ass out of my business." And he walked out of the gym and out of our lives forever.



he following Monday no one mentioned Beaner's science project. It was as if his classmates had suffered profound disillusionment. They sat at their desks silently, introspectively. Perhaps they were perplexed by Beaner's project. Probably they were just disappointed. But Beaner's name went unspoken for the remainder of the school year.

Mr. Clingfield was allowed to stay on through June and take his full retirement, though he sat in front of the class for days suffering with what I believe was a full-blown case of the DTs. During the final exam period, we were required by Principal Hanson to take a multiple-choice PSSC exam. I didn't know the answer to even one of the questions, so I just filled in the blanks using the rhyme scheme for a Shakespearean sonnet, excluding the "g g" of the concluding couplet. Mr. Clingfield graded the exams; I received an A.

As for Beaner, he never returned to school, and a year later he and his brother were arrested for robbing an all-night gas station. According to an article in the *Star-Democrat*, Beaner beat the attendant unconscious. The next day he and his brother were apprehended by the police. Beaner got ten years.

For a long time after my graduation, I was content with the easy explanation: Beaner had simply been getting even with us — the small town that had shunned him, the teacher who had punished him that first day of school, his classmates, Mr. Clingfield, the father who'd abandoned him, all the lunchmeats of the world. Perhaps he believed he had sent us all to the cloakroom for the rest of our lives. During the late sixties, I supposed that Beaner's science project was one big existential raspberry, a definitive statement on the insanity of it all. Since then I've had other theories, varied as the temperament of the times that engendered them.

A few years ago we held our twenty-fifth class reunion. Old Bayside High School had been renovated for use as a community arts center, and the dinner-dance was held in the old gymnasium, site of the annual science fair. Beaner, of course, was not present, but folks kept asking about him. Mary Helen Dumont said that she had heard from someone who had heard from someone that he was a millionaire real estate broker in Florida. Itsey McGarby claimed that he'd read that Beaner had died in a motorcycle accident in the early seventies. Near the end of the evening, Eddie Jenkins, still bespectacled, still lunchmeat, turned to me. "You know," he said, "I often think of Beaner and that science project of his. I don't know why, but I wish he was here."

"Feeling cheated?" I asked.

Stephen Smith teaches at Sandhills Community College in Southern Pines, North Carolina and writes country songs. His most recent book is The Honeysuckle Shower from St. Andrews Press.

Killing Us Softly

Society makes life unbearable for disabled people — and then says they should be “allowed to die” because their lives are so unbearable.

By Eleanor Smith

When Larry McAfee asked a superior court in Atlanta to help him die last September, many people supported his death wish.

McAfee, a 33-year-old who has used a respirator to breathe since he was paralyzed from the neck down by a motorcycle accident in 1985, asked the court to allow him to receive a legally-administered heavy sedative and then shut off his respirator which would lead to his death within minutes.

The state of Georgia, the Georgia Medical Association, and the Catholic Archdiocese of Atlanta all told the court that it would not be suicide for McAfee to end his life, but merely a refusal of medical treatment. The judge ruled in McAfee's “favor,” stating that McAfee's decision to die demonstrated a rational concern for the medical costs he is incurring.

Disability activists were outraged by the decision. They pointed out that McAfee is not ill (let alone fatally ill), and

could have 40 years of full and productive life ahead of him. They pointed out that McAfee has been forced to reside in an Alabama nursing home, far from his friends and relatives, because the state of Georgia refuses to fund personal assistance services for severely disabled people and because Georgia nursing homes generally refuse to admit people who use respirators.

Above all, they wondered why the state condemns disabled people to a poor quality of life by ignoring their need for life-fulfilling assistance, and then steps in and says they should be assisted to die because their quality of life is so poor.

Fearing for their lives, people with physical disabilities are calling for a deeper level of dialogue about what has been called the “right to death.” Slowly but surely, they are reframing the debate over disability by asking a simple question:

What is it that makes it so difficult to be disabled in this society that warrants death?

EARNING POWER

Society demonstrates in many ways that it wants people with severe medical conditions at the very least out of sight, and preferably dead. (“I want to die before I become a burden.”) Although evidence of outright discrimination abounds, disability is not commonly thought of as “oppression.”

Even people who recognize sexism and racism as oppression persist in thinking that the powerlessness of disabled people is somehow intrinsic to their medical condition — a personal, individual misfortune.

To begin to see disability as a human-made oppression — rather than an unfortunate stroke of fate — we must ask ourselves if life is being made considerably more difficult for people with severe medical conditions than it needs to be.

The answer is “Yes.”

First and foremost, disabled people are systematically kept from earning money by arbitrary rules — rules made by non-disabled society. Because most disabled people are slowed down by their physical conditions, they often lack the energy needed to accomplish the full-tilt, 40-hour week that our economic system generally demands.

Most disabled people *could* work at least part-time; but most employment has been set up to discourage part-time work. Many jobs are simply designed as full-time positions, and management is reluctant to change the existing arrangement. The part-time jobs that do exist usually offer lower hourly pay and entail a loss of crucial benefits, such as insurance and sick leave.

To make matters worse, our society literally builds physical barriers into the environment that cause disabled people to need more help than is intrinsically necessary, forcing them to waste enormous amounts of time and physical and emotional energy. Disabled people are routinely denied personal assistance, access to communication, basic public transportation, and even access to buildings. Existing technology that could help them overcome such barriers — things

like captions on television, computer-generated Braille print and voice output — are usually unavailable.

The extra help some people need — because of inabilities intrinsic to their specific disability — is far less than we have been led to assume. Even so, such help is not available to these people in forms which allow them to retain their power and dignity as respected human beings.

This help could — and should — be available from state-paid helpers, hired and dismissed by the disabled person. Because such helpers would be public employees instead of volunteers, the disabled person would not have to cajole or reward them with gratitude, sex, or entertainment. At present, state-paid help is very hard to come by; only very severely disabled people have hope of getting it, and then only in certain states. The money to make this happen could be freed up through a redistribution of resources; the economic and human resources to make it possible already exist.

Industrial, capitalistic economies like ours fragment society into individual families — often units of only one person. Those people with disabling conditions find themselves cut off from the network of supportive friends, neighbors, and relatives who are available in an extended community. In the United States today,

disabled people are generally forced to rely on one or two friends or relatives for support. At best, such a heavy responsibility leads to chronically strained relationships. At worst, it leads to the selective abortion of disabled fetuses, the de-

denial of medical treatment to disabled newborns, and the physical abuse of disabled children and adults.

At the same time our society prevents disabled people from helping themselves economically and physically, it promotes

Photo by Mona Bennett/Southern Voice



POLICE ARRESTED MORE THAN TWO DOZEN DISABLED ACTIVISTS WHO STAGED A THREE-DAY DEMONSTRATION IN ATLANTA LAST SEPTEMBER.

the attitude that to need major help is shameful. Competition is idealized; cooperation, though given lip service, is viewed with condescension and suspicion. In such an atmosphere, to need long-term or very intimate help — or to encounter someone who does — causes extreme psychological discomfort. Such an attitude toward giving and receiving help is considered normal, when in reality it is nothing more than cultural convention.

FROM PITY TO ENVY

Once we realize that our society actively creates and perpetuates disablement for some citizens, the next question we must ask is: What might our economic system have to gain from such an arrangement?

Disability presents a unique problem to the economic system of capitalism. Most people can be exploited as workers, by their race, gender, or class. Even non-disabled children are future workers. But many people with severe disabilities cannot — and never will be able, no matter what the accommodation — to produce at the pace and in the form required by an economic system geared to generate large profits and privilege for a few. Far from producing a competitive amount of work, many disabled people require work on the part of other people merely to stay alive.

Because our economic system depends on workers who are used, over-tired, and under-rewarded, those who don't work (unless they are super-rich) must be made to live visibly unenviable lives. People who cannot work "competitively" — full-tilt — must be kept impoverished, isolated, powerless, their lives miserable enough to ensure they are pitied rather than envied by unhappy, able-bodied working people.

What would happen if disabled

people could move about easily on public transportation, get in and out of buildings with ease, hire state-paid helpers to assist them, work part-time with plenty of rest breaks, and receive public assistance to compensate for the limited earning power brought on by their loss of endurance? If they could contribute to community life, have friends, and be considered sexy?

If disabled people were allowed to live full and productive lives, no one would pity them or feel guilty in their presence. Instead, the degree to which able-bodied workers were oppressed would be the degree to which they envied and resented, rather than pitied and feared, disabled people. Overwork, speeded-up work, unrewarded work, lack of control over how we spend our workday — all these

things would cease to be preferable to the alternative of having a "disability." In short, exploited, able-bodied workers would be motivated to shoot themselves in the foot.

If disabled people could live their lives to the fullest, it would be clear that what constitutes a "disabling" condition depends almost entirely upon circumstance. A quadriplegic with enough money, helpers, equipment such as vans and lifts, and a group of supportive friends and lovers is not very

disabled. On the other hand, an "able-bodied" worker who sprains her ankle but lacks the paid sick leave to stay at home and heal — and the helpers to do chores that have now become exhausting — is fairly "disabled."

It is not medical condition, but economic discrimination, physical barriers, and inculcated cultural attitudes that separate people into two camps of "healthy" and "disabled." The first must perform unfairly hard and meaningless

work without question or hope for change; the second must be kept powerless, a source of pity and fear.

ANGER AND HOPE

As disability activists across the country demand life-giving assistance, the myth that "nothing can be done" about disability is on the verge of giving way. The growing number of people who recognize "disability" as a human-made construct, a manipulation on the part of an economic system, is a basis for new hope.

But it's a profound threat, too. After all, the fitting response to our new understanding is a deep, strong anger — not at God, the cosmos, or self, but at our physical and social environment and the people who perpetuate it.

Yet people who are disabled can afford to express anger even less than other oppressed groups. Their lack of power makes them dependent from moment to moment for their most basic needs: getting food from the refrigerator and into their mouths, going to the bathroom, having access to essential information. To express anger toward someone you are going to need in 10 minutes to help you use the bathroom is emotionally and physically dangerous.

The stakes are very high. A person repeatedly prevented from expressing anger learns over time to stop feeling the anger — or any strong emotion. Unless we confront the issue of disability honestly, the views which perpetuate the oppression take up firm residence in our own heads, completing the task.

To fight against the prevailing view of disability involves very real dangers to people with disabilities. And for non-disabled people it requires a new and very different way of seeing, thinking, feeling, and acting about disability.

But it is ultimately to everyone's advantage to build an environment in which our economy, our physical surroundings, our technology, and even the vocabulary for giving, receiving, and negotiating major help take all citizens into account. In such an environment, people with chronic medical conditions can be happy and powerful — and no one need prefer death to illness, accident, or aging. □

Eleanor Smith is a disability activist in Atlanta, Georgia.

It is not medical condition, but economic discrimination, physical barriers, and inculcated cultural attitudes that separate people into two camps of "healthy" and "disabled."

Drawing the Line

**How Southern election districts
are drawn in the next two years will
shape state and national politics
in the '90s.**

By Eric Bates

The year was 1981. James Burke, a black attorney from Miami, had run for the Florida House of Representatives twice. He had lost both times, defeated by the large white vote in his home district in Dade County.

But now, as state lawmakers prepared to draw new election districts to account for population shifts recorded by the 1980 census, Burke and other leaders in the black community went to work. They pushed for a district that reflected Miami's black majority — and they won. Dade County became the largest black-majority district in the state, giving blacks 79 percent of the vote. Burke ran again, and this time he won. Eleven other black legislators joined him in the Florida statehouse, giving black voters more state representatives than ever before.

"When the black community needed something, we used to

have to beg white legislators who were paternalistic," Burke recalled. "We'd say, 'Would you give us a park? Would you give us this or that?' Now, at least, we have our own voices. We haven't gotten everything we wanted. But at least we're there, we're a part of the process."

Now, a decade later, Florida lawmakers are once again preparing to redraw election districts. This time, black leaders are aiming their sights at the U.S. Congress, pushing for a congressional district with a near black majority.

"This is the only place in Florida where it can happen," Burke said. "I think the chances are great. Ten years ago we were just talking about more seats in the state legislature. Now we're talking about a seat in the U.S. Congress."

BATTLE FOR THE BALLOT

What is happening in Florida is one of thousands of voting rights battles that have swept the South in the past two decades. In state after state, voters have organized and lobbied and gone to court to demand fair elections for local school boards, city councils, county commissions, state legislatures, courts, and Congress. Since 1978 alone, more than 2,200 voting rights cases have been filed in federal court.

At its heart, the battle for the ballot involves more than what happens on election day — it involves what happens every day in communities across the region. Housing, education, health care, jobs, justice — virtually every facet of daily life is shaped in part by who holds elected office. In this sense, the struggle for voting rights is a struggle for power.

During the next two years,

An SE Voting Rights Guide

the most important battles in that struggle will be waged in the South. Indeed, much of what happens in state and national politics in the next decade will be determined by what takes place across the region when the U.S. Census begins on April 1, 1990. Using data from the census, each state will redraw election districts to account for population shifts. How those lines are drawn will play a major role in who gets elected for the rest of the decade.

By all accounts, the changes will be monumental. With the population of the South on the rise, the region stands to gain 10 seats in the U.S. House of Representatives — more than in any other decade, and as many as it picked up between 1950 and 1980. According to population projections, four of those new seats will be in Texas, three in Florida, and one each in Georgia, North Carolina, and Virginia. West Virginia will lose one seat.

Drawing up new districts will involve fierce political conflict, as incumbents struggle to maintain their seats and blacks and Hispanics fight for districts that reflect their growing numbers. The transfer of votes could empower the South, but it could also leave minorities and the poor with even less of a voice in Congress than they have now. Either way, the battle lines are being drawn now, as Democrats and Republicans prepare to spend millions on the 1990 elections that will determine who will be in office when new districts are drawn — and who will be the judge when the new districts are challenged in court.

HOUSE TO HOUSE

The struggle for the vote has been one of the most widespread yet slowest reform movements of this century, with its roots stretching back to Reconstruction. During the early 1960s, civil rights activists focused on the vote as the primary right from which all others flow. With most blacks barred from the polls by literacy tests and poll taxes, organizers went from house to house urging people to register. They were met with violence, but they stood their ground and focused national attention on the region until Congress passed the Voting Rights Act of 1965.

The law gave citizens the right to sue over discriminatory voting practices, and it required many states to clear any changes in their voting laws with the U.S. Justice Department. The number of black registered voters soared, from 38 percent in 1964 to 65 percent in 1969. In Missis-



A VOLUNTEER REGISTERS A VOTER IN HER HOME IN FRANKLINTON, N.C. NEW DISTRICT LINES COULD GIVE BLACK VOTERS EVEN LESS OF A VOICE THAN THEY HAVE NOW.

sippi, black registration jumped from 6 percent to 67 percent in a decade.

But barriers to fair elections remain. In many places, white leaders responded to the Voting Rights Act by holding multi-district or "at-large" elections that make it harder for minorities to win office. Even though blacks and Hispanics represent more than 20 percent of the U.S. population, they currently hold less than 3.5 percent of all elective offices.

To counter such barriers, voters have challenged hundreds of at-large systems, replacing them with single-member districts that provide minorities with fair representation. The challenges have worked. In Texas, for example, studies show that minority representation has more than doubled in the 60 cities that have adopted single-member districts.

At the state level, voters have chal-

lenged legislative districts that fragment black communities among larger white districts. In December, a panel of federal judges in Arkansas ruled in favor of black voters and ordered the state to redraw its districts in time for the 1990 elections — a victory one NAACP leader called "the largest statewide redistricting ever ordered under the Voting Rights Act." (See story, page 56.)

Slowly but surely, such voting rights cases have changed the face of politics in the South. Since 1980, the number of black elected officials has increased sharply, from 4,912 to 6,829.

"In a sense, I would not be here if it weren't for the Voting Rights Act," said James Burke, the Florida legislator. "Until reapportionment, we never had a black-majority district in the state."

FAMILY AND FRIENDS

Most voting rights challenges start at the grassroots level. And in most cases, they don't involve an abstract desire for "the vote" — they spring from concrete needs in the community.

For Maxine Cousin, the struggle for fair elections began in 1983, when her father, Wadie Suttles, died of a fractured skull in a Chattanooga, Tennessee jail. Police gave differing versions of how the retired janitor hit his head, but witnesses told Cousin that two white officers beat her father to death.

"When we looked into my father's murder, we began to discover other people who had been killed in jail," Cousin recalled. "We began keeping a list — we called it the body count. My father was the fifth black man to have died in four years. Since 1981, 11 people have died in area jails, including a 23-year-old woman who died during pregnancy."

Cousin and others outraged over police brutality began to demand action from city leaders. "We kept going to the city commission and kept asking them to do something, but nothing happened. We determined that something was seriously wrong with the system. People's voices were just not being heard."

Working with Lorenzo Urban, a former coordinator for the Student Nonviolent Coordinating Committee, Cousin and others began to study the at-large election system in Chattanooga. They researched voting rights cases, studied old newspaper clippings, and collected more than 15,000 documents.

"During our research, we began to realize that the real problem is that black people here didn't have any political power," Cousin said. "I just couldn't believe that racism was causing this. I had to learn what was going on before I realized that the change would have to come from my family, my friends, my community."

Cousin and her fellow organizers approached the ACLU and took the city to court to demand single-member districts. (See story, page 60.) "We want to show that people aren't powerless. We don't have to rely on middle-class groups like the NAACP — we can make some changes ourselves."

Cousin said district elections will make it easier for neighborhood citizens to run for the city commission, because they won't have to mount a citywide campaign. "Anybody can run, you don't need \$100,000 to run," she said. "It will also

THE BATTLE LINES

With Southern states expected to pick up at least 10 seats in Congress following the 1990 census, battle lines are already being drawn. Here is state-by-state guide of what to expect:

Alabama Although the state won't gain any congressional seats this time around, black leaders want to create a black-majority district by joining black-belt counties with Montgomery or with black areas of Jefferson County around Birmingham.

It could be a tough fight: state Senator Rick Manley, who will oversee the drawing of new district lines, was part of the legislative leadership taken to court in 1980 to ensure fair representation for black voters. Some observers predict that Republicans may help blacks push for a black-majority district, in exchange for gaining a GOP foothold in another part of the state.

Florida The fastest growing state in the South, Florida gained more than three million residents in the past decade. It picked up four congressional seats from the 1980 census — more than any other state — and is expected to gain three or four more in 1990.

Democrats drew the district lines the last time around, but control of the process may be up for grabs in 1990. Republicans picked up two seats in the 1988 elections, and another win following the death of U.S. Representative Claude Pepper gave them control of the House delegation. The Florida delegation is now more heavily Republican than any big state except Ohio.

The new districts will probably be drawn along the Gold Coast stretching from Palm Beach to Miami, and in growth areas around Orlando in central Florida.

At issue will be whether the new districts provide fair representation to Hispanic immigrants, who account for much of the rapid growth in the past decade. Hispanics have already used their political clout to elect a governor, three state senators, eight state representatives, and the mayors of Miami and Hialeah.

Georgia Because of rapid growth in and around metro Atlanta, the state will pick up at least one congressional seat — the first for Georgia since 1910. The new district will probably be located in the northern suburbs of Gwinnett and Cobb counties. Such a move could take heavily Republican areas out of three districts currently represented by Democratic incumbents.

The prospects for a second black-majority district look slim, but the Legislative Black Caucus is working to make

sure black voters are fairly represented by new districts.

North Carolina The state is expected to gain one seat — and two battles are already taking shape. Republicans want a district in the hill country between Winston-Salem and Charlotte. As in Georgia, that would remove heavily Republican counties from districts narrowly held by Democratic incumbents.

Only one problem: such a district would shut out the fast-growing black population. Black leaders want to create a black-majority district extending north from Raleigh-Durham and Greensboro to the Virginia state line. Whoever wins, the new district could significantly alter the balance of power in the state, which weathered a number of close House races during the 1980s.

Texas Although Texas expected to pick up four seats in Congress following the 1990 census, the economic crunch of the past few years may cut the gain to three. Either way, the increase will give Texas the largest congressional delegation in the South.

Most of the new seats are likely to go to Republican parts of the state, but minorities in six districts are projected to be in the majority after the census is completed. If district lines are drawn to reflect population growth, they should add a Hispanic seat in the San Antonio Valley and a black seat in the Dallas-Ft. Worth area.

Virginia In 1980, Virginia had the most conservative congressional delegation in the country — back then, Republicans held nine of 10 House seats. Today they hold only five. Most observers expect the GOP to pick up another seat following the census, probably in suburban Washington around Arlington and Alexandria.

The way the new district is drawn, however, could shift an existing seat to Democratic control. It could also create a black-majority district in Richmond or Newport News, especially if newly-elected Governor Doug Wilder plays an active role in redistricting. Blacks currently hold no seats in the Virginia delegation.

West Virginia Tens of thousands of unemployed West Virginians have left the state in the past decade, looking for jobs further south. The exodus means the state will lose one of its four House seats — a loss that will mute its voice in Washington and send the four incumbent Democrats scrambling to save their own jobs.

—E.B.

hold them accountable to their communities. You'll be running in your own community among the people you know."

But Cousin cautioned that the push for fair elections means more than "getting black faces in high places. We want to elect people who are sympathetic to the issues we're confronting, including police brutality, joblessness, and health care. If they're not sympathetic to those issues, then they won't be in office, no matter what the color of their skin. It won't be controlled, where they have to go to some rich man on the hill to make a decision. We will be included in the decision-making."

"THE WRONG PLACE"

Many voting rights activists agree that getting blacks elected is simply not enough. Henry Kirksey knows first-hand the limits of elected office. A 74-year-old native of Tupelo, Mississippi, Kirksey was one of the first in the nation to put the Voting Rights Act to the test. In 1965, the year the law was passed, he served as the demographer for a lawsuit challenging election districts in his home state.

Kirksey studied election boundaries and produced evidence to show that they were designed to dilute minority voting strength. But when the case went to trial in federal court, the chief judge was none other than J.P.

Coleman, a former Mississippi governor who liked to call himself a "successful segregationist."

The case dragged on for 14 years, but voters finally won in 1979. That same year, Kirksey found himself running for the state Senate.

"I was sort of pushed into it," he laughed. "I really didn't give a damn about it, but some blacks just saw me as the person who was fighting for their rights."

Kirksey beat a white incumbent, and

thanks to the new election districts, 16 other blacks joined him in the statehouse. Unfortunately, political office was not what he expected.

"It didn't take me more than a few days to realize I was in the wrong place. I'm not very good at begging people to go along with something and then winding up with only one percent of what you're trying to achieve. I filed maybe a dozen bills each of the eight years I was there, and only one ever got out of committee."

The problem, Kirksey said, is that

we were hopeful of achieving we have not achieved, in that we do not have a united front against the discrimination that was there then and is still there now."

The key, Kirksey concluded, is the education gap. "Mississippi has the most undereducated black population in the nation, compared with a fairly well educated white population. Until we can close that gap between the education levels of whites and blacks, we're not going to get any place. When it comes to power, that's the greatest power — that's

Photo by Robert Foz/Impact Visuals



VOTERS GO TO THE POLLS — BUT DO THEIR VOTES CARRY EQUAL WEIGHT?

even when blacks gain political power, whites maintain their grip on economic power. "Unfortunately, getting blacks elected has not always worked the way it was supposed to. Basically, you really are like anyone else in office — you structure what you do with the idea of staying in office and getting reelected. That means the more controversial things, the things that need the most remedy, don't get much attention. To a certain extent, what

the winning hand. If you can maintain the education gap, you can maintain all other unequal conditions."

BLACK AND WHITE

To increase the clout of blacks who do get elected, many candidates are working to build coalitions with white communities. The results can be impressive, as Michael Thurmond discovered

when he ran for the state legislature from Athens, Georgia.

Thurmond ran against a white incumbent in 1982, and again two years later, but he lost both times. Finally, he built a successful coalition with whites, and on his third try Thurmond became the first black in Georgia to be elected from a majority-white district in over 100 years.

"We felt we were at a historic crossroads," Thurmond said. "We had a strong black voter turnout, and at the same time we pieced together a coalition in the progressive and moderate white community."

Working with the coalition, Thurmond campaigned to ease the fears of white voters. "We discovered that a significant number of whites only go to the polls to vote if they fear a candidate. Many white voters will not vote for a black candidate, even if they support him. They might be for him in their hearts, but they just can't physically do that. On election day, many did not vote — they just stayed home. In a majority-white district, that's essentially a vote for the minority candidate."

Thurmond laid the groundwork for his victory by using the Voting Rights Act to challenge the way district lines were drawn around Athens. After the 1980 census, Thurmond and others pushed for a district that increased the share of black voters from 36 percent to 42 percent. "That was the first step — to get the population represented in the district."

Thurmond also contested voting rules in court, forcing the county to send registrars into black communities and set the first polling place in a black neighborhood. The moves helped increase voter turnout in the 1985 election, giving Thurmond a margin of victory of 119 votes.

"I would not be in office without the Voting Rights Act," Thurmond said. "It was only by protecting the rights of the people to *participate* that allowed me to be elected. It was a long, 11-year struggle."

Like Cousin and Kirksey, however, Thurmond is quick to point out that getting elected is only the first step. "The question at this point goes beyond having a black in office. You have to have someone who understands how the mechanisms of power can be used to reallocate resources in the community."

In his first two terms in office, Thurmond has demonstrated that voting rights

for blacks benefit low-income whites as well. Thurmond has been instrumental in getting funding for dozens of programs, including money for job training, a new senior center, better mental health services, a day-care center, community-based tutoring, and an extra \$1 million in public aid for two-parent homes.

"It helps me to be from a majority-white district, to have to deal with white organizations," he said. "I have to deal with the reality of white and black life, and I have a better opportunity to come up with a solution that satisfies everyone."

BLACK-MAJORITY CITIES

Blacks in 16 major Southern cities are expected to hold majorities following the census — 11 of them for the first time — yet only Atlanta, Birmingham, and New Orleans currently have black mayors.

New Majorities	1990 Black % (Projected)
Albany, Ga.	57
Alexandria, La.	59
Baton Rouge, La.	56
Charleston, S.C.	51
Columbia, S.C.	51
Jackson, Miss.	60
Macon, Ga.	52
Memphis, Tenn.	58
Monroe, La.	59
Pine Bluff, Ark.	57
Savannah, Ga.	53

Current Majorities

Atlanta, Ga.	82
Augusta, Ga.	57
Birmingham, Ala.	71
New Orleans, La.	66
Richmond, Va.	61

Source: Population Reference Bureau

POLITICAL FRONTIER

If census projections are any indication, coalition-building could become increasingly important during the '90s. Although the number of blacks and Hispanics in the South is rising rapidly — the Hispanic population is growing five times faster than the rest of the population — a number of barriers stand in the way of translating these larger numbers into increased political power. Among them:

▼ Census data are likely to be flawed. Blacks, Hispanics, and the poor

have historically been undercounted in every census. In 1980, blacks were undercounted by 5.9 percent — almost four times higher than the rate for whites.

▼ Population shifts are making it harder to carve out black-majority districts. In many areas, blacks have joined the move to the suburbs, dispersing minority votes across wider areas.

▼ Even when blacks do hold a majority, discriminatory voting rules lower black turnout. According to one study, only 39 percent of Southern cities with 25,000 or more residents where blacks are in the majority have black mayors. As a rule, blacks generally must hold 65 percent of the vote to ensure a victory for black candidates.

▼ Voting rights activists fear that many of the new congressional seats will be awarded to fast-growing areas that are predominantly white, suburban, and heavily Republican. According to the Southern Regional Council, an Atlanta-based group helping state coalitions design new districts, two-thirds of the 31 fastest-growing districts in the South are suburban, more than half are Republican, and 18 showed "strong hostility to progressive interests." (See sidebar, page 53.)

For these reasons, the biggest gains for minorities may come at the local level. The populations of central cities have become increasingly black since 1970, and the number of black-majority cities is likely to triple after the 1990 census — with most of them in the South. (See chart, this page.)

Whatever happens with congressional districts, observers agree that minorities and progressive whites must place a greater emphasis on building coalitions in the growing number of areas where together they can command a majority of the vote.

"We have to deal with coalitions," said James Burke, the Florida representative. "To some degree it's always you vote for mine, I'll vote for yours."

Mike Thurmond, the Georgia representative, agreed. "I think we need black-majority districts, but I think the political frontier for black people in the nineties is in districts that are not majority black, but significantly black — districts where you have to form broad coalitions and move outward into the entire community." □

Eric Bates is managing editor of Southern Exposure.

Power in the Delta

Arkansas voters have put plantation-era politics on trial. The charge: rigging elections to keep blacks out of office.

By Faith Gay

LITTLE ROCK, ARK. — State Senator Paul Benham Jr. took the stand on the twelfth day of the trial. Testifying under oath in federal court, not far from his office in the capitol building, Benham admitted he had referred to the Reverend Jesse Jackson as a “coon” during the 1988 presidential campaign.

“People say the Democratic Party now truly has a chance to become democratic,” Benham told a fellow legislator. “You can either vote for Dukakis or du coon.”

Benham, who is white, testified that he had merely repeated a comment he heard at the state capitol — and that he had not meant it as a joke.

Although a majority of Benham’s constituents are black, the lines of his Senate district have been drawn in such a way so that blacks account for just under half of all eligible voters. And that, say the plaintiffs in the trial, is exactly the problem.

Benham was testifying in *Jeffers v. Clinton*, a voting rights case brought by 17 black citizens who say the state of Arkansas intentionally split black communities into multiple legislative districts in 1981 to dilute their voting strength and chances of getting elected to the legislature. Although blacks make up more than 16 percent of the state population, they hold a voting-age majority in only four of 135 legislative districts.

The three-week trial in October exemplified the way citizens across the South have used the Voting Rights Act to fight for legislative districts that give everyone’s vote equal weight. The plaintiffs hope to create 16 black-majority districts, triggering a dramatic shift in the balance of power in the state legislature.

In the process, the case has exposed the deep racial and economic divisions in Arkansas politics — and the plantation-era attitudes of wealthy white legislators who represent some of the poorest counties in the nation.

“BAD FAITH”

Senator Benham’s district is part of the impoverished Delta region, more than 200 counties that run along the Mississippi River from western Kentucky to the tip of Louisiana. Arkansas’ black population has been concentrated in the Delta lowlands since plantation days. About 40 percent of the people in the area live below the poverty level, and unemployment is more than twice the national average.

Traveling along the river, which forms the state’s eastern boundary, it is hard to believe the area is not incredibly prosperous. The river abuts acre after acre of rich black soil that has produced magnificent soybean, cotton,

and rice crops for more than a century.

Yet most residents see little of the cash those crops produce. According to Wilbur Hawkins, executive director of the Lower Mississippi Delta Development Commission, the economy of the area remains “colonial.” Farm profits go to wealthy white landowners — often the descendants of slaveholders — who invest most of the money outside Arkansas while demanding that state representatives keep taxes low, thereby condemning local schools to poverty.

State legislators like Senator Benham play a key role in maintaining the gap between rich and poor. His support of wealthy landowners has won Benham a reputation as what one local newspaper called “a champion of the old power structure — white, prosperous, from an old family, and conservative.” The paper noted that Benham once hung a cartoon on his office wall depicting a smiling black man on the porch of a large Southern mansion. The caption read: “Now *that’s* what me and Martin Luther had in mind.” Benham belongs to an all-white country club, veterans group, and Masonic Lodge.

At the voting rights trial, Benham denied that blacks in his district live in shacks. Although he did not know how many of his constituents live in substandard housing, Benham said that “some of them choose to live that way.” He attributed high unemployment in his district to the fact that “a lot of people down there would like to work” but would lose their welfare benefits if they took jobs. Benham later admitted that there is not work available to his constituents on welfare and that the jobless rate in his district is around 17 percent — more than 10 points above the national average.

Black candidates opposing Benham have met outright discrimination. When Roy Lewellen Jr., a black lawyer, tried to unseat Benham in 1985, he was charged with a felony. The charges were instigated by the county sheriff, a friend of Benham’s. Lewellen testified he was told the charges would be dropped if he withdrew from the Senate race or surrendered his law license.

The intimidation worked. “It took me out of the last two weeks of the campaign,” Lewellen said. He also testified that prisoners in the local jail were forced to put up posters for Benham’s campaign. After Benham

won reelection, a federal judge dismissed the charges against Lewellen, saying they had been brought in "bad faith."

GETTING THE CHANCE

Such barriers to fair elections are commonplace in Arkansas. In county after county, white legislators are chosen with little black support—and the way district lines are drawn keeps it that way. Black voters hope that by redrawing those lines, they will be able to reshape the way laws are made and tax dollars are spent.

"Politics is the key to everything," said Jerry Jewell, the only black member of the Arkansas State Senate. "We have education, but the political system is closed. That affects everything else."

Jewell hopes that by opening up the political process, the voting rights case will also increase economic power for blacks. "The state economy is controlled by 5 to 10 people," he said. "Blacks need economic power... Give blacks money and hold them accountable, and they will produce."

Jewell believes that a voting rights victory will also send a signal to blacks that their votes count. "It is not simply monetary oppression, but an attitude of hopelessness. Blacks need to feel they have a voice, and that they have a chance."

Getting that chance is what the court case and its legal touchstone, the Voting Rights Act of 1965, are all about. Passed at the height of the civil rights movement, the law gave citizens the right to sue state and local governments for intentionally discriminating against minority voters.

In 1982, when Congress renewed the act, it also outlawed all *unintentional* voting discrimination, making it easier for blacks to challenge unfair election systems throughout the South. In Arkansas, voters are challenging the way the state drew up legislative districts in 1981, splitting black communities into larger white districts. As a result, the suit contends, only one black senator and five black representatives have been able to win election to the Arkansas legislature.

In the Delta, the 1981 apportionment plan created 10 election districts for the state House. Black voters were divided up and spread throughout the districts. Although the black population in each district is substantial, it falls just short of a majority. Black voters make up between 40 and 49 percent of five districts, and between 30 and 39 percent of four districts.



ABOUT 40 PERCENT OF THE PEOPLE OF THE DELTA LIVE IN POVERTY, AND UNEMPLOYMENT IS MORE THAN TWICE THE NATIONAL AVERAGE.

Ben McGee is the only black state representative from the Delta—and he was elected only after a voting rights challenge forced the state to create a black-majority district in the Delta in 1988.

The current case asks the court to redraw legislative districts to include three Senate districts and 13 House districts with black majorities. Jerry Wilson, a demographer for the non-profit Southern Regional Council of Atlanta, testified that those black-majority districts could be created based on existing black communities, without splitting them into multiple districts as the state did in 1981.

NOT-SO-SECRET BALLOTS

Redistricting is crucial for blacks in Arkansas, because voting occurs strictly along racial lines. In legislative races held

in white-majority districts during the last decade, whites have voted as a group to defeat every black candidate who ran against a white candidate.

At the trial, former Arkansas Governor Frank White insisted that "it is possible that a minority can be elected where they don't have a majority in a district." He admitted, however, that no white majority in Arkansas has ever elected a black candidate.

When asked to give an example of a white majority supporting a minority candidate, White cited "the race for the mayor of New York City." Under questioning, he admitted that the legislative districts he helped draw up in 1981 have "diluted black voting strength."

Other testimony at the trial revealed a dramatic history of racial discrimination in Arkansas politics. Ben McGee, the

only black representative from the Delta, described how voting fraud has prevailed in Crittendon County for over 20 years.

"It's unbelievable how the numbers turn out," McGee said, citing the 1984 city council race in the town of Earle. When the counting of absentee ballots was suspended at midnight, black candidates were ahead. When the winners were announced the next morning, McGee testified, "All the blacks had lost."

Lonnie Middlebrook, a black city council member in Blytheville, said blacks

ing places frequented by black voters are set up in inconvenient areas or simply re-located without any notice.

Discrimination also occurs outside the voting booth. In 1982, Leo Chitman became the first black mayor of West Memphis after winning his race with a plurality of the vote. A few months later, white lawmakers passed what became known as the "Chitman Bill" requiring runoff elections in local races where no candidate attains a majority. The new law had one effect: It made it much harder for minority candidates to win election.

Evidence presented at the trial included numerous examples of racial appeals used against black politicians. The *Arkansas Gazette* ran a news story headlined, "Racial Lines Drawn in Pine Bluff Mayor's Race," when a black candidate first advanced to the runoff for mayor of that city. The story quoted a white citizen saying, "The black people of Pine Bluff have a good opportunity to elect a black mayor. If the [white] people don't turn out and vote, we'll have a black mayor." The black candidate lost in a record turnout.

When Carroll Willis Jr. ran for judge in Desha County, his white opponent stood on the steps of the courthouse and proclaimed, "We don't need no nigger judges.... It will drive whites out of town."

Because racial appeals are so widespread, black politicians have learned to keep their skin color a secret. Roy Lewellen testified that when he ran against state Senator Benham, he "concealed" his race by "keeping my picture out of campaign brochures."

SIDEWALKS AND DITCHES

As witness after witness took the stand in the voting rights trial, a sobering picture emerged of blacks trapped in a vicious cycle: Poverty and inferior education keep many away from the polls — and the lack of power at the polls condemns many to inferior education and poverty.

In Lee County, for example, the average per capita income for blacks is \$1,923 a year, compared to \$5,353 for whites. In Chicot County, 43.7 percent of blacks have no car, compared to 7.3 percent of whites. In Desha County, 32.3 percent of blacks have no telephone, compared to 8.9 percent of whites.

"We live separately. We vote separately. We die separately and are buried separately," said R.C. Henry, a black justice of the peace from the Delta. "White neighborhoods have curbs, sidewalks, and adequate drainage. Black neighborhoods have ditches."

Linda Whitfield, a Helena County resident, agreed. "Black poverty is not the same as white poverty," she said. "It is a totally different situation."

Evangeline Brown, an 80-year-old retired teacher from Chicot County and one of the lawsuit's 17 plaintiffs, said schools in her area are so segregated that they even have "separate proms for black and white students." Such discrimination, she testified, produces voters who do not know how to take part in the political process.

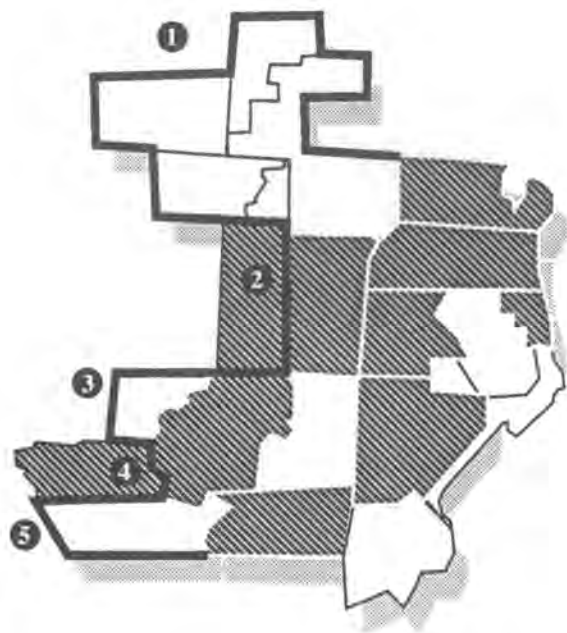
WEALTHY FRIENDS

White representatives seem content with the segregation and poverty that keep them in power. "What have they ever done for economic development here?" asked Roy Lewellen. "I can't point to anything. It's only rhetoric."

Ben McGee, the state representative from the Delta, said many white legislators voted against a tax reform bill he sponsored that would have exempted 64,000 poor residents from paying taxes. The reason? "It would cost approximately \$700 more in taxes to their wealthy friends," McGee testified, "and they didn't want to pass this burden on to them."

Nancy Balton, a white representative from Mississippi County, said she voted against the tax bill because "the middle-class people asked me to." Reminded that the tax bill did not affect the middle class and only proposed raising the taxes of

THE DEVIOS LINE



The bold line shows how the 19th Senate District in the Arkansas Delta was drawn to include majority-white townships and exclude black townships. The district line swings west to pick up six white townships (1), splits two black townships (2), deviates west again to include another white area, (3), cuts off another black township (4), and finishes up with a white township (5).

By splitting black communities, the district dilutes the black vote to 40 percent. A new district proposed by black voters would include portions of state Senator Paul Benham's district to the south, giving blacks a majority of almost 65 percent.

Source: Southern Regional Council

are often intimidated at polling places by white election judges and clerks. Many are "of the opinion their vote is not really a secret ballot — and that is a form of intimidation."

Middlebrook and others said election officials often use scare tactics, and poll-

those with incomes of over \$100,000, she said middle-class people are tired of seeing those on welfare living better than they do.

Balton admitted that only a handful of people in her county have incomes of over \$100,000 — and that her own income has, at times, exceeded \$100,000.

According to the most recent census figures, Mississippi County does not have much of a middle class. Per capita income is \$5,685 for whites and \$2,426 for blacks. Forty-five percent of black families and 13.4 percent of white families live in poverty. Despite her vote against the tax reform bill, Balton testified that she “bled” when she saw extreme poverty while campaigning in black neighborhoods.

Judge George Howard, the only black member of the federal bench in Arkansas, asked Balton how many black people she had chosen as legislative pages.

“Unfortunately, none,” she replied, explaining that she usually selected pages from those who asked to be chosen.

“Given the situation over the years,” Judge Howard replied, “perhaps you should have taken the initiative.”

In later testimony, Balton bristled when her family farm was referred to as a “cotton plantation.” She admitted, however, that her farm holdings are extensive and that her farm employs blacks as manual laborers and whites as managers. Balton also admitted that she belongs to an all-white country club.

Robert White, from Ouachita County, testified that white representatives provide their black constituents with a “superficial type of representation” by “showing up for anniversary celebrations in churches or appointing blacks to minor positions.” But White said that when it comes to “real issues” like teenage pregnancy, housing, and education reforms, “I don’t think they address those issues as much as a black candidate would.”

HOPE AND FEAR

Because voters elect so few black lawmakers, it has been virtually impossible to initiate legislation that addresses the needs of black citizens. “Issues of concern to blacks are met with a negative response,” said state Senator Jerry Jewell. “We don’t control anything in the state.”

Jewell sought public office because he decided to “try and come in and do something from the inside with complete integrity. So far, I’ve only been successful as to the integrity.”

Representative Ben McGee has suf-

fered similar frustrations during his first year in office. “I decided that my role should be just to try and stop bad legislation,” he testified. “We need other blacks in the legislature if we want to actually introduce legislation.”

Linda Whitfield, an unsuccessful candidate for circuit clerk in 1986 and 1988, said that although 60 percent of the voters in her county are black, many feel apathetic about the political process. “They feel their political leadership is null and void. If they are disillusioned, there is no concept in their minds that they can rise above the circumstances.”

Evangeline Brown testified that many blacks in the Delta region still suffer from a “plantation mentality.” Although they are no longer sharecroppers, many feel

“the boss is still the boss” and are afraid that their livelihoods will be in jeopardy if they oppose candidates favored by the boss.

“They still do not believe that they can win an election,” McGee agreed. “They do not actively participate in politics because of that fear.”

McGee believes a victory in the voting rights lawsuit will change the hopeless attitude of blacks in Arkansas. He noted that after a 1988 court decision created a majority-black district in his county, about 85 percent of registered voters actually cast a ballot. Blacks living in Mississippi are even more confident, he added, because a voting rights challenge forced that state to redistrict. “Black folk in Mississippi have an expectation that they can win, and they are used to seeing people win, so there’s a lot of participation because the confidence level is so much higher.”

BALANCE OF POWER

The plaintiffs in the case want provisions of the amended Voting Rights Act to apply to Arkansas as they do in Missis-

issippi. Specifically, they have asked the court to require Arkansas to obtain “preclearance” approval from the U.S. Justice Department before making any changes in its voting practices or procedures. Many areas with a previous history of discriminatory voting practices are already subject to federal “preclearance,” including Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, Virginia, and selected counties in Florida, North Carolina, and 11 non-Southern states.

P.A. Hollingsworth, a former justice

on the Arkansas State Supreme Court who coordinated the legal team in the voting rights case, said he believes a victory will alter the balance of power in the state legislature. Noting that “there tends to be almost an even split” in votes between legislators from the Delta and their counterparts from northern Arkansas, Hollingsworth said that a bloc of 10 to 12 black votes could act as a “swing vote” or a “veto on issues where a super-majority is required.”

Hollingsworth also said that a black voting bloc could work on a “quid pro quo” basis with white lawmakers from rural northern Arkansas who also represent impoverished districts.

Even if the plaintiffs win the case, however, lawyers warned that it could take a court order to force state officials to draw up new districts.

“If we are successful in this case, the court will ask the current Arkansas Board of Apportionment to draw up new districts that are fair to blacks,” predicted Olly Neal, a Delta attorney who represented plaintiffs in the case. “But the board won’t do it, because two of its members — Governor Bill Clinton and Secretary of State Steve Clark — have future political plans, and they don’t want to be responsible for putting representatives like Senator Paul Benham out of office.” □

Faith Gay is an attorney in New York City.

“You can either vote for Dukakis or du coon.”

Photo courtesy Arkansas Gazette



SEN. PAUL BENHAM

The Color of Ballots

When Chattanooga citizens fought for fair elections, the political history of the city unfolded in federal court.

By Wade Rawlins and Dick Kopper

In November 1987, 12 black citizens in Chattanooga filed a lawsuit in federal court alleging that at-large elections for city commissioners and the voting privileges of property owners dilute minority political power.

The city formed a charter commission to study forms of city government, and six months later a bickering commission voted 6 to 5 to recommend the broad changes sought in the lawsuit. City commissioners agreed to let voters decide the issue in a referendum, but made it clear that they personally opposed the recommendation. On election day, voters rejected the proposal by a nearly 2-to-1 margin. The lawsuit went to trial on April 24, 1989.

Rawlins and Kopper, reporters at The Chattanooga Times, won a Southern Journalism Award for political reporting for their coverage of the trial.

APRIL 19 PAST AND PRESENT

CHATTANOOGA, TENN. — Six months after voters rejected a new form of city government, the question of fair representation remains as unresolved as ever. Next week, the debate moves before a federal judge. At issue is whether Chattanooga's 78-year-old city

commission, in which a mayor and four commissioners are chosen in citywide elections, unfairly dilutes the political power of minorities.

In a broader sense, the case reviews the city's past and present race relations. Contrasting portraits of Chattanooga — one of a city racially divided, the other of a city of equal opportunity — will emerge in a costly legal battle as the city's political and social history is played out on the federal-court stage.

How important is the case? "It can change the whole power-making calculus," says University of Tennessee at Chattanooga political scientist Bob Swansbrough.

The 12 black citizens who filed the suit contend that Chattanooga's government is discriminatory. Only one black has been elected to the city commission in the history of the city, although he is now in his fifth term. The plaintiffs seek to replace the current at-large system with district representatives, similar to the structure of county government. The plaintiffs represent a broad spectrum of Chattanooga's black community, from traditional civil rights leaders to more outspoken current critics.

"Why is it necessary to bring the lawsuit?" plaintiff Lorenzo Ervin Jr., head of

Concerned Citizens for Justice, a grassroots civil rights group, asked the city commission in 1987. "Because this government is racist and totally unresponsive to the black community. Instead of taking our claims seriously over the years of police brutality and racial discrimination, it has ignored the black community or paid lip service to our complaints."

To build their case, lawyers for the plaintiffs have been combing city records for racially split voting patterns and have been interviewing city officials, present and past. The plaintiffs' lawyers will seek to portray a city still racially segregated, a city controlled by an elite, white power structure, a city where tensions occasionally erupt into riots, as in 1981, after a jury acquitted two of three Klansmen in the shooting of black women.

The elections of Commissioner John Franklin and the 1969 election of City Judge Bennie Harris will likely be points of issue. Since 1955, when the first black declared his candidacy for citywide office, blacks have run in 26 elections. Black candidates have been victorious six times, but Franklin has chalked up five of those six victories. Now serving his fifth term, Franklin is the only black ever elected to the commission. In 1988, he was elected by a 79 percent majority, the largest mandate of any commissioner and one that gave him the honorary title of vice mayor. The other black elected was Harris.

Chattanooga's city government has responded on two fronts — through the referendum that voters overwhelmingly rejected last November and in court. Lawyers defending the city will likely cite Franklin's wide margins as well as the election of Harris as evidence that voters cross racial lines.

But the plaintiff's attorney may question how much real authority Franklin has. As commissioner of health and education, he heads a department that is largely directed by a board of education of which he is one member. Franklin chairs the elected board of education. And they may attribute Harris' election to the power of incumbency, since he was elected after being appointed to fill an unexpired term.

A larger issue is the 1970s annexation of predominantly white suburbs that more than doubled the land area of the city and added 47,000 citizens, a population increase of 42 percent. Was the underlying reason for the annexation to raise tax

revenues to pay for services for poor and elderly inner-city residents, as the city may contend? Or was it to maintain a white majority amid suburban flight?

"Either way the court rules, there are going to be a lot of resentments," says Swansbrough, the University of Tennessee political scientist. If the federal judge throws out the current system of government, many will argue he is ignoring the will of the majority that voted against city government, says Swansbrough. But if the judge allows the city to keep the current form of government, minorities are going to feel the court did not fairly consider their complaints.

APRIL 25 OPENING ARGUMENTS

Chattanooga's city-commission government does not give black citizens a fair shake, a lawyer said in arguing that the system needs to be replaced. "It simply cannot be said that blacks in Chattanooga today have the same and equal opportunity with whites to elect the candidates of their choice," said American Civil Liberties Union attorney Laughlin McDonald.

McDonald is one of a team of lawyers representing black citizens who are seeking to end the city-commission form of government that has existed here since 1911. He said the city-commission government was adopted with "discriminatory purpose."

Among other acts the plaintiffs say were done to dilute black voting strength in Chattanooga were the massive annexations of largely white suburban areas into the city during the early 1970s. The plaintiffs note that 99.6 percent of the 28,142 citizens added to the city then were white. McDonald spoke during opening arguments before U.S. District Judge R. Allan Edgar.

Vincent Fontana, a New York attorney hired to defend the current system, said he was not denying that slavery and Jim Crow segregation laws once existed in the city. "But I submit that that part of American history has no impact on the ability of the black citizens to partici-

pate fully and effectively — and I emphasize effectively — in the political life of this city."

Health and education commissioner John Franklin, the only black to be elected to the city commission since 1911, figured in both sides' opening arguments. Lawyers for the black citizens contended that Franklin's election was "an anomaly" and that he won office in a racially polarized election, in which he opposed busing for school desegregation. McDonald also argued that the budget of Franklin's department is only a fraction

bly little support from the white community. Stated differently, white voters, when given a racial choice, consistently vote overwhelmingly white," the plaintiffs said.

McDonald noted that in 1987 Moses Freeman won a majority of the black vote but only 14 percent of the white vote when he was defeated by Charles "Pat" Rose in the race for public-utilities commissioner. Fontana suggested that result was simply because Rose is a very strong vote-getter. Fontana argued that in many cases the black candidates not only lacked

Photo by Louis Sohn/Chattanooga Times



WORKERS COUNT BALLOTS ON ELECTION NIGHT 1988 IN CHATTANOOGA.

of those of other city departments and that he has few responsibilities.

Fontana argued that Franklin could not be considered "a mere token." The lawyer for the city argued that, as the holder of one of five votes on the city commission, Franklin has 20 percent of the commission's votes, which is consistent with the fact that blacks make up about 28 percent of Chattanooga's voting-age population. And he said Franklin has demonstrated "dramatic support" among the voters as a whole.

Lawyers for the plaintiffs argue that in 20 other tries to win a seat on the commission since 1955, blacks have failed every time. "With the exception of Franklin, black candidates have received remarka-

ble support in the white community but had little in the black community as well.

Another example of the effort to keep blacks from being elected, the plaintiffs said, came after Rheubin Strickland nearly made it into a run-off for the commission in 1955. Strickland, Franklin's business partner in the funeral home that bears their names, placed ninth. In those days, the top eight vote-getters went into run-offs and the top vote-getters in the second round won seats on the commission. But the system was changed in 1957, McDonald said, to provide for head-to-head races for individual seats on the commission with the requirement that the winner receive a majority.

APRIL 25 TAKING THE STAND

Sitting beneath a mural depicting Chattanooga from its frontier days to the creation of TVA, an Indiana University professor painted the city's history in stark terms of race relations and politics. Professor Lester Lamson said the city of Chattanooga and the state of Tennessee began changing voting laws during the 1880s to reverse the political gains of blacks during the Reconstruction era. The changes culminated in the switch to a

Photos by Cecil Pearce/Chattanooga Times



PLAINTIFF ATTORNEY LAUGHLIN McDONALD

city-commission government in 1911 that removed the last black elected official from the commission for 60 years.

"Blacks in Chattanooga had been far more successful than their counterparts in other Tennessee cities in using political clout to translate into patronage posts," Lamson said. "This was viewed with increasing alarm in the 1880s by whites." The author of two books on 19th century blacks in Tennessee contended the whites' alarm vented itself in a legislative backlash to dilute blacks' political power.

During five hours of testimony, Lamson said the turning point in the city's race relations occurred when federal troops in 1863 seized Chattanooga, creating a haven for slaves seeking freedom. In 1860, Chattanooga's population was 2,545, of whom about 12 percent was

black. By 1866, the population had more than doubled to 5,776 and the black population had swelled to 46 percent, he said.

Blacks in Chattanooga from the 1860s through 1911 were closely aligned with the Republican Party, which had introduced the Reconstruction reforms, Lamson said. Seeking to maintain power in Tennessee, the Republican Party had extended voting rights to black males after the Civil War.

Over the next 20 years, blacks used their political clout to win patronage posts, such as school-board seats and police-force jobs. A particular source of irritation for whites was the presence of blacks on the police force with power to arrest or detain whites. By 1881, seven blacks worked on the 12-member police force. Lamson quoted a Chattanooga lawyer's comments to the state legislature about the issue: "If any of you gentlemen will come over to Chattanooga and get on a little bender, we will furnish a nigger to arrest you, a nigger to lock you up, and a nigger to take care of you after you get to jail."

To reestablish the social structure destroyed by the freeing of slaves and to put blacks back in their place, Lamson said, changes were made in 1883 to the city charter. They included a poll tax, special voting-registration procedures, at-large aldermanic elections with special residency requirements, and placement of the police force under state control.

However, through intensive organization efforts, blacks maintained seats on the city council and even a majority of registered voters in 1883. The stubborn resistance of blacks to proposals for municipal reform angered whites, Lamson testified. In 1889, the Democratic-controlled state legislature succeeded in disenfranchising large numbers of black Tennesseans through a series of voting laws and rearrangement of voting wards in Chattanooga that gave Democrats a virtual lock on the mayor's office and city council.

APRIL 29 RACE AND THE VOTE

Hamilton County's first black legislator elected since 1884 described racial appeals in his first state House race. State Representative C.B. Robinson said he went to the legislature in 1974 after winning the general election and a Democratic primary marred by racial attacks.

"Basically, the white candidate ran a campaign based on race and segrega-

tion," Robinson said, referring to Laban DeFriese. "He influenced three other blacks to run in order to dilute the vote. He put out cards. On the cards, there were five pictures. In each corner of the card was the picture of a black person. In the center of the card was his picture."

Robinson, a retired school principal, said he had been nominated to fill a vacancy on the city commission in 1969. He said the commission deadlocked on his appointment and eventually selected Pat Rose, then a public works engineer, as a compromise.

Describing Rose as a friend, Robinson testified that in 1987 "the political power structure" again drafted Rose, who by then had served two terms as mayor and left politics, to run in the public utilities commissioner race against Moses Freeman Jr., a black candidate. Asked if he saw racial motivation in the drafting of Rose to oppose Freeman, Robinson said members of the "power structure" who had backed Rose's previous races prevailed upon him to enter the race. "The financing necessary [for Freeman] to run a good campaign was shut off," Robinson said.

MAY 2 "HIGHLY POLARIZED"

A Yale University-trained expert said that Chattanooga's elections are "highly racially polarized, particularly when they involve" races in which one candidate is black and the other is white. If Judge Edgar agrees that there has been massive voting along racial lines, the plaintiffs will have met one of the key tests to prove their case as established in a 1986 U.S. Supreme Court decision involving redrawing of North Carolina legislative districts.

A native of Lewisburg, Tennessee, J. Morgan Kousser did his senior thesis in history at Princeton University on "Tennessee Politics and the Negro 1948-64" and later earned a master's degree and a doctorate from Yale. Kousser, who teaches at the California Institute of Technology and has also taught at Oxford University in Great Britain, referred to several similar cases in which he has testified for plaintiffs challenging at-large voting systems.

In testimony and in a report filed as an exhibit, Kousser said there is no precise line that separates a polarized from a non-polarized election, but there is no doubt about elections here. Kousser analyzed 80 Chattanooga elections involving 258

candidates between 1969 and 1988. Of those, 75 percent showed significant degrees of racial polarization. Of 45 political contests between black and white candidates, only one, involving Franklin, did not show statistically significant racial polarization.

MAY 26 CLOSING ARGUMENTS

The case that could topple Chattanooga's 78-year-old system of at-large city commission elections ended after 11 trial days, testimony from 29 witnesses, and the introduction of nearly 500 exhibits. Now it is up to Judge Edgar to decide whether to grant the 10 black plaintiffs' request to abolish the system of electing city commissioners and judges in city-wide elections.

The plaintiffs say that since blacks are only about 31 percent of Chattanooga's population, they have little chance of winning citywide elections. They say that the setup dilutes the voting strength of blacks in violation of the federal Voting Rights Act of 1965. And they want Edgar to strike down the law allowing people who own property in Chattanooga to vote in city elections even though they don't live inside city limits. They say that since most of those voters are white, the law dilutes black voting strength.

In closing arguments, the two sides presented starkly different accounts of how fairly blacks are represented in the present system and of race relations in general here.

Plaintiff attorney Laughlin McDonald said that historical evidence shows that the commission system was set up to lock out blacks, who had been elected before from single-member districts. "The at-large system did precisely what its framers intended it to do," McDonald said. "There were no blacks elected to political office until 1971." McDonald said the community has been marked by segregated housing patterns, schools, and Ku Klux Klan activity. "There has been a social, political, and economic subjugation—I don't think the word is too strong—of the black population."

McDonald said the discriminatory intent behind the government system has continued to manifest itself over the years. After black candidate Rheubin Strickland nearly made it into the runoff in 1955, the law was changed to require commissioners to run for individual posts and to win by an outright majority. "I don't think that if you set out deliberately

to set up the most discriminatory election system, you would find one very much different from the one you have here," McDonald said.

Arguing that annexations in the 1970s were done partly to reduce black voting strength, McDonald pointed to a report by then-mayor Robert Kirk Walker. The report pointed out that the annexations had brought into the city middle-and upper-middle-class whites to add to the city's "leadership base."

But the city's lawyer, Vincent Fontana, said newspaper articles from the era show that keeping blacks off the commission was not the reason the system was adopted in 1911. Fontana said that in order to prevail, the plaintiffs have to show not only that there has been historical discrimination but that it continues to have impact. He pointed to statistics introduced by the city to show that 22 percent of Chattanooga's blacks have incomes higher than the average of Chattanooga's whites. And he quoted plaintiff Johnny Holloway as agreeing that there is a more affluent group of black people here.

The arguments focused on whether the plaintiffs had met three tests established by the U.S. Supreme Court in a 1986 North Carolina voting rights case.

One is whether the black population is sufficiently geographically compact and large enough that a single-member district with a black majority could be created. McDonald said plaintiff witnesses showed without question that this can be done. But Fontana said the real question is not just whether such districts have black majorities, but whether blacks can actually win elections. Edgar noted that has already been shown here in city school board and county commission elections where blacks have won. But Fontana argued that school board member Yussuf Hakeem runs unopposed, "so that doesn't prove anything."

Referring to another element of the test—whether whites usually vote as a bloc to defeat black-preferred candidates—McDonald noted that even when Franklin's five wins are included, only 13 percent of whites crossed over to vote for black candidates. With Franklin wins left out, the crossover rate was 5 percent. "So you can see the enormous burden that a black candidate has," McDonald said.

On another element of the test, McDonald said that of 37 elections examined here, racially polarized voting was found in 32 races or 86 percent of the time.

Arguing that Edgar should not strike down the provision allowing people to

vote because they own property, Fontana said there is no evidence that it has actually worked to defeat black-preferred candidates. Edgar asked him whether there was not such evidence in the 46-vote, 1987 defeat of attorney Robert "Bob" Davis, despite his near 100 percent support among blacks. Fontana said property voting "may" have affected the race, "but there is no evidence to suggest that it, in fact, had an impact."

But McDonald referred to the fact that in some instances large groups of non-residents buy tiny shares in small lots to



DEFENSE ATTORNEY VINCENT FONTANA

vote on property. "I could buy a postage-size piece of land and deed it to my neighbor in Atlanta, and run the election here," McDonald said. "That's crazy." □

The city spent \$760,000 defending itself, but in August the judge ruled in favor of the plaintiffs and ordered the city to change its system of at-large elections. A month later, city commissioners submitted a plan to elect nine council members by districts—including three which are predominantly black.

On December 2, plaintiffs rejected the city plan, saying it would leave real power in the hands of a mayor elected at-large. They say Chattanooga should be run by a city manager appointed by commissioners. The judge is expected to hand down a final ruling in early 1990.

THE LAST WORD

A lot has happened since *Southern Exposure* published in-depth reports earlier this year on the savings and loan crisis and the poultry industry. Here, then, is an update on two of the research and organizing projects sponsored by the Institute for Southern Studies:

SAVING WHOSE LOANS?

We began 1989 with an in-depth look at the savings and loan crisis and its link to housing ("Meltdown on Main Street," Spring 1989). In August, President Bush signed a savings and loan bill that included what the *Detroit Free Press* called "some of the decade's largest, most far-reaching and innovative programs to help house low-and-moderate-income Americans."

The pro-housing measures resulted largely from citizen pressure organized by the Financial Democracy Campaign — a national coalition steered by our own Southern Finance Project and ACORN — surprising many Washington-based public interest groups who remained skeptical of the grassroots lobbying and talk-show media strategy.

In the final bill, Congress toughened procedures against discriminatory lending, gave community representatives a voice on regulatory boards, earmarked a portion of federal funds loaned to S&Ls for affordable housing, and awarded low-and-moderate-income buyers first crack at vacant residential property held by government-rescued S&Ls.

THE INDUSTRY SQUAWKS

Since the release of our report on the poultry industry ("Ruling the Roost," Summer 1989), hardly a day goes by without a call from a poultry farmer, government inspector, processing worker, or journalist seeking more information or relating a new horror story about life inside the South's largest agribusiness.

▼ We've spoken with farmers in seven states about the need to change the contract system that allows companies to cut off growers for no reason, leaving them with long-term mortgage payments on empty chicken houses. "We're like serfs

on our own land," said Mary Clouse, a poultry farmer for more than a dozen years. Soon after her words appeared in our report, Townsend called to say her chickens would be removed in three days and no new birds supplied.

Farmers in Florida have launched a massive lawsuit against Cargill for similar practices, and their lawyers have helped draft a model bill that would give them the same protections enjoyed by the holder of a Kentucky Fried Chicken franchise — no arbitrary cut-offs. With the help of many around the region, we hope to build support for reforms, state by state if necessary.

▼ In October, North Carolina's Occupational Safety and Health Division confirmed our charges against Perdue Farms by fining the company \$40,000 for causing — and underreporting — high rates of repetitive trauma disorders among its employees. It was the largest such fine in state history, and the first for repetitive trauma.

Along with the Center for Women's Economic Alternatives (CWEA), we passed out flyers to Perdue workers explaining the citation and asking for their comments. "Perdue treats us like dogs," wrote one worker. "The only thing missing is a whip," said another.

Perdue has appealed the fine, triggering a long legal battle. With the help of the Occupational Safety & Health Law Center and Raleigh attorney Steve Edelstein, workers will have a formal part in the appeal. CWEA is also seeking official party status, but Perdue has challenged this precedent-setting action of an advocacy center that is not a labor union.

▼ Federal OSHA has also handed down several citations since we released our report. In Georgia, pressure from the Retail, Wholesale & Department Store Union (RWDSU) led OSHA to fine Cargill \$242,000 for underreporting injuries and causing repetitive trauma at its Buena Vista plant. In November, RWDSU also won a four-week strike against Cagle's Inc. over health conditions, pension benefits, and pay at its Macon plant.

A few weeks before Thanksgiving, OSHA fined two turkey plants in Missouri owned by ConAgra and Cargill \$1 million

and \$750,000 respectively. More OSHA inspections are underway, and the agency just released a set of guidelines to reduce repetitive trauma in the red-meat industry. One of our goals is to extend the guidelines to poultry plants and press for a federal standard for repetitive motion in the workplace, just as now exists for such hazards as cotton dust, benzene, and noise levels.

▼ The day after we released "Ruling the Roost," a USDA inspector walked into our office and told us that product contamination and unsafe conditions are, if anything, worse than we reported. Other inspectors have called from as far away as Colorado to confirm our charges. While some are afraid to go public, others have joined safe-food advocates led by the Government Accountability Project to demand that the USDA slow down line speeds that are crippling government inspectors. This fall, federal OSHA cited USDA for inadequate medical care and for practices that cause repetitive trauma disorders among inspectors at poultry plants in Arkansas and Colorado.

▼ After our report on the manslaughter charge against Frank Perdue, we did some more digging into his driving record and discovered another accident he caused that left a driver crippled. We also learned that other charges against Perdue were dropped based on false information given in court. We escorted a reporter from *The Washington Post* through the Maryland court files on these and other violations, and though the paper gave the story a full page, its lawyers censored most of the new information.

▼ Finally, from the September issue of *Meat & Poultry*, a leading industry journal: "What gives 'Ruling the Roost' credibility is that the report is thoroughly researched and documented, and delves into many more than usual aspects of the poultry industry." The journal also called on poultry firms to respond by opening their doors to TV reporters. "Desperate times call for desperate measures," the journal noted. "Maybe we've reached that point now." □

—Bob Hall

NEW PUBLICATIONS FROM THE MOHAWK VALLEY PRESS

ESCAPE FROM FORSYTH COUNTY

BY HERBERT LEWIS HIGHSMITH

JOE BLOW, A BLACK MAN, AFTER HAVING IS HOME FREGOMBED IN YONKERS, N.Y. AND BEING RUN OVER BY A CEMENT TRUCK INTENTIONALLY IN HOWARD BEACH, DECIDES TO MOVE BACK TO HIS HOMETOWN OF STUMP JUMP, GEORGIA. ON THE WAY HOME, HE BECOMES STRANDED IN FORSYTH COUNTY, GEORGIA AND IS ACCUSED OF ASSAULTING A WHITE WOMAN. HE MUST FLEE A MASSIVE MANHUNT TO STAY ALIVE. ONLY HIS MILITARY SPECIAL FORCES BACKGROUND WILL KEEP HIM ALIVE. THIS BOOK IS FULL OF ADVENTURE AND EXCITEMENT.

#A105

(HARDBOUND) \$15.95

MR. HELPING HANDS

BY

MONIQUE GILROY

This book is a must for the modern woman. Mr. Helping Hand is out there wanting for you. He is looking for a few vulnerable women. He is looking for lonely, depressed and unattached women. His favorites are recent divorcees and other despondent women. Beware of Mr. Helping Hands. He will take advantage of the situation. Beware!!!

#A197

(Hardbound) \$14.95

I DON'T LOVE YOUR PET BY ANONYMOUS NEIGHBOR

This book is dedicated to all those people who have been annoyed by someone else's pet. It is for those who have been inconvenienced, bitten, chased and otherwise pushed to the edge of insanity by someone else's pets. It is for those who have had their lawns dug, flower beds destroyed and been kept awake at night by the barking of dogs, and the growlings of cats. This book is meant to inform and perhaps offend those individuals who are irresponsible pet owners.

#A115

\$10.00

Beginners Guide to Home School by Janie Grimes

This book serves as an excellent resource for Parents looking into the educational alternatives for their children. Specifically, those individuals who are interested in home teaching. It serves as a quick reference for basic information regarding home teaching, with regard to the basic steps that should be taken to institute home instruction. This book is an excellent investment for any parent with school age children.

#A110

\$15.00

HOW TO SURVIVE A FINANCIAL CRISIS by Bill B. Overdue

"Creditors want the one thing you don't have, MONEY". This is not a money making guide, but a financial survival manual. Mr. Overdue is an expert in his field and shares his expertise in this book.

#A401

\$19.95

Name _____

Address _____

City _____

State _____ Zip _____

Poetry

BOWELS OF LIFE

BY PROFESSOR E.R. TOMKINS, P.H.D.

The convoluted circumstances of life are presented poetically by Professor E.R. Tomkins P.H.D. (Post Hole Digger). An exposition of the ordinary things that occur as one moves through the "Bowels of Life" #A116 (Hardbound) \$12.95

EPIC POEMS

TWAS THE DAY AFTER CHRISTMAS

BY Queenie Bell Knight

An epic poem about Christmas or more properly the day after Christmas, the consumerism, stress, overspending and materialism, enjoyable to anyone who overspends at Christmas. #A501 (Hardbound) \$12.95

THE MALL

BY Joe Nathan Parker

An epic saga of roaming through the shopping malls of America, the big malls and the little malls - "Keep Shopping Baby." #A502 (Hardbound) \$12.95

YUPPIES IN THE PROMISED LAND

BY Joe Nathan Parker

He stood in his bedroom window, looking out over Jordan Street with his Mercedes keys in one hand and his BMW keys in the other and yelled, "Here at last, here at last thank God all mighty I'm here at last". #A503 (Hardbound) \$12.95

RHYME OF THE URBAN DRIVER

BY Marvin Earl Zimmerman

An epic poem about commuting in congested urban traffic. It is a must for those who drive on our congested streets and highways. It will inspire you for your daily task of fighting traffic to and from work. #A504 (Hardbound) \$12.95

\$20.00 A Week Cookbook by Cynthia Richardson

This is perhaps the most unique cookbook on the market, both informative and entertaining. This cookbook teaches how to feed a family of 4 a balanced diet for \$20 a week. These unique recipes provide nutrition and economy. If you don't know how to feed your family on a \$20 a week, you should buy this book. #A113 (Hardbound) \$15.00

THE YUPPIE COOKBOOK BY CYNTHIA RICHARDSON

The cookbook for upwardly mobile people. A collection of very tasty and expensive recipes for your parties or get togethers. Serve your friends these unique treats as you boast of your success. #A113 (Hardbound) \$15.00

Quantity	Item#	Title	Total Price
		Shipping	\$3.00
		Total Order	

MAIL ORDERS TO: MOHAWK VALLEY PRESS, PO 19922, RALEIGH, NC 27619

SOUTHERN EXPOSURE
P.O. Box 531
Durham, NC 27702

WIN-89 401 78
PAGE MCCULLOUGH
110 W LAVENDAR ST
DURHAM, NC 27704